

CITY OF BURNABY

BYLAW NO. 10417

REPEALED by Bylaw 13262 on
2013 Nov 25

A BYLAW to regulate places where smoking
is not permitted

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as BURNABY SMOKING REGULATION BYLAW 1996.
2. In this Bylaw, unless the context otherwise requires,
 - (a) "bingo hall" does not include any establishment that permits the entry of minors;
 - (b) "casino" means a gaming facility that is operated under a casino licence issued by the B.C. Gaming Commission;
 - (c) "commercial establishment" means any building or premises where goods or services are displayed, offered for sale or rent or sold or rented by retail or wholesale, but does not include a restaurant or place where the only trade or business carried on is the custom blending of tobaccos or the sale of tobaccos, pipes, cigars or smokers' sundries;
 - (d) "designated smoking area" means an area, designated by the proprietor pursuant to this Bylaw, where smoking is permitted;
 - (e) "liquor outlet" means an establishment that is licensed under the Liquor Control and Licensing Act;
 - (f) "mall" means a totally enclosed promenade area bordered by commercial establishments that have access to the area and includes a food fair and

similar group of food establishments that are located together and provide common seating for patrons, but does not include parts of structures otherwise defined in this Bylaw;

- (g) "place of employment" means any enclosed indoor place of work other than a private home that also serves as a place of work;
- (h) "place of public assembly" means a building or structure or portion thereof used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement but does not include a private residential dwelling;
- (i) "proprietor" means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this Bylaw and includes the person actually in charge thereof;
- (j) "restaurant" means any premises used for the sale of prepared food to the public where seats of any kind, including chairs, stools and seats on benches, are provided inside the premises for customers consuming food purchased in the establishment;
- (k) "smoke" or "smoking" means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance, but does not include smoking by actors as part of a stage or theatrical performance;
- (l) "smoking room" means a room that conforms with the specifications in section 7 of this Bylaw.

3. No person shall smoke

- (a) in a restaurant except in a smoking room,
- (b) in a mall,
- (c) in any part of a building that is generally open to and accessible by the public or generally available for common use by the occupants including, but not limited to, hallways, foyers, stairways, elevators, escalators, laundry rooms, washrooms and amenity areas,
- (d) in a taxi cab or limousine except with the consent of all passengers and the driver,
- (e) in a school bus, public bus or other form of public transportation,
- (f) in a hotel or motel room designated by the proprietor as non-smoking,
- (g) in a place of public assembly except in a smoking room,
- (h) in any part of a commercial establishment except as permitted by section 6 or in a smoking room,
- (i) in any place of employment not referred to in this section, except in a smoking room.

4. No proprietor shall permit a person to smoke in a restaurant, mall, place of public assembly, commercial establishment or place of employment that the proprietor controls, governs or directs except as provided for in section 3 or section 6.

5. A proprietor of a casino, bingo hall, liquor outlet licensed under the provisions of the Liquor Control and Licensing Act as Class "A", "C" or "D", or other commercial

establishment where entry by minors is prohibited by law, may designate an area within the premises as a designated smoking area if the area so designated

- (a) does not exceed 70 percent of the floor area of the portion of the building, structure, place or area that is generally open to and actively used by the public not including foyers, stairways, washrooms and cloakrooms,
- (b) is designed, located and maintained so that the impact of tobacco smoke on patrons in adjacent areas where smoking is not permitted is minimized by means of ventilation, air cleaning, physical separation or other effective means,
- (c) is located so that non-smoking customers do not have to pass through it to enter or leave the premises or to gain access to the washrooms or cashiers, and
- (d) has its limits clearly identified by signs that comply with sections 10 and 11.

6. A person may smoke in a casino, bingo hall, liquor outlet licensed under the provisions of the Liquor Control and Licensing Act as Class "A", "C" or "D", or other commercial establishment where entry by minors is prohibited by law, if the smoking is done only in a designated smoking area that complies with the provisions of section 5 or in a smoking room that complies with the provisions of section 7.

7. Where smoking is permitted in a smoking room by this Bylaw the smoking room shall be

- (a) physically separated from the rest of the premises and sealed with four walls, a ceiling and a tight-fitting door,

- (b) separately heated, cooled and ventilated from the rest of the premises,
 - (c) exhausted to the outside so as to provide a negative pressure within the room, and
 - (d) equipped so that its only use is to permit persons to smoke.
8. A proprietor who has established a smoking room shall ensure that
- (a) smoking by employees is restricted to the smoking room,
 - (b) no employee is required to enter the room while it is occupied by persons who are smoking, and
 - (c) minors do not smoke in the smoking room.
9. The proprietor of any building, structure, space, place or area where smoking is prohibited by this Bylaw shall post a sign in proximity to the front entrance indicating "NO SMOKING".
10. A proprietor who designates a smoking area under the provisions of section 5 or who establishes a smoking room shall post signs
- (a) in the non-smoking area indicating "NO SMOKING" accompanied by the international symbol that smoking is not permitted,
 - (b) at the entrance of the smoking area or smoking room indicating "SMOKING AREA" accompanied by the international symbol that smoking is permitted.

11. All signs required to be posted pursuant to sections 9 and 10 shall:
 - (a) be approximately 6" x 12" in size;
 - (b) be composed of black lettering on a white background;
 - (c) contain the required text printed in capital letters that are 1" in height, accompanied by a 5" diameter international symbol to designate that smoking is permitted or is not permitted, whichever is appropriate.
12. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this Bylaw.
13. The Chief Public Health Inspector or his or her delegate at any reasonable time may enter any premises where smoking is not permitted for the purpose of determining whether the requirements of this Bylaw are being met.
14. Every person who contravenes a provision of this Bylaw is guilty of an offence and, on summary conviction, is liable to a fine of not more than two thousand dollars.
15. Bylaw No. 8771, being Burnaby Smoking Regulation Bylaw 1987, is repealed.
16. This Bylaw shall come into force on the first day of March 1997.

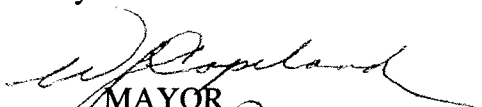

Read a first time this 24th day of JUNE 1996

Read a second time this 24th day of JUNE 1996

Read a third time this 24th day of JUNE 1996

Reconsidered and adopted this 8th day of JULY 1996

Received the approval of the Minister of Health this 30th day of JULY 1996


MAYOR

DEPUTY CLERK



July 30, 1996

PHRB 107

His Worship William Copeland
Mayor of the City of Burnaby
4949 Canada Way
Burnaby BC V5G 1M2

Dear Mayor William Copeland:

I am responding to Patricia W. Flieger, City Solicitor, letter of July 9, 1996, addressed to Linda Brigden, Population Health Resource Branch, Ministry of Health, enclosing 3 copies of the *Burnaby Smoking Regulation Bylaw, 1996, No. 10417*.

This amendment indicates a proactive decision on the part of the City of Burnaby to control environmental tobacco smoke within its boundaries. On behalf of the Ministry of Health and in accordance with Section 692(4) of the *Municipal Act*, the enclosed copies of the *City of Burnaby Smoking Regulation Bylaw, 1996, No. 10417*, have been reviewed and are hereby endorsed and approved.

I would like to congratulate you and your Council for implementing this public health policy initiative. Your action to strengthen health in your community is commendable.

Sincerely,

Dr. John S. Millar
Provincial Health Officer

Enclosures

pc: Dr. Nadine Loewen
Medical Health Officer
Burnaby Health Department

Linda Brigden
Senior Advisor, Tobacco Reduction Strategy
Population Health Resource Branch