

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4237**

**A BYLAW TO AMEND BYLAW NO. 3962,
“CAPITAL REGIONAL DISTRICT CLEAN AIR BYLAW NO. 1, 2014”**

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 3962, “Capital Regional District Clean Air Bylaw No. 1, 2014” is amended as follows:

(1) The word “Tobacco” is deleted from the title.

(2) Recital clauses F and G are repealed and replaced with the following:

F. Environmental smoke whether from tobacco, cannabis, heated vapour or the burning of other substances can contain Class A carcinogens similar to benzene and asbestos, contain fine particles that can be inhaled deep into the lungs causing harm both locally and in other parts of the body, and is a health hazard to the inhabitants of the Capital Regional District;

G. It is generally recognized by scientific and medical communities that there is no safe level of smoke exposure and that whether the smoking occurs indoors or outdoors exposure to significant levels of environmental smoke can occur;

(3) By adding to Section 1, prior to the definition of “*business*” the following definition:

“*burn*” or “*burning*” means the combustion or heating of a substance to produce smoke, vapour, aerosol or other substances that can be inhaled;

(4) By adding to Section 1, after the definition of “*Community Charter*” the following definition:

“*Controlled Drugs and Substances Act (Canada)*” means the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19;

(5) By adding to Section 1, after the definition of “*Enforcement Officer*” the following definition:

“*Independent School Act*” means the *Independent School Act*, R.S.B.C. 1996, c. 216;

(6) By adding to Section 1, prior to the definition of “*school yard*” the following definition:

“*School Act*” means the *School Act*, R.S.B.C. 1996, c. 412;

- (7) By removing from Section 1 the definition of “*school yard*” and replacing it with the following definition:

“*school yard*” means that portion of the lands of a school or francophone school as defined in the *School Act* and *Independent School Act* without buildings;

- (8) By adding to Section 1, prior to the definition of “*transit shelter*” the following definition:

“*smoke*” or “*smoking*” means burning a cigarette or cigar containing tobacco or another substance, or burning or heating tobacco or another substance using a pipe, hookah pipe, lighted smoking device or vapourizing device;

- (9) By adding to Section 1, after the definition of “*transit shelter*” the following definition:

“*vapourizing device*” means an electronic device that vapourizes a solid, liquid or gas substance for inhalation.

- (10) By repealing Section 2(1) and replacing it with the following:

2(1) No person shall carry or have in his possession a burning cigarette or cigar containing tobacco or another substance or a pipe containing burning tobacco or another substance, or burn tobacco or another substance using a pipe, hookah pipe, lighted smoking device or vapourizing device:

- a) in any park except in a private vehicle;
- b) in any designated public space;
- c) in any school yard;
- d) inside any part of a building or structure except in a private residence, hotel or motel room, or tent or trailer in a campsite;
- e) in any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;
- f) in any vehicle or passenger conveyance, except in a private vehicle;
- g) within a seven (7) metre area measured on the ground from a point described in subparagraphs 2(1)(d) and (e);
- h) within seven (7) metres of a bus stop measured on the ground from any point of the bus stop sign.

- (11) By repealing Section 2(2) and replacing it with the following:

2(2) No responsible person shall permit a person to carry or have in his possession a burning cigarette or cigar containing tobacco or another substance or pipe containing burning tobacco or another substance or to burn tobacco or another substance using a hookah pipe, lighted smoking device or vapourizing device:

- a) inside any part of a building or structure, except inside a private residence, hotel or motel room, or tent or trailer in a campsite;
- b) in any area of a business place where either or both food and beverages are served or consumed, or both served and consumed;
- c) in any vehicle or passenger conveyance, except in a private vehicle.

(12) By adding a new subparagraph after Section 2(3) as follows:

2(4) Subsections 2(1) and 2(2) do not apply to a controlled substance within the meaning of the *Controlled Drugs and Substances Act (Canada)*.

(13) By repealing Section 4(2) and replacing it with the following:

4(2) A sign prescribed by former Capital Regional District Bylaw Nos. 2217 and 2401, and No. 3962 as it was prior to being amended by Capital Regional District Clean Air Bylaw No. 1, 2014, Amendment Bylaw No. 1, 2018, is a lawful no smoking sign for the purpose of this Bylaw.

(14) By amending Section 7 by replacing the references to “Sections 268 and 314.1 of the *Local Government Act*” with “Sections 419 and 284 of the *Local Government Act*”.

(15) By replacing Schedule “A” with the attached Schedule “A”.

2. This Bylaw may be cited as “Capital Regional District Clean Air Bylaw No. 1, 2014, Amendment Bylaw No. 1, 2018”.

READ A FIRST TIME THIS	day of	, 2018.
READ A SECOND TIME THIS	day of	, 2018.
READ A THIRD TIME THIS	day of	, 2018.
DEPOSITED WITH THE MINISTER OF HEALTH THIS	day of	, 2018
ADOPTED THIS	day of	, 2018.

CHAIR

COPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
CLEAN AIR BYLAW NO. 3962**

SCHEDULE “A”

The following symbol is prescribed for the purposes of Section 4(1).

