

**A By-law of the City of Vancouver Board of Parks and Recreation
to regulate smoking in parks**

WHEREAS it has been determined that second-hand smoke is a health hazard and nuisance for people in parks in the City of Vancouver;

AND WHEREAS it is desirable for the care, promotion and protection of the health of people in parks to regulate smoking in parks;

AND WHEREAS Council has authorized the City of Vancouver Board of Parks and Recreation to enact by-laws to regulate smoking in parks for the care, promotion and protection of the health of people in parks;

THE CITY OF VANCOUVER BOARD OF PARKS AND RECREATION, in public meeting, enacts as follows:

**SECTION 1
INTERPRETATION**

Name of By-law

1.1 The name of this By-law, for citation, is the “Park Board Smoking Regulation By-law”.

Definitions

1.2 In this By-law:

“building” includes a structure;

“business” means a business, trade, profession, or other occupation for which a person must obtain a license under the City of Vancouver License By-law;

“customer service area” 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 business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;

“premises” means a portion of a building in respect of which a person has exclusive possession;

“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,
- (b) a business or other use which occupies premises, or
- (c) a customer service area,

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” means a vehicle for which a person must obtain a vehicle for hire licence under the City of Vancouver Vehicles for Hire By-law.

Schedules

1.3 The schedule attached to this By-law forms part of this By-law.

Severability

1.4 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

SECTION 2 APPLICATION

2. The By-law applies to all parks listed in Schedule A attached to this By-law.

SECTION 3 HEALTH REGULATIONS

3.1 A person must not smoke:

- (a) in a park;
- (b) on a seawall or beach in a park;
- (c) in a building in a park, except in a caretaker’s residence;
- (d) in a customer service area in a park;

- (e) in a vehicle for hire in a park;
- (f) on public transit in a park; or
- (g) in an enclosed or partially enclosed shelter in a park where people wait to board a vehicle for hire or public transit.

3.2 Except as permitted by section 3.1, a responsible person must not suffer or allow a person to smoke in:

- (a) a building in a park;
- (b) a customer service area in a park; or
- (c) a vehicle for hire in a park.

SECTION 4 OFFENCES AND PENALTIES

Offences under By-law

4.1 A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply, or suffers or allows any other person to fail to comply, with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 4.

Fine for offence

4.2 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$2,000.00 for each offence, except that a person who commits an offence under section 3.2(a), 3.2(b) or 3.2(c) of this By-law is liable to a fine of not less than \$500.00 for each offence.

**SECTION 5
ENACTMENT**

Force and effect

5. This By-law is to come into force and take effect on September 1st, 2010.

ENACTED by the Board of Parks and Recreation this day of , 2010

Chair
Board of Parks and Recreation

General Manager
Board of Parks and Recreation

Schedule A

Park name

Aberdeen Park
Adanac Park
Alexandra Park
Alice Townley Park
Almond Park
Andy Livingstone Park
Angus Park
Arbutus Greenway Park
Arbutus Park
Arbutus Village Park
Ash Park
Balaclava Park
Barclay Heritage Square
Bates Park
Beaconsfield Park
Bobolink Park
Braemar Park
Brewers Park
Burrard View Park
Callister Park
Cambie Park
Cambridge Park
Captain Cook Park
Cardero Park
Cariboo Park
Carleton Park
Carnarvon Park
Carolina Park
Cartier Park
Cathedral Square
Cedar Cottage Park
Chaldecott Park
Champlain Heights Park
Charles Park
Charleson Park
China Creek North Park
China Creek South Park
Choklit Park
Clark Park
Clinton Park
Coal Harbour Park
Collingwood Park
Columbia Park
Connaught Park

Coopers' Park
CRAB Park @ Portside
Creekside Park
David Lam Park
Deering Island Park
Delamont Park
Devonian Harbour Park
Devonshire Park
Discovery Square
Douglas Park
Downtown Skateboard Plaza
Dusty Greenwell Park
Earles Park
Ebisu Park
Eburne Park
Elm Park
Emery Barnes Park
English Bay Beach Park
Everett Crowley Park
Falaise Park
Foster Park
Fraser River Park
Fraserview Golf Course
Fraserview Park
Garden Park
Gaston Park
General Brock Park
George Park
George Wainborn Park
Gladstone-Riverside Park
Glen Park
Gordon Park
Grandview Park
Granville Loop Park
Grays Park
Grimmett Park
Guelph Park
Hadden Park
Harbour Green Park
Hastings Community Park
Heather Park
Helmcken Park
Hillcrest Park (incl. Nat Bailey)
Hinge Park (Located in Southeast False Creek. Has not been officially named as of June 28, 2010.)
Humm Park
Jean Beaty Park
Jericho Beach Park
John Hendry (Trout Lake) Park

Johnathan Rogers Park
Jones Park
Kaslo Park
Kensington Park
Kerrisdale Centennial Park
Kerrisdale Park
Killarney Park
Kingscrest Park
Kinross Ravine Park
Kitsilano Beach Park
Langara Golf Course
Langara Park
Locarno Park
MacDonald Park
MacLean Park
Major Matthews Park
Malkin Park
Maple Grove Park
Margaret Pigott Park
Marina Square
Marpole Park
May & Lorne Brown Park
McBride Park
McCleery Golf Course
McCleery Park
McGill Park
McSpadden Park
Melbourne Park
Memorial South Park
Memorial West Park
Moberley Park
Montgomery Park
Morton Park
Mosaic Creek Park
Mount Pleasant Park
Musqueam Park
Nanaimo Park
Nelson Park
New Brighton Park
Norquay Park
Oak Meadows Park
Oak Park
Oppenheimer Park
Oxford Park
Pandora Park
Pigeon Park (Pioneer Place)
Point Grey Road Waterfront Park
Portal Park
Price Park

Prince Edward Park
Prince of Wales Park
Puget Mini-park
Quadra West Park
Queen Elizabeth Park
Quesnel Mini-park
Quilchena Park
Ravine Park
Renfrew Community Park
Renfrew Ravine Park
Riley Park
Riverfront Park
Riverview Park
Robson Park
Rosemary Brown Park
Rosemont Park
Ross Park
Roundhouse Park
Rupert Park
Sahalli Park
Salsbury Park
Seaforth Peace Park
Shannon Park
Shaughnessy Park
Slocan Park
Spanish Bank Beach Park
Sparwood Park
Sparwood Park Extension
Stanley Park
Strathcona Linear Park
Strathcona Park
Sun Yat-Sen Garden
Sunnyside Park
Sunrise Park
Sunset Beach Park
Sunset Park
Sutcliffe Park
Tatlow Park
Teaswamp Park
Tecumseh Park
Templeton Park
Thornton Park
Thunderbird Park
Tisdall Park
Trafalgar Park
Trillium Park (Scheduled to open by spring of 2011.)
Un-named Park at Blenheim Street and West 19th Avenue
Un-named Park at Shaughnessy Street and Fraser River
Un-named Park at Stephens Street and Point Grey Road

Un-named Park at Trafalgar Street and West 31st Avenue
Un-named Park at Trinity Street and Wall Street
Valdez Park
VanDusen Botanical Gardens
Vanier Park
Victoria Park
Victory Square
Volunteer Park
W.C. Shelley Park
Wendy Poole Park
West End Mini-parks (9 sites)
West Point Grey Park
Westmount Park
William Mackie Park
Willow Park
Winona Park
Woodland Park
Yaletown Park