



**The City of Langley**  
**“The Place To Be!”**

**SMOKING REGULATION BYLAW NO. 2792**

A Bylaw to provide for the protection, promotion and preservation of health of City of Langley residents and to regulate and prohibit smoking in the City.

**DISCLAIMER – THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.**

**Consolidated as of June 17, 2016**

<b>TABLE OF CONSOLIDATION</b>	
<b>BYLAW</b>	<b>SUBJECT MATTER</b>
Bylaw No. 2988, Amendment No. 1	Add Electronic Smoking Device



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A Bylaw to provide for the protection, promotion and preservation of health of City of Langley residents and to regulate and prohibit smoking in the City.

The Council of the City of Langley, in open meeting assembled, enacts as follows:

**1. Title**

This bylaw shall be cited as the “Smoking Regulation Bylaw, 2010, No. 2792”.

**2. Definitions**

- (1) “Building” means any structure used or intended for supporting or sheltering any use or occupancy;
- (2) “Business” means a business, trade, profession, or other occupation for which a person must obtain a licence under the Business Licence and Regulation Bylaw;
- (3) “City” means the City of Langley;
- (4) “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 the business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;
- (5) “Electronic Smoking Device” means a vaporizer or inhalant-type device or a component of such a device, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth;
- (6) “Partially Enclosed Shelter” means a building or other structure located on City property and constructed near a bus stop to provide seating and/or protection from the weather for the convenience of waiting passenger;
- (7) “Premises” means a portion of a building in respect of which a person has exclusive possession;
- (8) “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,
  - (b) a business or other use which occupies premises,
  - (c) common areas, or

(d) a customer services area.

and, in respect of common areas, includes a strata corporation or cooperative association; and

(9) “Smoke” or “Smoking” means burn or carry a lighted cigarette, cigar, pipe, electronic smoking device, hookah pipe or other lighted smoking equipment that burns tobacco.

### **3. Duty of Administration and Enforcement**

(1) The intent of this bylaw is to set standards in the general public interest, and not to impose a duty on the City or its employees to enforce its provisions and:

(a) a failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and

(b) the grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the bylaw and the issuance thereof in error is not to give rise to a cause of action.

### **4. Prohibitions**

(1) A person must not smoke:

(a) in a building, except in:

(i) a dwelling unit or sleeping unit defined under the Zoning Bylaw, including a dwelling unit in which an owner or occupier also carries on business;

(ii) a hotel or motel room or suite designated for smoking by a responsible person; or

(b) in an enclosed or partially enclosed shelter where people wait to board public transit;

(c) within three metres measured on the ground from a point directly below any point of any opening into any building, including any door or window that opens or any air intake;

(d) in a customer service area; or

(e) within three metres of the perimeter of a customer service area.

### **5. Enforcement of Prohibitions**

(1) Except as permitted by section 4(1)(a), a responsible person must not smoke or allow a person to smoke in:

(a) a building or customer service area;

(b) premises or common areas; or

(c) an area described in 4(1)(c) or (e).

## **6. Signage**

- (1) Where smoking is prohibited by section 4(1), a responsible person must place, as applicable, a clearly visible sign at every entrance to the building or area bearing the message:

“THIS IS SMOKE FREE ENVIRONMENT – NO SMOKING”

in letters not less than 15 mm high on a background of contrasting colour.

- (2) A person must not remove, alter, conceal, deface or destroy any sign required under this bylaw.

## **7. Notice of Violations**

- (1) An inspector or official of the City, or a bylaw enforcement officer, may give notice to any person ordering or directing that person to:

- (a) discontinue or refrain from doing anything that contravenes this bylaw; or
- (b) carry out any work or do anything to bring any land or building into conformity with this bylaw;

within the time specified in such notice.

## **8. Service of Notice**

- (1) An inspector or official of the City, or a bylaw enforcement officer, may serve a notice under this bylaw:

- (a) by mailing it by registered post to an owner who is the addressee of the notice at the address of the owner shown on the real property assessment roll prepared pursuant to the *Assessment Act*;
- (b) by handing it to the person who is the addressee of the notice; or
- (c) if the notice refers to real property, by posting it on the real property.

## **9. Offences Under Bylaw**

- (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 this bylaw; or

- (c) fails to comply, suffers or allows any other person to fail to comply, with an order, direction or notice given under any provision of this bylaw;

is guilty of an offence against this bylaw, and liable to the penalties imposed under section 10.

**10. Penalties**

- (1) Every person who commits an offence against this bylaw is punishable on conviction by a fine of not less than \$50.00 and not more than \$2000.00 for each offence.
- (2) Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

**11. Severability**

- (1) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**12. Force and Effect**

- (1) This bylaw shall come into force and effect on July 1, 2010.

READ A FIRST, SECOND and THIRD TIME this twenty first day of June, 2010.

RECEIVED BY THE MINISTRY OF HEALTH FOR DEPOSIT the fifth day of July, 2010.

FINALLY ADOPTED this 19<sup>th</sup> day of July, 2010.

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*MAYOR*

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*CORPORATE OFFICER*