

CITY OF SURREY

BY-LAW NO. 12993

A By-law to prohibit smoking in certain environments

As amended by By-law No. 14448, 07/30/01

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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY 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 BY-LAW PROVISIONS.

WHEREAS:

- A. Pursuant to the provisions of Section 692 of the **Municipal Act**, R.S.B.C. 1979 c.290, the Council can regulate smoking within the City of Surrey; and
- B. It is desirable for the health, safety and welfare of the inhabitants of the City of Surrey to prohibit smoking in the City of Surrey.

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

1. Interpretation

For the purposes of this By-law, the following words shall have the following definitions:

- (a) "casino" means any place or premises used solely for the operation of a casino or bingo, a license for which has been issued by the Gaming Commission of British Columbia;
- (b) "commercial establishment" means any place or premises where goods or services are displayed, offered for sale or rental or sold or rented by retail or wholesale, but does not include a place where the only trade or business carried on is the custom-blending of tobacco or the sale of tobacco, pipes, cigars or smokers' sundries;
- (c) "common public area" means an area in a building or multiple unit dwelling 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) "liquor outlet" means a commercial establishment which is licensed under the "**Liquor Control and Licensing Act**", including, but not limited to lounges, pubs, neighbourhood pubs, beer parlours, but not including restaurants, casinos or private clubs;
- (e) "mall" means any public area which is totally enclosed and to which commercial establishments have access;
- f. "owner" includes the registered owner or purchaser under an agreement for sale, mortgagee in possession, agent, tenant, and any person in charge or control of a building, premises, land, vehicle, machine, boat, conveyance or chattel;
 - (f.1) "patio" means an outdoor seating area which is not enclosed in whole and within which the natural airflow is minimally obstructed;
 - (g) "person" includes a person, firm, corporation or strata corporation;

- (h) "place of employment" means any enclosed indoor place of work other than:
 - (i) a private home which also serves as a place of work, or
 - (ii) a workplace occupied solely by an independent contractor or only by the partners to a partnership,

and includes any parts of a commercial establishment used exclusively by the employees of such premises;

- (i) "place of public assembly" means any 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 casino or private club;
- (j) "private club" means a social or recreational club, whether or not operated for profit, and includes the premises of a fraternal organization, at which attendance is limited to members of the club;
- (k) "proprietor" means the person who controls, governs or directs the activity carried on within a building, place or premises referred to in this By-law and includes the person actually in charge thereof;
- (l) "restaurant" means any food establishment, whether permanent or temporary, fixed or movable, in which prepared food is served to the public in exchange for money or services, or any place to which the public have access for the purpose of purchasing prepared food for human consumption on or off the premises, but for the purposes of this By-law does not include liquor outlets, casinos or private clubs;
- (m) "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;
- (n) "Smoking Room" means a room which conforms with the specifications in Section 5 of this By-law.

2. No person shall smoke:

- (a) in any common public area;
- (b) in a taxi cab, limousine or vehicle for hire;
- (c) in a school bus, public bus or other form of public transportation;
- (d) in any part of a commercial establishment, except as otherwise permitted in this By-law;
- (e) in a restaurant; except in a patio or in a Smoking Room
- (f) in any place of employment;
- (g) in any place of public assembly;
- (h) in a mall;
- (i) in a liquor outlet; except in a patio or in a Smoking Room
- (j) in a hospital, health clinic, medical or dental office, public health unit or care facility; or

- (k) in any hotel or motel rooms designated as non-smoking by the management of the hotel or motel.
3. No proprietor of a common public area, taxi cab, limousine or vehicle for hire, school bus, public bus or other form of public transportation, any part of a commercial establishment, restaurant, place of employment, place of public assembly, mall, liquor outlet, or other commercial establishment shall permit a person to smoke in their establishment, contrary to the provisions of this By-law.
4. Notwithstanding the provisions of Section 2 and 3 of this By-law, a person may smoke in a designated Smoking Room in a liquor outlet or restaurant.
5. Where smoking is permitted by this By-law in a Smoking Room the Smoking Room shall be:
 - a. a room structurally separated from other areas of the premises; and
 - b. approved in writing by the Workers' Compensation Board as having met the standards of its Environmental Tobacco Smoke (ETS) Regulation.
6. A proprietor of a liquor outlet or restaurant who has established a Smoking Room shall ensure that smoking by employees is restricted to the Smoking Room, however, no employees of the premises shall be required to enter the room while it is occupied by smokers.
 1. A proprietor of a liquor outlet or restaurant who has established a Smoking Room shall post signs:
 - (a) in proximity to the front entrance, indicating "**WARNING: EXPOSURE TO TOBACCO SMOKE INCREASES HEALTH RISKS INCLUDING CANCER - SMOKING IS PERMITTED IN SMOKING AREAS ONLY**" and the words "**Medical Health Officer**" at the bottom right hand corner of the sign;
 - (b) in the non-smoking area, indicating "**NO SMOKING IN THIS AREA**"; and
 - (c) in the Smoking Room, indicating "**SMOKING AREA - SMOKING PERMITTED**".
7. A person may smoke in a casino or a private club.
8. The proprietor of a casino or private club shall post a sign, in proximity to the front entrance, indicating "**WARNING: SMOKING IS PERMITTED IN THIS ESTABLISHMENT - EXPOSURE TO TOBACCO SMOKE INCREASES HEALTH RISKS INCLUDING CANCER**" and the words "**Medical Health Officer**" at the bottom right hand corner of the sign. All Non-Smoking Areas shall be identified by a clearly visible sign.
9. Where smoking is prohibited by this By-law, a proprietor of any building, structure, space, place or area shall post a sign, in proximity to the front entrance, indicating "**NO SMOKING IN THIS BUILDING**" and the words "**MAXIMUM FINE \$2,000.00**".
10. All signs required pursuant to Sections 6, 8 and 9 shall:
 - (a) contain the words set out in Sections 6, 8 and 9 in letters not less than one-quarter of the height of all other letters on the sign, except that the words "**NO SMOKING**" may be replaced with symbols as set out in Section 11;
 - (b) consist of at least two contrasting colours or if the lettering is to be applied to a clear panel, then the lettering shall contrast to the colour of the background;
 - (c) except for the text specified in subsection (a), contain letters of the following minimum height based upon the maximum viewing distance for the direct line of sight of the sign:

Viewing Distance		Letter Height	
up to 3.0m	(10 feet)	2.5 cms	(1 inch)
up to 6.1m	(20 feet)	5.1 cms	(2 inches)
up to 12.2m	(40 feet)	7.6 cms	(3 inches)
up to 24.4m	(80 feet)	10.2 cms	(4 inches)
up to 48.8m	(160 feet)	15.5 cms	(6 inches)
more than 48.8m		20.3 cms	(8 inches)

(d) contain at the bottom of the sign described in Sections 6, 8 and 9 the words and figures "Surrey Smoking Regulation By-law, 1996, No. 12993" in letters not less than one-quarter of the height of all other letters on the sign.

11. In any signs required pursuant to Sections 6, 8 and 9, the words "No Smoking" may be replaced with a symbol as set out following subsection 11(b) below, provided:

- (a) Each symbol shall include the text "Surrey Smoking Regulation By-law, 1996, No. 12993" in letters and figures at least five percent (5%) of the per centum of diameter of the circle in the symbol;
- (b) Each symbol shall be on a white background or clear panel with the circle and interdictory stroke in red, with a lighted cigarette, lighted cigar, pipe or other lighted smoking equipment, letters and figures in black; and,



"Surrey Smoking Regulation By-law, 1996, No. 12993"

(c) The diameter of the circle in the symbol shall not be less than the number of inches prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:

Viewing Distance		Circle Diameter	
up to 3.0m	(10 feet)	10.2 cms	(4 inches)
up to 6.1m	(20 feet)	15.5 cms	(6 inches)
up to 12.2m	(40 feet)	20.3 cms	(8 inches)
up to 24.4m	(80 feet)	31.0 cms	(12 inches)
up to 48.8m	(160 feet)	40.8 cms	(16 inches)
more than 48.8m		62.0 cms	(24 inches)

12. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this By-law.

13. (a) The By-law Inspector, or his delegate, shall have the right to entry and may enter into any common public area, any taxi cab, limousine or vehicle for hire, any school bus, public bus or other

form of public transportation, any part of a commercial establishment, any part of a restaurant, any place of employment, any place of public assembly, any mall and any liquor outlet at all reasonable hours in order to inspect the same and ascertain whether the provisions of this By-law are being or have been carried out. Any person interfering with or obstructing the entry of any such official or employee of the City onto any such premises to which said entry is made or attempted pursuant to the provisions of this section of the By-law, shall be deemed to be guilty of infraction of this By-law and on summary conviction liable to a fine of not more than \$2,000.00;

- (b) Any person who smokes in contravention of this By-law is guilty of an offence and on summary conviction liable to a fine of not more than \$2,000.00;
- (c) Any proprietor or person who fails or neglects to perform any duty imposed upon him by this By-law shall be guilty of an offence and on summary conviction liable to a fine of not more than \$2,000.00; and
- (d) Any person who contravenes Section 12 of this By-law is guilty of an offence and on summary conviction liable to a fine of not more than \$2,000.00.

14. "Surrey Smoking Regulation By-law, 1988, No. 9400," as amended, is hereby repealed.

15. This By-law may be cited for all purposes as "Surrey Smoking Regulation By-law, 1996, No. 12993."

16. This By-law shall come into force and take effect on the date of final adoption hereof.

PASSED FIRST AND SECOND READINGS on the 16th day of December, 1996.

PASSED THIRD READING on the 5th day of May, 1997.

RECEIVED APPROVAL OF THE MINISTRY OF HEALTH AND MINISTRY RESPONSIBLE FOR SENIORS AND MINISTRY RESPONSIBLE FOR INTERGOVERNMENTAL RELATIONS this 27th day of May, 1997.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 23rd day of June, 1997.

"D. W. MC CALLUM" MAYOR

"DONNA B. KENNY" CLERK