

CONSOLIDATED FOR CONVENIENCE

CITY OF PORT MOODY

BYLAW NO. 2773

A Bylaw to Regulate Smoking within the City of Port Moody

WHEREAS under the provisions of Section 8 {Fundamental Powers} (3) (i) of the Community Charter, Council may regulate persons in respect to public health matters;

WHEREAS Council considers it expedient and desirable for the health, safety, and welfare of the residents to regulate smoking in the City of Port Moody;

NOW THEREFORE the Council of the City of Port Moody in open meeting assembled enacts as follows:

1. Title

This bylaw may be cited for all purposes as “City of Port Moody Smoking Regulation Bylaw” No. 2773.

Amended by Bylaw 2901

2. Repeal

Bylaw No. 2300, cited as “City of Port Moody Smoking Control Bylaw, 1996 No. 2300” is hereby repealed.

3. Definitions

3.1 In this Bylaw:

“building” includes a structure; used or intended for supporting or sheltering any use or occupancy;

Amended by Bylaw 2901

“business” means a business, trade profession, or other occupation for which a person must obtain a licence under the Licencing Bylaw;

“common areas” include lobbies, foyers, stairwell, elevators, underground parking areas and corridors, cloakroom, washroom, food fair seating areas, and other public areas of a building;

Amended by Bylaw 2901

“Council” means the Council of the City of Port Moody;

“customer service area” means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of or connected to or associated with a business or use in a building or premises that includes the service of food or alcoholic drinks to customers or others for consumption on site;

Amended by Bylaw 2901

“premises” means a building, portion of a building, or an area of land where a business or activity is carried on;

The definition “outdoor public space” deleted by Bylaw 2901

Amended by Bylaw 2901

“responsible person” means a person who owns, controls, manages, supervises, or operates:

- (a) a business or other use which occupies all or substantially all of a building or premises;
- (b) a business or other use which occupies premises;
- (c) common areas; or
- (d) a customer service area.

and, in respect of common areas, includes a strata corporation or cooperative association, and also means a person who drives a vehicle for hire;

“smoke” or “smoking” means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance;

Added by Bylaw 2901

**Amended
by BL3158**

“smoking club” means a premise used for the purpose of allowing persons over 19 years of age to smoke non-tobacco and non-cannabis products, such as tobacco-free herbal cigarettes or hookah; and

“vehicle for hire” mean a vehicle used for the carrying, transportation or conveyance of persons or property for hire.

4. BAN ON SMOKING

Amended by Bylaw 2901

4.1 A person must not smoke in any:

- (a) Building
- (b) Substantially enclosed place as defined by the *Tobacco Control Act*
- (c) Workplace
- (d) School premises
- (e) City parks, sport venues, playgrounds or beaches
- (f) Vehicle for hire or vehicle when youth under 16 years of age are present
- (g) Substantially enclosed transit shelters or mode of public transportation
- (h) Buffer zone, defined as within 7.5 metres of any public or workplace entryway, opening window or air intake

- (i) Except:
 - i. In a dwelling unit as defined in the Zoning Bylaw, including a dwelling unit in which the owner or occupier also carries on a business with no other workers present;
 - ii. In a hotel or motel room or suite designated by the management for smoking by a responsible person.”
 - iii. In a smoking club, as defined in this bylaw, where sufficient ventilation is provided and maintained so as to ensure that second hand smoke does not enter other portions of the building in which the smoking club is located and ventilation exhaust ducts are terminated a minimum of 7.5 metres from any openable window, door or air intake.

Amended by Bylaw 2901

4.2 Obligations of a Responsible Person

Except as permitted by section 4.1(a)(i), a responsible person must not suffer or allow a person to smoke in:

- (a) a building or customer service area;
- (b) common areas; or
- (c) in a vehicle for hire.

4.3 Signs Banning Smoking

A responsible person must display, or ensure the display of, a sign at all times:

- (a) at each entrance to a building, customer service area or premises, in a vehicle for hire,

THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING

- (b) on each exterior wall of a building, where section 4.1 prohibits smoking stating:

SMOKING IS PROHIBITED WITHIN 7.5 METERS OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKES

Amended by Bylaw 2901

4.4 Offences Penalties

4.4.1 A person who:

- (a) violates any provision of this Bylaw, or does any act or thing which violates any provision of this Bylaw, or suffers or allows any other person to do any act or thing which violates any provision of this Bylaw;
- (b) neglects to do or refrains from doing anything required to be done by any provision of the Bylaw; or
- (c) fails to comply, or suffers or allows any other person to fail to comply, with an order, direction, or notice given under any provision of the Bylaw.

is guilty of an offence against this Bylaw, and liable upon summary conviction to a fine not exceeding Five Thousand Dollars (\$5,000.00) and each day which any contravention continues shall be deemed a separate offence.

4.4.2 Offences for which tickets can be issued and fines imposed are prescribed in Municipal Ticket Information Utilization Bylaw.

4.4.3 This bylaw shall come into force and effect on the date of adoption thereof.

BYLAW No. 2773 ADOPTED
AMENDMENT (No.1) 2011, No. 2901
AMENDMENT (No.2) 2018, No. 3158

October 28, 2008
September 13, 2011
July 10, 2018