

THE CITY OF TRAIL

BYLAW NO. 2821

A BYLAW FOR THE PURPOSE OF REGULATING SMOKING IN THE CITY OF TRAIL

WHEREAS the *Community Charter*, SBC Chapter 26, 2003, authorizes the City, by bylaw, to regulate, prohibit and impose requirements in relation to the health, safety or protection of persons;

AND WHEREAS the Council of the City of Trail considers it desirable to protect the health and safety of all citizens and visitors in the City of Trail by prohibiting smoking in specific outdoor places;

NOW THEREFORE, Council of the City of Trail, in open meeting assembled, ENACTS AS FOLLOWS:

PART I - INTERPRETATION

1.1 Title

This Bylaw may be cited for all purposes as the “Smoking Control Bylaw No. 2821, 2016”.

1.2 Definitions

In this Bylaw:

“City” means the City of Trail.

“Outdoor Special Event” means a pre-planned community event including but not limited to a temporary street closure, fair, market, parade and recreational and/or fundraising event.

“Park” means any real property owned or occupied by the City for the purpose of pleasure, recreation or community use by the public, including but not limited to beaches, parks, playgrounds, skate/all wheel parks, sport fields, spray parks and trails in the City of Trail.

“Recreation Facility” means all City of Trail recreation facilities.

“Smoke or smoking” means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah pipe, electronic cigarette or other smoking equipment, that burns or vaporizes tobacco, marijuana or any other substance.

PART II - PROHIBITION

2.1 No person shall smoke:

- a. In any Park;
- b. At or within 6.0 metres of any Recreation Facility;
- c. At an Outdoor Special Event.

2.2 Notwithstanding this prohibition, the traditional use of tobacco in Aboriginal ceremonies in public spaces is permitted.

PART III - PENALTIES

3.1 General Penalty Provision

- a. Anyone who violates any section of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence.
- b. Any person who is convicted of an offence pursuant to this bylaw is liable on conviction to a penalty of not more than \$100.

PART IV – SEVERABILITY AND REPEAL

4.1 If any portion of this bylaw is declared invalid and set aside by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw shall be valid.

4.2 The Smoking Control Bylaw No. 2194, 1992 is hereby repealed.

READ the **FIRST**, **SECOND** and **THIRD** time the 19th day of December, 2016.

ADOPTED the 9th day of January, 2017.

W. P. White

M. Melisaac

MAYOR

CORPORATE ADMINISTRATOR

Certified a true copy
of Bylaw No. 2821, 2016.

CORPORATE ADMINISTRATOR