

CAPITAL REGIONAL DISTRICT

BYLAW NO. \_\_\_\_\_

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CAPITAL REGIONAL DISTRICT CLEAN AIR BYLAW NO. 1, 1996,  
AMENDMENT BYLAW NO. 3, 2005

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The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 2401 cited as the "Capital Regional District Clean Air Bylaw No. 1, 1996" is amended as follows:

(1) by adding to section 1 INTERPRETATION:

(a) after the definition of "*business*" the following definitions:

" *enclosed*" means a space obstructed by a physical barrier where more than 25% of its total floor area is covered from above by a roof, canopy or other physical barrier that is capable of excluding rain and the height of more than 50% of its perimeter is more than 50% obstructed by a physical barrier; and

"*height*" means the greater of:

(a) the vertical distance between the floor area and the roof, canopy or other overhead cover described in the definition of "*enclosed*"; or

(b) 8 feet or 2.46 metres."

(b) after the definition of "*no-smoking sign*", the following definition:

" *physical barrier*" includes

(a) a wall;

(b) a window or door, whether or not it is open;

(c) panelling;

(d) fabric or an awning;

(e) dense vegetation;

(f) fencing or lattice; or

(g) any other physical barrier that impedes airflow."

(2) by deleting section 2(2) in its entirety and replacing it with the following:

"(2) No proprietor of a business shall permit a person to carry or have in his possession a burning cigarette or pipe containing burning tobacco, or to burn tobacco in any manner, inside any part of the enclosed business premises or inside any part of the business vehicle."

- 2. This Bylaw may be cited for all purposes as "Capital Regional District Clear Air Bylaw No. 1, 1996, Amendment Bylaw No. 3, 2005".
- 3. The effect of this Bylaw is suspended until January 1, 2006, and this Bylaw shall come into force effective January 1, 2006.

READ A FIRST TIME THIS                    day of                    2005.  
 READ A SECOND TIME THIS                day of                    2005.  
 READ A THIRD TIME THIS                 day of                    2005.  
 DEPOSITED WITH THE MINISTER OF HEALTH SERVICES THIS    day of            2005.  
 ADOPTED THIS                                day of                    2005.

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Chair

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Secretary