

## SUMMARY:

The Fetal Alcohol Spectrum Disorder Warning Sign bylaw provides for the posting of Fetal Alcohol Spectrum Disorder warning signs in all premises licensed for the sale or consumption of alcoholic beverages within the City of Kelowna. Provisions are made for the location and wording of the signs.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

**CITY OF KELOWNA**  
**BYLAW NO. 7538**  
***REVISED: October 19, 2009***

<b>CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW NO. 7707</b>
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**A BYLAW TO MAKE PROVISIONS FOR THE WARNING OF  
THE DANGERS OF FETAL ALCOHOL SPECTRUM DISORDER**

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BL10231 amended the enactment:

WHEREAS pursuant to Section 8(3)(i) of the *Community Charter*, subject to the Health Act, Council may, by bylaw, regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health of the inhabitants of the City;

AND WHEREAS Council recognizes the dangers of Fetal Alcohol Spectrum Disorder and acknowledges that education and information has proven to be an effective and efficient way to reduce the incidence of fetal alcohol spectrum disorder;

AND WHEREAS Council deems it appropriate to require that warning signs be posted in premises where alcohol is consumed or sold;

NOW THEREFORE the Municipal Council of the City of Kelowna in open meeting assembled enacts as follows:

1.     DEFINITIONS

In this bylaw:

"licensed establishment" means any establishment licensed under the provisions of the Liquor Control and Licensing Act;

"post" includes the act of keeping continuously displayed; and

"proprietor" means the person who controls, governs or directs the activities carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof.

2.     SIGN LOCATIONS

The proprietor of every licensed establishment shall post signs that warn of fetal alcohol syndrome as follows:

- (a)     In licensed premises which are permitted to sell alcoholic beverages for off-premises consumption, there shall be at least one sign displayed in a conspicuous place which is clearly visible to customers as they enter the premises where the sale or dispensing of the alcoholic beverage takes place.

BL7707 and BL10231 amended Section 2(b):

- (b)     In licensed premises which permit the consumption of alcoholic beverages on the premises, one sign shall be conspicuously displayed in each public washroom located within the premises and at least one sign shall be displayed in a conspicuous place which is clearly visible to customers as they enter the premises where the sale or dispensing of the consumption of the alcoholic beverage takes place.

- (c) In all Provincial Government liquor outlets which sell alcoholic beverages for off-premises consumption, there shall be at least one sign displayed in a conspicuous place which is clearly visible to customers as they enter the premises where the sale of the alcoholic beverage takes place.

BL7707 amended Section 3:

3. SIGN SPECIFICATIONS

All sign required to be posted pursuant to this bylaw shall conform to the following specifications:

- (a) All signs shall include the text "City of Kelowna Bylaw No. 7538" in letters not less than one-half of the height of all other letters on the sign.
- (b) Each sign shall have a minimum dimension of 21.5 cm (8 1/2 inches) by 21.5 cm (8 1/2 inches).
- (c) Except for the text specified in Sub-section (a), the size of lettering shall not be less than 1 cm (3/8 inch) in height.
- (d) Lettering may be either upper or lower case or a combination thereof, but "letter height" when used in this section means the actual height of a letter whether or not it is in upper or lower case.
- (e) The wording on the sign shall be as follows:  
  
**"WARNING - DRINKING DISTILLED SPIRITS, BEER, COOLERS, WINE AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS"**  
  
and shall be substantially in the form and style as shown on Schedule "A" attached to and forming part of this bylaw.
- (f) Signs shall consist of at least two contrasting colours, or if the lettering is to be applied to a clear panel, then the lettering shall contrast to the colour of the background.

4. VIOLATIONS

No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this bylaw.

5. PENALTY

Any person who contravenes the provisions of this bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00).

Consolidated Bylaw No. 7538 – Page 3.

6. This bylaw may be cited as "City of Kelowna Fetal Alcohol Spectrum Disorder Sign Bylaw No. 7538".
7. This bylaw shall come into full force and effect on the first day of January, 1995.

Read a first, second and third time by the Municipal Council this 19th day of July, 1994.

Approved by the Minister of Health this 6th day of October, 1994.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 31st day of October, 1994.

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"James H. Stuart"

Mayor

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"D.L. Shipclark"

City Clerk

BYLAW NO. 7538

SCHEDULE "A"

# **WARNING:**

**Drinking Distilled  
Spirits, Beer, Coolers,  
Wine and Other  
Alcoholic Beverages  
During Pregnancy  
Can Cause  
Birth Defects.**

**CITY OF KELOWNA BYLAW NO. 7538**