

CITY OF PRINCE RUPERT

BYLAW NO. 2602, 1987

A Bylaw of the City of Prince Rupert for the purpose of controlling smoking.

WHEREAS the Council of a municipality, pursuant to the provisions of Section 692, and Section 932 of the Municipal Act, R.S.B.C., 1979, C. 290, and amendments thereto, may regulate persons, their premises and their activities, to further the care, protection, promotion and preservation of the health of the inhabitants of the municipality;

AND WHEREAS it has been determined that smoking is a health hazard or discomfort for many of the City's inhabitants;

AND WHEREAS it is deemed desirable for the health, safety and welfare of the City's inhabitants to prohibit or regulate smoking or both in certain areas;

AND WHEREAS the approval of the Minister of Health has been obtained, pursuant to the provisions of Section 692(4) of the Municipal Act as aforesaid;

NOW THEREFORE the Council of the City of Prince Rupert in open meeting assembled, enacts as follows:

1. **INTERPRETATION:**

In this Bylaw the words and phrases hereinafter listed shall have the meanings and applications as stated:

“business place” means any premises to which the public has access for the principal purpose of purchasing goods or services.

“premises” means any building or enclosed structure or any room, area, office, or shop therein as may be applicable.

“private function” means a special event for which an entire room or hall has been solely reserved and at which attendance is limited to people who have been individually invited.

“proprietor” means the person who controls, governs, or directs the activity carried on within the premises referred to in this Bylaw, and includes the person actually in charge thereof.

“public place or place of public assembly” means any premises which is not a business place or workplace, where the public is invited or has access and includes

reception areas, buses operated within the City of Prince Rupert by or on behalf of any school district and buses operated within the City of Prince Rupert by or on behalf of the City of Prince Rupert or in cooperation with B.C. Transit.

“reception area” means the area of an office or establishment used solely for the purposes of receiving or greeting customers, clients or other persons dealing with the office or establishment.

“sign” means a notice including symbolic depictions, pertaining specifically to the prohibition or permission of smoking which is clearly visible upon entry into a premises.

“smoke” or “smoking” means the inhaling of, or exhaling of, the smoke of tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning.

“smoking area” is an area or areas where, under this Bylaw, the proprietor has signified that smoking is permitted.

“workplace” means any premises where the public is not invited or does not have access and in which a person or people are employed.

2. **PROHIBITION:**

No person shall smoke:

- a) in a workplace;
- b) in a business place;
- c) in a public place;
- d) in a taxicab except with the unanimous consent of all occupants thereof.

3. **SMOKING AREAS:**

Notwithstanding the provisions of Section 2:

- a) a proprietor of a workplace or business place may designate any portion or portions of such workplace or business place as a smoking area or areas;
- b) a proprietor of a place of public assembly may designate one or more smoking areas in such place of public assembly provided that such area is constructed so that it is separated from the principal area of the place of public assembly and is enclosed by walls, has a closing door. and has a ventilation system which exhausts to the outside atmosphere;

- c) a proprietor of a place of public assembly within which an entire room or hall has been solely reserved for the holding of a private function, may designate, for the term of any such reservation, all or a portion of such room or hall as a smoking area;
- d) a person may smoke in a smoking area.

4. **SIGNS:**

- a) Subject to the provisions of Section 3, the proprietor of a workplace, business place or place of public assembly, shall keep posted in such workplace, business place or place of public assembly signs to signify the designations that have been made, as applicable:
 - 1. “No Smoking On These Premises”; or
 - 2. “No Smoking In this Area”; or
 - 3. “Smoking Permitted On These Premises”; or
 - 4. “Smoking In Smoking Areas Only”; or
 - 5. “Smoking Permitted In This Area”;

and if no signs are posted it will be signified that smoking is permitted.

- b) If in any premises there is more than one workplace, business place or place of public assembly, all proprietors in such premises or structure may, by unanimous consent, cause to be located at or near to all entrances to such premises or structure, signs in one of the forms noted in 4 (a) above.

5. **OFFENCES:**

Any person who fails to comply with any of the provisions of this Bylaw or who, without authority, covers, removes, or interferes with a sign is guilty of an offence against this Bylaw and is liable to the penalty provided for herein.

6. **PENALTIES:**

Any person who commits an offence against this Bylaw shall be liable upon conviction to a maximum fine of Five Hundred (\$500.00) Dollars.

7. **SEVERABILITY:**

In the event that any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase shall be severed from the remaining portion of this Bylaw.

8. **APPLICATION:**

This Bylaw shall come into full force and effect as of and from the 1st day of September 1987, or the date of its adoption, whichever is later.

9. **TITLE:**

This Bylaw may be cited as “**City of Prince Rupert Clean Indoor Air Bylaw No. 2602, 1987**”.

READ A FIRST TIME THIS THE 13TH DAY OF JULY, 1987.

READ A SECOND TIME THIS THE 13TH DAY OF JULY, 1987.

READ A THIRD TIME THIS THE 13TH DAY OF JULY, 1987.

APPROVED BY THE MINISTER OF HEALTH PURSUANT TO THE PROVISIONS OF SECTION 692(4) OF THE MUNICIPAL ACT THIS 2ND DAY OF OCTOBER, 1987.

MINISTER OF HEALTH

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS THE 26TH DAY OF OCTOBER, 1987.

MAYOR

CITY CLERK

CITY OF PRINCE RUPERT CLEAN INDOOR AIR BYLAW No. 2602. 1987
USERS' GUIDE

Bylaw Law No. 2602, was adopted by City Council on October 26, 1987.

Because of legal and manpower implementations, the City cannot determine how these regulations specifically affect your situation; however, it is hoped that the information below will make that determination easier for you.

1. **PROHIBITION:**

The Bylaw provides that no person shall smoke in the following places:

- a) a public place i.e. (school buses. Prince Rupert Transit, other buses controlled by the City, reception areas etc.).
- b) In a taxicab except with the unanimous consent of all occupants thereof.

2. **DESIGNATION OF SMOKING AREAS**

The Bylaw further prohibits smoking in the following places unless the proprietor of same designates otherwise in accordance with Section 3 of the Bylaw.

- a) a work place;
- b) a business place;
- c) a place of public assembly.

In short, smoking is prohibited in all those places listed in Sections 1. and 2. above; however, if the proprietor of those places in Section 2. wish to permit smoking, they can do so in the manner provided for in the Bylaw.

It is important to note that the designation of smoking areas under this Bylaw is subject to local, provincial, federal or other laws and regulations with respect to smoking, i.e.(Health, Fire, etc.). In other words, if existing or future laws of senior governments prohibit smoking in certain areas i.e. (food preparation areas, combustible storage areas, etc.), you cannot designate those areas as smoking areas under this Bylaw.

To determine whether or not designation of smoking areas is possible in your situation and the details of same, you are referred to Section 1. of the Bylaw which defines the various terms used therein and Section 3., which outlines the various type of designation applicable in your case.

3. **SIGNS:**

Depending on the circumstances as set out in Section 4. a), and b) of the Bylaw, the proprietor of a workplace, business place or place of public assembly is required to post signs advising the public as to whether or not smoking is permitted in a building or premises and if so, additional signs must indicate where smoking is permitted. Proprietors of public places are also required to post signs indicating that smoking is prohibited in the manner set out in Section 4. a).

Purchase and installation of these signs is the responsibility of the proprietor.

4. **OFFENCE/PENALTY:**

Failure to comply with the provisions of Bylaw No. 2602 may result in a fine of \$500.00.

Your co-operation in implementing the intent of this Bylaw is greatly appreciated.

CITY OF PRINCE RUPERT