

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2386

**A Bylaw to provide for the warning of the dangers of
Fetal Alcohol Spectrum Disorders**

The Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “**Fetal Alcohol Spectrum Disorders Warning Sign Bylaw No. 2386, 2004**”.

2. In this Bylaw unless the context otherwise requires:

"Licensed Establishment" means any establishment licenced under the provisions of the Liquor Control and Licensing Act, and includes restaurants;

"Proprietor" means the person who ultimately controls, governs or directs the activities carried on within the kinds of premises referred to in this Bylaw and includes the person actually in charge thereof.

3. The proprietor of every Licenced Establishment shall ensure that sign or signs warning of Fetal Alcohol Spectrum Disorders shall be installed and maintained as prescribed in Section 4 hereof.

4. Signs warning of Fetal Alcohol Spectrum Disorders shall meet the following minimum requirements:

(a) For any licensed premises that is permitted to sell alcohol beverages for off premises consumption, there shall be at least one sign located so it is clearly visible from all locations where the sale or dispensing of the alcoholic beverage takes place.

(b) For a licensed premise that permits the consumption of alcoholic beverages on the premises, there shall be one sign, conspicuously displayed in each public washroom located within the premises.

(c) Each sign required hereunder shall have a minimum dimension of 21.5 cm (8 1/2 in) by 21.5 cm (8 1/2 in).

(d) Lettering on the sign shall be in bold print, white on a red background, and shall be a minimum of 1 cm (3/8 in) in height.

(e) The wording on the sign shall be as follows:

**“PREGNANCY AND ALCOHOL DO NOT MIX
PROTECT YOUR BABY
AVOID DRINKING WINE, BEER, OR OTHER ALCOHOL BEVERAGES DURING
PREGNANCY”**

5. Every person who suffers or permits any act or thing to be done or who neglects to do or refrains from doing anything required to be done by this Bylaw, and thereby violates any provision of this Bylaw, is guilty of an offense punishable on summary conviction and shall be liable to the maximum penalties that may be imposed pursuant to the *Offence Act* for each and every offence, and each day that an offence continues shall constitute a separate offence against this bylaw.
6. This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.
7. Council hereby designates:
 - (a) The Director of Regulatory and Property Services and his duly authorized representatives;
 - (b) Bylaw Enforcement Officers; and
 - (c) Peace officersto enforce this bylaw by means of a Municipal Ticket Information under Section 264 of the *Community Charter*.
8. The words or expressions listed in Schedule “A” of this bylaw in the “Description” column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the “Section” column. The amounts appearing in the “Fine” column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the section column.
9. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

Read a first time this 20th day of December, 2004

Read a second time this 20th day of December, 2004

Read a third time on the 20th day of December, 2004

Council consulted with the Medical Health Officer on the 31st day of December, 2004

Deposited with the Minister of Health Services on the 28th day of January, 2005

Finally passed and adopted this 21st day of February, 2005

Mayor

Manager of Corporate Administration

BYLAW NO. 2386, 2004

SCHEDULE 'A' – MTI FINES

SECTION		DESCRIPTION	MTI FINE
3	Signs	Fetal Alcohol Sign not installed or maintained	\$100.00
4	Sign requirements	Fetal Alcohol sign not meeting minimum requirements	\$100.00