



Consolidated for Convenience
(November 1996)

CLEAN INDOOR AIR

Bylaw No. 4708, 1986

CONSOLIDATED CLEAN INDOOR AIR BYLAW NO. 4708,1986

Amending Bylaws

4979

5575

6531

7514

CITY OF PRINCE GEORGE

CLEAN INDOOR AIR BYLAW NO. 4708

CONSOLIDATED FOR CONVENIENCE 2003

A Bylaw of the City of Prince George for the purpose of controlling smoking.

WHEREAS the Council of a municipality, pursuant to the provisions of Section 692 and Section 932 of the Municipal Act, R.S.B.C., 1979, C. 290, and amendments thereto, may regulate persons, their **premises** and their activities, to further the care, protection, promotion and preservation of the health of the inhabitants of the municipality;

AND WHEREAS it has been determined that **smoking** is a health hazard or discomfort for many of the City's inhabitants;

AND WHEREAS it is deemed desirable for the health, safety and welfare of the City's inhabitants to prohibit or regulate **smoking** or both in certain areas;

AND WHEREAS the approval of the Minister of Health has been obtained, pursuant to the provisions of Section 692(4) of the Municipal Act as aforesaid.

NOW THEREFORE the Council of the City of Prince George in open meeting assembled, enacts as follows:

**Amending
Bylaws**

1. INTERPRETATION:

1.1 That the attached Schedule "A" be added to and form a part of Bylaw No. 4708, 1986.

**Bylaw
4979**

1.2 In this Bylaw the words and phrases hereinafter listed shall have the meanings and applications as stated:

"bingo hall" means a business licensed to carry on the business of a **bingo hall** pursuant to the City of Prince George Business License Bylaw No. 6279.

**Bylaw
6531**

"bowling alley" means a business licensed to carry on the business of a **bowling alley** pursuant to City of Prince George Business License Bylaw No. 6279.

**Bylaw
6531**

- "business place"** means any **premises** or part thereof to which the public has access for the purpose of purchasing goods or services and includes, without limiting the generality of the foregoing, a **hospital, a personal service establishment, and a shopping mall concourse**, but does not include a **licensed premises, restaurant, pool hall, bingo hall, casino or bowling alley**. **Bylaw 6531**
- "casino"** means a business licensed to carry on the business of a **casino** pursuant to the City of Prince George Business License Bylaw No. 6279. **Bylaw 6531**
- "designated smoking area"** means an area or areas designated under Section 3 of this Bylaw.
- "hospital"** means a **hospital** as defined in the Hospital Act, R.S.B.C., 1979, C. 176, and a community care facility as defined in the Community Care Facility Act, R.S.B.C., 1979, C. 57.
- "licensed premises"** means an establishment licensed or required to be **licensed** under the Liquor Control and Licencing Act, R.S.B.C., 1979, C. 237 and includes **premises** covered by a temporary license issued under the aforesaid Act.
- "personal service establishment"** means an establishment in which a person provides a service to or on the body of another person and, without limiting the generality of the foregoing, includes a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steambath.
- "place of public assembly"** means **premises** where members of the public assemble for the purposes of worship, entertainment, education, government, amusement or sport, and without limiting the generality of the foregoing, includes a trade show, but does not include a **workplace** or a **business place**.
- "pool hall"** means a business licensed to carry on the business of a **pool hall** pursuant to City of Prince George Business License Bylaw No. 6279. **Bylaw 6531**

"premises"	means: <ul style="list-style-type: none">i) a room,ii) a shop,iii) a building,iv) an enclosed structure, orv) an area within a building or enclosed structure.	
"private function"	means a special event for which an entire room or hall has been solely reserved and at which attendance is limited to people who have been individually invited.	
"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.	
"pub or lounge"	means a facility serving all types of alcoholic beverages and food, licensed to carry on the business of a pub or lounge pursuant to the City of Prince George Business License Bylaw No. 6279.	Bylaw 6531
"public place"	means any building or portion thereof where the public is invited or has access and includes reception areas , buses operated within the City of Prince George by or on behalf of any school district and buses operated within the City of Prince George by or on behalf of the City of Prince George in cooperation with B.C. Transit, but does not include a workplace, business place or place of public assembly .	
"reception area"	means the area of an office or establishment used solely for the purposes of receiving or greeting customers, clients or other persons dealing with the office or establishment.	
"restaurant"	means a public premises in which prepared food is served to the public in exchange for money or services, or to which the public has access for the purposes of purchasing prepared food for consumption on the premises .	
"shopping mall concourse"	means any enclosed area to which retail shops have entrances or exits but does not include premises otherwise regulated in this Bylaw.	Bylaw 6531

"smoke" or "smoking"

means the inhaling of, or exhaling of, the **smoke** from tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning.

"workplace"

means any building or portions of a building, structure or passenger conveyance where the public is not invited or does not have access and in which a person or people are employed, but does not include a private residence.

**Bylaw
6531**

2. PROHIBITION:

No person shall smoke:

- a) in a **workplace**;
- b) in a **business place**;
- c) in a **place of public assembly**;
- d) in a **public place**;
- e) in a taxi cab

**Bylaw
6531**

3. DESIGNATED SMOKING AREAS and DESIGNATED NON SMOKING AREAS

**Bylaws
5575 and
6531**

Notwithstanding the provisions of Section 2:

Workplace or Business Place

- a) A **proprietor** of any **workplace, business place, restaurant, or bowling alley** may designate a room in which **smoking** is permitted provided that such **designated smoking area** does not include any part of the **workplace, business place, restaurant or bowling alley** to which non-smokers may need access.
- b) Where a **proprietor** of any **workplace, business place, restaurant, or bowling alley** has designated a room for **smoking** under subsection 3. a), the **proprietor** shall ensure that the room is separated from the remaining area of the **workplace, business place, restaurant, or bowling alley** and is enclosed by walls, has a closing door, and has a ventilation system which exhausts to the outside atmosphere.
- c) No person younger than age 19 may enter a designated smoking area in a restaurant or bowling alley.

**Bylaw
7514**

**Bylaw
7514**

**Bylaw
7514**

Place of Public Assembly

- d) A **proprietor** of a **place of public assembly** may allocate a **designated smoking area** in such **place of public assembly**, provided that such area is constructed so that it is separated from the remaining area of the **place of public assembly** and is enclosed by walls, has a closing door and has a ventilation system which exhausts to the outside atmosphere.
- e) A **proprietor** of a **place of public assembly** within which an entire room or hall has been solely reserved for the holding of a **private function**, may designate for the term of any such reservation, all or a portion of such room or hall as a **designated smoking area**.

Designated Smoking Area

- f) A person may **smoke** in a **designated smoking area**.

Bingo Hall, Bowling Alley, Pool Hall, Casino

**Bylaw
6531**

- g) A **proprietor** of any **Bingo Hall, Bowling Alley, Pool Hall** or **Casino** shall **designate** a **non-smoking area** therein.

Pub or Lounge

**Bylaw
6531**

- h) A **proprietor** of a **Pub** or **Lounge** shall designate a **non-smoking area** therein which is principally smoke-free.

Designated Non-Smoking Area

- i) A person shall not **smoke** in a **designated non-smoking area**.

4. SIGNS:

**Bylaws
4979 and
6531, 7514**

- a) Upon deciding whether to create a **designated smoking area** pursuant to Section 3 hereof, the **proprietor** of a **restaurant or bowling alley** shall post at the entrance to such restaurant or bowling alley a notice in one of the following forms:
 1. **"No Smoking On These Premises";** or
 2. **"Smoking Is Permitted Only In Designated Smoking Areas – No Person Younger Than The Age Of 19 Permitted in Designated Smoking Area".**

**Bylaw
6531, 7514**

- b) If in any building or structure there is more than one **workplace, business place** or **place of public assembly**, all **proprietors** in such building or structure may, by unanimous consent, cause to be located at or near to all entrances to such building or structure, a notice in one of the following forms:

1. **"No Smoking In This Building"; or**
 2. **"Smoking Is Permitted Only In Designated Smoking Areas",**
 3. **A graphic symbol shown in Schedule "A" is attached hereto.**
- Bylaw
6531**

and if such notice is posted, no notice in an individual **workplace, business place, or place of public assembly** within the building, need be posted, as required under Section 4(a) hereof.

- c) A **proprietor** of any **workplace, business place, or place of public assembly**, who has created a **designated smoking area**, must identify such **designated smoking area** by a sign or signs bearing the text **"Smoking Permitted In This Area"**, or a graphic symbol shown in Schedule "A" attached hereto. A proprietor of a **restaurant or bowling alley** who has created a designated smoking area must identify such designated smoking area by a sign or signs bearing the text **"Smoking Permitted In This Area – No Person Younger Than Age 19 Permitted In Designated Smoking Areas"**. **Bylaw
7514**
- d) A **proprietor** of a **public place or places** shall post within such **public place or places** a sign bearing the text **"No Smoking Permitted"** except and unless there is posted at the street entrance or entrances to the **premises** in which such **public place or places** are located a sign or signs bearing the text **"No Smoking In This Building"** or **"No Smoking On These Premises"** or **"Smoking Is Permitted Only In Designated Smoking Areas"** or a graphic symbol shown in Schedule "A" attached hereto.
- e) A **proprietor** of any **Bingo Hall, Bowling Alley, Pool Hall, Casino, Pub or Lounge** must identify the designated **non-smoking area** by a sign or signs bearing the text **"No Smoking In This Area"** or a graphic symbol as shown in Schedule "A". **Bylaw
6531**

5. **OFFENCES:**

Any person who fails to comply with any of the provisions of this Bylaw is guilty of an offence against this Bylaw and is liable to the penalty provided for herein.

6. **PENALTIES:**

Except as otherwise provided in this bylaw or the City of Prince George Ticket Utilization Bylaw No. 5422, any person who commits an offence against this bylaw shall be liable upon conviction to a maximum fine of Five Hundred (\$500.00) Dollars. **Bylaw
6531**

7. **SEVERABILITY:**

In the event that any section, subsection, sentence, clause or phrase of this Bylaw is

for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.

8. APPLICATION:

This Bylaw shall come into full force and effect as of and from the 1st day of November, 1986, or the date of its adoption, whichever is later.

9. TITLE:

This Bylaw may be cited for all purposes as "City of Prince George Clean Indoor Air Bylaw No. 4708, 1986".

READ A FIRST TIME THIS THE **9TH** DAY OF **JUNE, 1986.**

READ A SECOND TIME THIS THE **9TH** DAY OF **JUNE, 1986.**

READ A THIRD TIME THIS THE **18TH** DAY OF **AUGUST, 1986.**

All three readings passed by a **majority** decision of Members of City Council present and eligible to vote.

I hereby certify that the foregoing is a true copy of an original Bylaw as passed by three readings of the same as outlined above.

Don Degagne
(Deputy) CLERK OF THE CITY OF PRINCE GEORGE

APPROVED BY THE MINISTER OF HEALTH PURSUANT TO THE PROVISIONS OF SECTION 692(4) OF THE MUNICIPAL ACT THIS DAY OF 1986.

J.A. Wilson
MINISTER OF HEALTH

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS THE **22ND** DAY OF **SEPTEMBER, 1986**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

C.J. Kinsley
(Acting) MAYOR

G.W. Buchanan
CLERK

SCHEDULE "A" TO BYLAW NO. 4708

AMENDING BYLAW NO. 4979

1. The following graphic symbol is prescribed for the purpose of Section 4 to indicate "NO SMOKING":



The symbol shall be on a white background with a circle and interdictory streak in red, with a cigarette, cigar, pipe or other lighted **smoking** equipment in black.

2. The following graphic symbol is prescribed for the purpose of Section 4 to indicate "SMOKING IS PERMITTED":



The symbol shall be on a white background with a circle in green and cigarette, cigar, pipe or other lighted **smoking** equipment in black.