

# TOWN OF QUALICUM BEACH

## BYLAW NO. 730

### **A BYLAW FOR THE PURPOSES OF REGULATING WHERE PEOPLE MAY SMOKE**

**WHEREAS**, Council may, by bylaw, regulate, prohibit and impose requirements in relation to public places as per Section 8(3)(b) of the *Community Charter*;

**WHEREAS**, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations, as per Section 8(3)(h) of the *Community Charter*;

**WHEREAS**, Council may, by bylaw, regulate, prohibit and impose requirements in relation to public health and public spaces as per Section 8(3)(i) of the *Community Charter*;

**AND WHEREAS**, it has been determined that second-hand smoke is a health hazard and nuisance for persons in public spaces in the Town of Qualicum Beach;

**AND WHEREAS**, it is desirable for the care, promotion and protection of the health of people in parks to regulate smoking in parks

**NOW, THEREFORE**, the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

#### **1. INTERPRETATION**

**"Burn"** or **"Burning"** means the combustion or heating of a substance to produce smoke, vapour, aerosol or other substances that can be inhaled.

**"Bus Stop"** means a place on a bus route marked by a sign at which buses stop to pick up and drop off passengers.

**"Bylaw Enforcement Officer"** shall mean any person appointed from time to time by Town Council, including the RCMP, to enforce and administer this Bylaw.

**"Cannabis"** (*Marihauna, Marijuana*), means cannabis as defined in the *Cannabis Act* (Canada), or any regulations made pursuant to that Act, and includes any products containing cannabis.

**"Designated Public Space"** means public playing fields, public playgrounds and all public areas listed on Schedule A attached hereto, and forming part of, this bylaw.

**"Outdoor Special Event"** means a pre-planned community event including a temporary street closure, parade, or recreational and fundraising event.

**"Public Building"** means a building or structure on land owned by the Town, other than a building or structure used for a residential use, as designated in the Town's zoning bylaw.

**“Public Playgrounds”** means lands held, occupied, zoned or regulated for use by the public as outdoor areas containing playground equipment.

**“Public Playing Fields”** means lands held, occupied, zoned or regulated for use by the public as outdoor areas for sporting activities.

**“Public Square”** means land acquired, reserved or dedicated as a public square in accordance with the *Local Government Act* or *Community Charter*;

**“School Property”** means School Property as defined in the *Tobacco and Vapour Products Control Act*.

**“Smoke” or “Smoking”** means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment, including vaporizers, that burn or vaporize tobacco, plant or other cannabis substances.

**“Transit Shelter”** means a covered structure or facility located at a designated bus stop to provide protection from the elements for passengers waiting for a bus.

**“Vaporizing Device”** means an electronic device that vaporizes a solid, liquid or gas substance for inhalation;

**“Waterfront”** means all Town-owned foreshore parcels of land, including sand, rock and natural material from the visible high water mark down to any body of water within the Town of Qualicum Beach.

## **2. PROHIBITION**

(1) No person shall smoke tobacco, cannabis or any other plant substance, or use any vaporizing device:

- (a) in any *Public Building*;
- (b) within 7.5 metres of any doorway, window or air intake of a *Public Building*;
- (c) on or within 7.5 metres of any outdoor patio of a *Public Building*;
- (d) in or within 7.5 metres of any *Public Playground*;
- (e) in or within 7.5 metres of any *Public Playing Field*;
- (f) in or within 7.5 metres of an *Outdoor Special Event Area*;
- (g) in or within 7.5 metres of any *Transit Shelter or Bus Stop Sign*;
- (h) in or within any *School Yard*;
- (i) in or within any *Public Square*;
- (j) on or within 7.5 metres of all sidewalks and grassed areas on the *Waterfront*.

## **3. CANNABIS USE IN PUBLIC SPACES**

No person shall smoke cannabis in any manner on publicly-owned land or facilities, including public rights-of-way.

## **4. EXEMPTIONS**

Section 2 of this bylaw does not apply to the ceremonial use of tobacco in a traditional indigenous cultural activity.

**5. VALIDITY**

In the event that there is a conflict between the provisions of this bylaw and any other Federal or Provincial Act or Regulation, the Federal or Provincial provision shall apply.

**6. ENFORCEMENT**

(1) This Bylaw may be enforced by:

- (a) means of a ticket in the form prescribed for the purpose under the *Community Charter*, and fines of up to \$1,000 imposed for offences under the Town of Qualicum Beach Municipal Ticketing Information Bylaw No. 626, 2008;
- (b) proceedings brought under the *Offence Act*; or
- (c) any other proceedings authorized by law.

(2) On being convicted of an offence under this bylaw, a person is liable to pay a fine of up to \$10,000, the costs of prosecution, and compensation for any loss or damages resulting from the offence.

**7. REPEAL**

The "Town of Qualicum Beach Smoking Regulation Bylaw No. 681, 2012" is hereby repealed and replaced by this Bylaw.

**8. CITATION**

This Bylaw may be cited as "Town of Qualicum Beach Smoking Regulation Bylaw No. 730, 2019".

READ A FIRST TIME this 25<sup>th</sup> day of February, 2019

READ A SECOND TIME this 18<sup>th</sup> day of March, 2019

READ A THIRD TIME this 8<sup>th</sup> day of April, 2019

ADOPTED this 13<sup>th</sup> day of May, 2019

---

Brian Wiese, Mayor

---

Heather Svensen, Corporate Administrator

## SCHEDULE A

**NO SMOKING  
NO VAPING**



**The use of tobacco,  
vaporizers, and cannabis  
is prohibited.**