

**CITY OF COQUITLAM**

**BYLAW NO. 3037, 1996**

**Consolidated with amendments in Bylaws: (1) 3132, 1997; (2) 4108, 2010; (3) 4125, 2010;  
(4) 4557, 2016**

**NOTE: This is a consolidation for convenience purposes only and does not have the force of law.**

A Bylaw for the purpose of regulating the  
places where people may smoke.

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WHEREAS the approval of the Minister of Health is necessary for any bylaw adopted pursuant to Section 692 of the ***Municipal Act***, R.S.B.C. 1979 Chapter 290;

AND WHEREAS Council has been advised that second hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes; cigars and pipes) is a health hazard or discomfort for many inhabitants of the City of Coquitlam;

AND WHEREAS it is desirable for the protection, promotion and preservation of the health, safety and welfare of inhabitants of the City of Coquitlam to prohibit or regulate smoking, or both, in the City of Coquitlam to the extent provided herein:

THEREFORE the Council of The Corporation of the City of Coquitlam, in open meeting assembled HEREBY ENACTS **AS FOLLOWS**:

**1. Title**

This Bylaw may be cited for all purposes as **“Smoking Control Bylaw No. 3037, 1996”**.

**2. Definitions**

In this Bylaw:

**“Activated E-Cigarette”** means an E-Cigarette in which an E-Substance is being vaporized;

**“Building”** includes a structure; used or intended for supporting or sheltering any use or occupancy;

**“Business”** means a business, trade profession, or other occupation for which a person must obtain a licence under City of Coquitlam Business License Bylaw No. 3882, 2007 as amended, or any successor bylaw.

**“Common Area”** includes lobbies, foyers, stairwells, elevators, underground parking areas and corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a building;

**“Council”** means the Council for the City of Coquitlam;

**“Customer Service Area”** means a partially enclosed or unenclosed area including a balcony, patio, yard area or sidewalk that is part of or connected to a business or use in a building or premises that includes the service of food or beverages (both alcoholic and non-alcoholic) to customers or other individuals for consumption on site;

**“E-Cigarette”** means a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an E-Substance for inhalation or release into the air;

**“E-Substance”** means a solid, liquid or gas that, on being heated, produces a vapour for use in an E-Cigarette, regardless of whether the solid, liquid or gas contains nicotine;

**“Park”** means any land dedicated as a park or parkland or any other land used for leisure or recreation which the City owns or controls by means of title, lease, license or other legal instrument, and is within the jurisdiction of the City;

**“Place of Public Assembly”** means a place used for the gathering together of persons for the purpose of deliberation, education, worship, entertainment, recreation, business, professional seminars or amusement;

**“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 or premise;
- b) a Common Areas; or
- c) a Customer Service Area

and, in respect of common areas, includes a strata corporation or cooperative association, and also means a person who drives a Vehicle for Hire;

**“Smoke”** or **“Smoking”** means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance; and

**“Vehicle for Hire”** mean a vehicle used for the carrying, transportation or conveyance of persons or property for hire and includes a taxi cab, limousine or bus.

### **3. Ban on Smoking and Obligations of Responsible Persons**

3.1 A person must not Smoke, use an E-Cigarette, or hold an Activated E-Cigarette:

3.1.1 in a Building, except in:

3.1.1.1 a private dwelling unit as defined in the Zoning Bylaw;

3.1.1.2 a hotel room or motel room designated within a hotel or motel by a Responsible Person as a smoking room;

3.1.2 in a Vehicle for Hire;

3.1.3 in a public transportation facility or vehicle, including but not limited to, a school bus, a public bus, the skytrain, the “West Coast Express”, a transit shelter or waiting area;

3.1.4 in any Park;

3.1.5 in any place of employment, except a place where the only person or persons employed at the place of employment is the owner or owners of a Business, and the Business does not allow customers on the premises or in the Building where the employment takes place;

3.1.6 in any Place of Public Assembly;

3.1.7 in any City owned or operated vehicle;

3.1.8 in a Customer Service Area, except where the Customer Service Area caters exclusively to persons sixteen (16) years of age or older.

3.2 Obligations of a Responsible Person

3.2.1 A Responsible Person must not permit, suffer or allow a person to Smoke, use an E-Cigarette, or hold an activated E-Cigarette in:

3.2.1.1 a Building or Customer Service Area

3.2.1.2 Common Area; or

3.2.1.3 a Vehicle for Hire.

#### 4. Signs Prohibiting Smoking

- 4.1.1. A Responsible Person must display or cause to be displayed at all times a sign at each entrance to a Building (except where Smoking and use of E-Cigarettes are expressly permitted in that Building by this Bylaw) that communicates, through the use of one of the following phrases or icons or a combination of both, that Smoking and use of E-Cigarettes are prohibited in the Building:

**“NO SMOKING, INCLUDES E-CIGARETTES”**

**“NO SMOKING OR VAPING”**



- 4.1.2 A Responsible Person must display or cause to be displayed at all times a sign in a Customer Service Area, a Common Area, and in a Vehicle for Hire, that communicates, through the use of one of the following phrases or icons or a combination of both, that Smoking and use of E-Cigarettes are prohibited in that area:

**“NO SMOKING, INCLUDES E-CIGARETTES”**

**“NO SMOKING OR VAPING”**



**5. Offences and Penalties**

- 5.1 Any person who contravenes the provisions of this Bylaw is guilty of an offence and is liable for a fine of up to \$10,000;
- 5.2 Each day on which any contravention occurs will be deemed to be a separate offence.

**6. Validity and Adoption**

- 6.1 If any there is a conflict between this bylaw and the provisions of any other Federal or Provincial Act or Regulation, or any other bylaw applicable in the City, the more restrictive Act, Regulation or bylaw will prevail.
- 6.2 If any part of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion will be severed and will not affect the validity of the remainder of the Bylaw which will continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.
- 6.3 This bylaw will come into force and effect on the date of adoption.

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