

**CITY OF BURNABY**

**BYLAW NO. 14220**

A BYLAW to amend the Business Licence Bylaw

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY BUSINESS LICENCE BYLAW 2017, AMENDMENT BYLAW NO. 2, 2020.**
2. Burnaby Business Licence Bylaw 2017, as amended, is further amended by adding as Schedule "F" the schedule attached to and forming part of this Bylaw.
3. This Bylaw comes into force and effect on January 1, 2022.

Read a first time this 28<sup>th</sup> day of September, 2020

Read a second time this day of , 2020

Read a third time this day of , 2020

Reconsidered and adopted this day of , 2021

MAYOR

CLERK

**Schedule to Bylaw No. 14220**

**SCHEDULE “F”**

**SMOKING REGULATIONS**

**1.0 Definitions**

**1.1 In this Schedule,**

<b>“burn”</b>	means to produce smoke, vapour or other substances that can be inhaled;
<b>“customer service area”</b>	means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of or connected to or associated with a <b>business</b> that includes the service of food or beverages, including alcoholic beverages, to customers or other persons for consumption on site;
<b>“dwelling unit”</b>	means a dwelling unit as defined in <i>Burnaby Zoning Bylaw, 1965</i> ;
<b>“e-cigarette”</b>	means the following: <ul style="list-style-type: none"><li>(a) 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; or</li><li>(b) a product or device similar in nature or use to a product or device described in clause (a);</li></ul>
<b>“enclosed or substantially enclosed business premises”</b>	means that portion, or those portions, of a <b>business premises</b> : <ul style="list-style-type: none"><li>(a) with a roof or other covering; and</li><li>(b) in respect of which air is prevented from easily flowing through more than 50% of the wall space of that portion, or portions, of a <b>business premises</b>;</li></ul>
<b>“e-substance”</b>	means a solid, liquid or gas that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether or not the solid, liquid or gas contains nicotine;
<b>“responsible person”</b>	means a <b>person</b> who owns, controls, manages, supervises or operates a <b>business</b> or a <b>customer service area</b> ;

“**smoke**” or “**smoking**”

means to inhale, exhale, burn or carry:

- (c) a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking device or equipment that burns tobacco, cannabis or other weed or any substance; or
- (d) an activated e-cigarette.

## 2.0 Regulations

2.1 A **responsible person** shall not permit an individual to **smoke** in:

- (a) a **customer service area**; or
- (b) an **enclosed or substantially enclosed business premises** that is a workplace or a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, except **smoking** may be permitted:
  - (i) where the **business premises** are located within a **dwelling unit** that is not open to members of the public and the only person or persons employed by the business also reside in the **dwelling unit**; and
  - (ii) in a hotel room or motel room designated within a hotel or motel by a **responsible person** as a smoking room.

2.2 A **responsible person** must display and maintain, or cause to be displayed and maintained, at all times at each entrance to a **customer service area**, a sign stating:

**THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING**