

---

PART 7 - PUBLIC HEALTH  
Division 6 - Clean Indoor Air

---

Subdivision 1 - Interpretation

7.6.1. 1. In this Division, unless the context otherwise requires:

"Smoke" or "Smoking" shall include the carrying of a burning cigar, cigarette, pipe or other smoking equipment containing burning tobacco;

"Place of Public Assembly" shall mean a 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 restaurant, a reception area or a place where only a private social function is being held;

"Private Social Function" shall mean a special social event for which an entire room or hall has been solely reserved, and at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education;

"Restaurant" shall mean a premise where prepared food is served to the public in exchange for money or service; or to which the public has access for the purpose of purchasing prepared food for consumption on the premises;

"Bank" shall include a credit union, trust company or other financial institution;

"Government Office" shall mean an office of the Government of Canada, the Government of the Province of B.C. or the District of Kitimat;

"Personal Services Establishment" shall mean any place or premises in which a person provides a service to or on the body of another person in exchange for money or services and includes but is not limited to, a barber shop, beauty parlour, and health shop;

"Retail Shop" shall mean any place or premises where goods are displayed or offered for sale by retail, but does not include a restaurant;

Subdivision 1 - Interpretation (Continued)

- 7.6.1. 1. "Place of Employment" shall mean any indoor place of work other than:
- a. a private home which also serves as a place of work; or
  - b. a workplace occupied solely by an independent contractor or only by the partners to a partnership;

"Reception Area" shall mean the public space of an office or other establishment used for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;

"Service Line" shall mean an indoor line of two or more persons awaiting service of any kind, and includes but is not limited to sales, transactions, provision of information or advice and the exchange or transfer of money or goods, but includes a service line at a private social function as defined herein;

"Proprietor" shall mean the person or persons who control, govern or direct the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof;

"Post" shall include the act of keeping continuously displayed.

Subdivision 2 - Prohibition

Place of Public Assembly

- 7.6.2. 1. Subject to 7.6.2.2., no person shall smoke in an area being used as place of public assembly.
2. The proprietor of a place of public assembly may designate an area, not to exceed 50% of the total floor area of such place of public assembly as a smoking area.
3. An area designated in accordance with 7.6.2.2. shall not include:
- a. the seating areas in theatres, motion picture theatres, music halls, lecture halls which include classrooms, concert halls, auditoriums, gymnasiums, swimming pools, indoor sporting areas and libraries;

Subdivision 2 - Prohibition (Continued)

- 7.6.2. 3. b. the display areas of museums and art galleries;
- c. an area in which smoking is prohibited by the Fire Commissioner or by any other law, bylaw or regulation; and these areas shall not be included in the calculation of the total floor area.
4. The proprietor of every place of public assembly shall ensure that signs as described in Subdivision 7.6.14. shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.2.1. applies.

Subdivision 3 - Restaurants

- 7.6.3. 1. The proprietor of a restaurant shall display in a conspicuous place so as to be visible to persons at the entrance to the restaurant a sign or signs indicating whether or not a non-smoking section is provided in the restaurant.

The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches). The sign or signs shall carry one of the following texts as appropriate:

SMOKING AND NON-SMOKING SEATING AVAILABLE;

NO NON-SMOKING SEATING; or

NON-SMOKING SEATING ONLY.

2. Subject to 7.6.3.3. the proprietor of a restaurant may designate non-smoking areas in the restaurant.

Subdivision 3 - Restaurants (Continued)

- 7.6.3. 3. Where a non-smoking area is designated:
- a. the non-smoking area shall be not less than TWENTY-FIVE percent (25%) of the total seating capacity of the restaurant;
  - b. the non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area.
  - c. the proprietor of every restaurant shall ensure that signs as prescribed by Subdivision 7.6.14. are displayed clearly indicating the non-smoking area.

Subdivision 4 - Banks and Government Offices

- 7.6.4. 1. No person shall smoke at or near any public area of a bank or government office.
2. The proprietor of every bank or government office shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.14.1. applies.

Subdivision 5 - Personal Services Establishment

- 7.6.5. 1. The proprietor of a Personal Service Establishment shall display in a conspicuous place so as to be visible to persons at the entrance to the Personal Service Establishment a sign or signs indicating whether or not a non-smoking section is provided in the Personal Services Establishment. The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches).

Subdivision 5 - Personal Services Establishment (Continued)

- 7.6.5. 1. The sign or signs shall carry one of the following texts as appropriate:
- SMOKING AND NON-SMOKING SEATING AVAILABLE;  
NO NON-SMOKING SEATING; or  
NON-SMOKING SEATING ONLY.
2. Subject to 7.6.3.3. the proprietor of a Personal Service Establishment may designate non-smoking areas in the Personal Service Establishment.
3. Where a non-smoking area is designated:
- a. the non-smoking area shall be not less than TWENTY-FIVE percent (25%) of the total seating capacity of the Personal Service Establishment;
  - b. the non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area;
  - c. the proprietor of every Personal Service Establishment shall ensure that signs as prescribed by Subdivision 7.6.14. are displayed clearly indicating the non-smoking area.

Subdivision 6 - Retail Stores

- 7.6.6. 1. No person shall smoke in a retail shop or its public restrooms except in a part thereof used as a restaurant or lunch counter subject to Subdivision 7.6.3. or a part of the retail shop used as private work areas by members of the staff.
2. The proprietor of every retail store shall ensure the sign or signs as prescribed by 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.6.1. applies.

Subdivision 7 - Hospitals, Health Clinics and Schools

- 7.6.7. 1. No person shall smoke in a hospital or health clinic or school except in any portion thereof designated as a smoking area by the hospital or health clinic authorities or school authorities.
2. The proprietor of every hospital, health clinic and school shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each area to which 7.6.14.1. applies.

Subdivision 8 - Reception Areas

- 7.6.8. 1. Except as provided in 7.6.8.2, no person shall smoke in a reception area.
2. The proprietor may designate an area of not less than 13 square metres (140 square feet) and not more than FIFTY percent (50%) of the floor area of the reception area for the purpose of smoking.
3. The proprietor of every reception area shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.8.1. applies.

Subdivision 9 - Service Lines

- 7.6.9. 1. No person shall smoke in or near any indoor service line in any premises.

Subdivision 10 - Buses

- 7.6.10. 1. No person shall smoke on a school or public bus.

Subdivision 11 - Elevators, Escalators, and Inside Stairways

- 7.6.11. 1. No person shall smoke in an elevator, or on an inside stairway in any building.
2. The proprietor of every building or any building or part thereof shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to apply clearly to the areas regulated by 7.6.11.1.

Subdivision 12 - Taxicabs

- 7.6.12. 1. No person shall smoke in a taxicab, except with the consent of all passengers and the driver of the taxicab.
2. The proprietor in any taxicab to which 7.6.12.1. applies shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise permitted by this bylaw shall be conspicuously posted so as to be clearly visible from all parts of the taxicab.

Subdivision 13 - Place of Employment

- 7.6.13. 1. Each place of employment shall develop a smoking policy dealing with the places people may smoke in the work place.
2. The policy shall generally deal with the times and places where people may or may not smoke and these decisions and policy implementation are the responsibility of the proprietor.
3. The proprietor shall ensure each employee is aware of the smoking policy and be responsible for ensuring compliance.

Subdivision 14 - Signs

- 7.6.14. 1. For the purposes of this Division "letter height" means the actual height of the letter regardless of whether it is a capital or lower case letter.

Subdivision 14 - Signs (Continued)

- 7.6.14. 2. To be in accordance with this Division, such sign shall:
- a. carry the text "No Smoking" in capital or lower case letters or a combination thereof;
  - b. consist of TWO (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;
  - c. with respect to size of lettering, to be not less than the following height based upon the maximum viewing distance in direct line of sight for:
    - (1) 3 metres or less, letter height of 2.5 centimetres;
    - (2) 6.1 metres or less, letter height of 5.1 centimetres;
    - (3) 12.2 metres or less, letter height of 7.6 centimetres;
    - (4) 24.4 metres or less, letter height of 10.2 centimetres;
    - (5) 48.8 metres or less, letter height of 15.2 centimetres;
    - (6) 73.1 metres or less, letter height of 20.32 centimetres;
- 7.6.14. 3. Include in the text at the bottom of each sign - Part 7, Division 6 - "Kitimat Municipal Code - Maximum Penalty \$500.00" in letters not less than 1.3 centimetres (½ inch) in height for signs with letter size of 2.5 centimetres (1 inch), and not less than one quarter of the height of the letters for all other sizes of letter.
- 7.6.14. 4. Notwithstanding the provisions of 7.6.14.1., one of the following graphic symbols may be used to indicate "no smoking area". Each symbol shall include the text "Kitimat Municipal Code - Part 7, Division 6" in letters and figures at least FIVE percent (5%) of the diameter of the circle in the symbol and there may be added appropriate symbols, such as directional arrows. Any such symbol shall be on a white background with a circle and interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Subdivision.



# NO SMOKING



Part 7, Division 6 - "Kitimat Municipal Code -  
Maximum Penalty \$500.00

Subdivision 14 - Signs (Continued)

- 7.6.14. 5. With respect to size of the graphic symbol, the diameter of this circle and the symbol referred to in 7.6.14.4. hereof shall be not less than the number of centimetres prescribed below, based upon the maximum viewing distance and direct line of sight, as follows:
- a. 3 metres or less, 10.2 centimetres;
  - b. 6.1 metres or less, 15.2 centimetres;
  - c. 12.2 metres or less, 20.32 centimetres;
  - d. 24.4 metres or less, 20.32 centimetres;
  - e. 48.8 metres or less, 40.6 centimetres;
  - f. 73.1 metres or less, 61 centimetres;
6. Notwithstanding that the symbol in 7.6.14.3. hereof is a cigarette, it shall include a lighted cigar, cigarette, pipe or other lighted smoking equipment.

Subdivision 15 - Posting

- 7.6.15. 1. In every area where smoking is not permitted under this bylaw, the proprietor shall post or have posted and continue to post a sufficient number of signs, as prescribed in Subdivision 7.6.14., prominently displayed so as to be clearly visible from all points to which such no smoking applies.
2. Where a smoking area has been designated under the Code, such area shall bear a sign or signs "smoking in this area only". Where an area has been so designated, smoking shall be permitted in that area, and such sign shall be prominently displayed so as to be clearly visible from all points to which smoking applies and such signs shall comply with the requirements in 7.6.14.2.
3. This bylaw shall not apply to a private social function.

Subdivision 16 - Offences

- 7.6.16. 1. The proprietor of the premises to which this Division applies shall ensure that the sign or signs prescribed in Subdivision 7.6.14. hereof or otherwise permitted by this Division shall be prominently displayed so as to be clearly visible to persons.
2. Any proprietor who fails or neglects to perform the duty imposed upon him by 7.6.16.1. hereof shall be guilty of an offence and liable to a penalty of not more than \$500.00.
3. Compliance with this Division shall be a condition of maintaining a valid District of Kitimat Business Licence.
4. No person shall smoke in any place or area designated as a non-smoking area under this Division.

Subdivision 17 - Penalty

- 7.6.17. 1. Any person who contravenes the provisions of this Division is guilty of an offence and, on summary conviction, is liable to a fine of not less than \$25.00 and not more than \$500.00 for the first offence; and not less than \$75.00 and not more than \$500.00 for the second offence; and not less than \$150.00 and not more than \$500.00 for the third and subsequent offence.