Outdoor Public Spaces Smoking Regulation Bylaw

At the September 1, 2015 regular meeting of Council, the Outdoor Public Spaces Smoking Regulation Bylaw 2015, No. 4128 was adopted by Council. The bylaw will go into effect on October 1, 2015.

The purpose of this bylaw is to regulate smoking on or within outdoor City owned public spaces, including parks and trails, within the city of Chilliwack and serves to top up current provincial smoking enactments. The bylaw also regulates smoking on privately held properties that are used for recreational purposes.

Frequently Asked Questions

Why smoke free?
Hundreds of communities across Canada have embraced similar restrictions or bans on smoking in public outdoor spaces for a variety of reasons. In Chilliwack, we are doing our part to be a smoke-free society in order to practice fire prevention, to care for the environment, and to promote healthy living.

- Fire Prevention
  o Discarded smoking materials can lead to fires. In 2015, the Chilliwack Fire Department saw an 200% increase in bark mulch and grass fires over the previous year, most of which were caused by human carelessness.
  o The BC Wildfire Service reports that 40% of all wildfires over the past decade have been caused by human activity rather than lightning strikes. The cost to the province from 2004 – 2014 due to these preventable fires has been $676.5 million.

- Healthy living
  o Tobacco use is the leading cause of preventable death in Canada.
  o There is no safe level of second-hand smoke.
  o Infants and young children are particularly vulnerable to the health effects of second-hand smoke.
  o Smoking restrictions decrease negative role modeling for children.
  o Smoking restrictions can increase the motivation for smokers to quit.

- Care for the environment
  o Worldwide, an estimated three-quarters of a billion kilograms of cigarette butts end up dropped on the ground every year.
  o Cigarette butts can take up to 15 years to break down and deposit nicotine, heavy metals, plastic fibers, benzene and other carcinogens into our environment.
  o Toxins released by discarded smoking materials can seep into soil and water, affecting plant and animal life.

Where is smoking prohibited?
The Outdoor Public Spaces Smoking Regulation Bylaw 2015, No. 4138 states:
No person shall smoke:
  a. Within the area of a park, playground or outdoor public space;
  b. Within the area of a dog off-leash park;
c. Within the area of and within 15 metres of the entrance to a public pool;
d. Within the area of and within 15 metres of the entrance to an ice arena;
e. Within the area of a trail; or
f. Within 10 metres of a bus stop.

**What outdoor areas are included under this bylaw?**

Outdoor public spaces listed in the bylaw include parks, playgrounds, trails, bus stops, schools, public pools and ice arenas, and other outdoor public spaces that are located on land owned by the City of Chilliwack or School District No. 33 that are open to the public from time to time. This may include:

- Outdoor children’s playgrounds
- Playing fields
- Sports venues
- A stadium or sports facility

*Please see the bylaw for the full description of areas included.*

**Are parking lots included in the smoking ban?**

City owned or controlled parking lots are included in this bylaw under the definition of ‘Park’. Please see the bylaw for the full definition of the term park.

**Can I smoke in my car?**

You may smoke in your car where it is not prohibited by the bylaw or provincial enactments. For example, City owned or controlled parking lots are included as prohibited spaces under the Bylaw.

Remember, under provincial legislation, it is illegal to smoke while anyone under 16 years of age is present in the vehicle.

**Are electronic cigarettes or personal vaporizers included in the bylaw?**

Yes, electronic smoking devices and any other oral smoking devices are included in the bylaw.

**How will the bylaw be enforced?**

The City of Chilliwack will focus on voluntary compliance through education. This is not an uncommon approach to bylaw enforcement. For example, most dog owners voluntarily comply with the bylaw that requires them to leash and pick up after their pets. Signage and education serve as reminders and most people are respectful of others in our community.

**What should I do if I see someone smoking in a public space?**

If you see someone smoking in an outdoor public space or park, you may inform them politely that a Chilliwack bylaw forbids smoking in outdoor public spaces and parks. You may also report a violation by calling Chilliwack Bylaw Enforcement at 604.793.2908.

**How will people know not to smoke in outdoor public spaces or parks?**

- The City of Chilliwack will focus on voluntary bylaw compliance through education, which will include:
  - City of Chilliwack website
Where outdoors can I smoke?
This bylaw regulates smoking outdoors in public parks, trails, and in City-owned outdoor public spaces. The bylaw does not include Crown land, privately owned property, or sidewalks. Should you choose to smoke on the sidewalk, please ensure you are 10 metres away from a bus stop (as per the bylaw) and adhere to BC’s tobacco laws which limit smoking around public and work place doorways, windows and air intakes.

Is littering cigarette butts included in this bylaw?
Yes, under the bylaw, “No person shall discard or place on the ground any match, cigar or cigarette.” Please dispose of these items appropriately.

When does this bylaw come into effect?
If this bylaw is adopted at the next regular meeting of Council on September 1, 2015, it will go into effect 30 days later on October 1, 2015.

Who can I contact if I have additional questions about the Outdoor Public Spaces Smoking Regulation Bylaw?
Please contact the Corporate Services department at the City of Chilliwack at 604.793.2986 or email info@chilliwack.com.

For more information about other smoking restriction enactments and legislation, please visit:
- Province of British Columbia, smoke-free legislation [http://www2.gov.bc.ca/gov/content/health/managing-your-health/mental-health-substance-use/quitting-smoking-tobacco-use/tobacco-control-program]
- Tobacco Control Act [http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96451_01#section2.3]
- Motor Vehicle Act [http://www.leg.bc.ca/38th4th/1st_read/gov36-1.htm]

For more information about the health risks associated with smoking or for assistance with quitting, please visit:
- Fraser Health Authority
- Canadian Cancer Society (BC Yukon)
- Healthy Families BC