

SMOKING
BY-LAW NO. 2388

A BY-LAW of the Town of Hay River to prohibit and regulate Smoking in public places;

PURSUANT TO *Section 148 of the Cities, Towns and Villages Act, R.S.N.W.T., 1988 c. C-8 or Hamlets Act, S.N.W.T. 2003, c. 22, s. 43.*;

WHEREAS a Council may make by-laws pursuant to Section 148 of the *Cities, Towns and Villages Act Hamlets Act, S.N.W.T. 2003, c. 22, s. 43.* respecting public health and contagious diseases, and, specifically, prohibiting or regulating Smoking in public places; and

WHEREAS it is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the Town of Hay River, to prohibit or regulate Smoking, or both, in public places in the Town of Hay River as hereinafter set out;

NOW THEREFORE, THE COUNCIL OF THE Town of Hay River, in regular session duly assembled, enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "**Smoking By-law**".

INTERPRETATION

2. In this by-law:

"Cannabis"	means a cannabis plant and anything referred to in Schedule 1 of the Cannabis Act (Canada), but does not include anything referred to in Schedule 2 of that Act;
"Childcare Centre"	means an establishment provided for the care of children which is operated by municipal, territorial or federal governments or is privately owned or operated.
"Cultural and Sports Facility"	means a cultural and sports facility in respect of which a cultural and sports facility license has been issued pursuant to the <i>Liquor Act</i> ;
"Health Care Clinic"	means any place in which medical, dental, optical, physiotherapy, chiropractic, therapeutic massage or other similar health services are provided or arranged but does not include a hospital;

"Hospital"	means an institution operated for the care of the diseased, injured or sick people and includes a nursing station and a health centre;
"Officer"	means a person who is appointed in accordance with the <i>Cities, Towns and Villages Act</i> as a By-law Officer to enforce the by-laws of the Town of Hay River or any Peace Officer who is authorized to enforce the by-laws of the Town of Hay River;
"Place of Employment"	means any indoor place of work other than: <ul style="list-style-type: none">(i) a private home which also serves as a place of work; or(ii) a workplace occupied solely by an independent contractor or only by the partners to a partnership.
"Post"	means the erection or placing of a sign and includes the act of keeping the sign continuously displayed;
"Proprietor"	means: <ul style="list-style-type: none">(i) the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this by-law and includes any person in charge thereof or any person who controls, governs or directs the activity carried on therein;(ii) the owner or driver of a taxi cab;(iii) the owner or driver of a public bus or other form of public transportation;(iv) the owner or driver of a school bus;(v) the governing body of a hospital, health care facility, school or college;
"Public Place"	means all or any part of a building, structure or facility, whether covered by a roof or not, to which the public has access as of right or by express or implied invitation, including <ul style="list-style-type: none">(a) the buildings and grounds of a school as defined

in subsection 1(1) of the Education Act;
(b) a facility as defined in the Hospital Insurance and Health and Social Services Administration Act,
(c) an outdoor bus shelter,
(d) a building, structure or facility, or any part of a building, structure or facility, that is used for private events,
(e) a building, structure or facility, or any part of a building, structure or facility, that is owned or leased by a private club.

"Service Counter"	means a counter at which one or more persons are standing awaiting service of any kind, but does not include a counter or desk where the customer is seated to do business;
"Service Line"	means a line of one or more persons standing awaiting service of any kind, and includes but is not limited to sales, transactions, provision of information or advice and the exchange or transfer of money or goods;
"Smoke" or Smoking"	means to inhale, exhale, burn, carry or control a lighted cigarette, cigar, pipe, or other equipment that burns any substance, including without limitation tobacco and Cannabis, or generates smoke, and includes Vaping;
"Town"	means the Town of Hay River;
"Town Recreational Property"	means outdoor parks or sports field and recreation Facilities"
"Vaping"	means the use of an electronic cigarette, vaporizer, or other similar equipment used to vaporize any substance whether or not it contains nicotine.

SMOKING RESTRICTIONS

3. No person shall Smoke:
- (a) in a public place;
 - (b) in the common areas of residential buildings that are generally open to and accessible by the public or generally available for common use by the occupants including, but not limited to, hallways, foyers, stairways, elevators, escalators, laundry rooms, washrooms and amenity areas;
 - (c) in any place of employment;
 - (d) in a taxi cab or limousine, whether on or off duty;
 - (e) in a school bus, transit bus or other form of public transportation or in a transit shelter used for any of these forms of transportation;
 - (f) while standing in or near a service line or service counter;
 - (g) in a cultural or sports facility;
 - (h) in a hotel or motel room designated by the proprietor as non-Smoking;
 - (i) in a childcare centre, or on the grounds thereof;
 - (j) in a health care clinic;
 - (k) in a hospital or the grounds thereof, except in a Smoking area designated as such by the proprietor; or
 - (l) in any facility or vehicle lease, owned, rented, chartered, or operated by the Town, except:
 - (i) in an exterior Smoking area designated as such by the Town; or
 - (ii) when it is part of a cultural or spiritual ceremony.
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GENERAL PROVISIONS

4. Notwithstanding the specific provisions listed elsewhere in this by-law, the proprietor of any building, or other indoor premise not listed in this by-law, may designate all or any portion of such premises as a non-Smoking area by posting therein no Smoking signs in accordance with this by-law.
5. When the proprietor of any premises has designated the premises or a portion thereof as a non-Smoking area or where this by-law prohibits Smoking in all or a portion of the premises, the proprietor shall:
 - (a) post signs in conspicuous locations as prescribed in this by-law; and
 - (b) not permit Smoking in the premises or portion thereof which has been designated a non-Smoking area.
6. No person shall smoke in a non-Smoking area designated by a proprietor or established pursuant to this by-law.
7. No proprietor shall place ashtrays or similar receptacles on tables or other locations where Smoking is prohibited by this by-law.
8. Nothing herein authorizes Smoking in an area where prohibited by federal or territorial laws or regulations.

SIGNS

9. The proprietor of any building, structure, space, place or area where Smoking is prohibited by this by-law shall post a sign in proximity to the main entrance bearing the text

"THIS IS A SMOKE-FREE ENVIRONMENT - NO SMOKING".
 10. All signs required to be posted pursuant to this by-law shall conform to the following specifications:
 - (a) all signs shall include the words "Town of Hay River By-law No. 2388" in letters not less than one-half (2) of the height for signs with letter height of three (3) centimeters and not less than one-quarter (1/4) of the height of letters on all other sizes of signs;
 - (b) any sign posted to designate no Smoking shall display the international symbol as set out in Schedule "A", attached hereto and forming part of this by-law. Such graphic symbol shall occupy not less than twenty-five (25%) percent of the size of the sign;
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- (c) signs shall consist of at least two (2) 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;
- (d) all signs used to identify Smoking or non-Smoking areas shall be placed at a height and location easily seen by a person in the premises, and shall not be obscured in any way;
- (e) the size of lettering for signs shall be based upon heights and viewing distances as set out in Schedule "B" attached hereto and forming part of this by-law;
- (f) lettering may be in either upper case 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.

11. No person shall remove, alter, conceal, deface or destroy any sign posted by any person pursuant to this by-law.

PENALTIES

12. Any corporation which fails or neglects to perform the duties or requirements imposed upon it under the provisions of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000).

13. Any individual, other than a corporation, who contravenes any of the provisions or requirements of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000).

14. An Officer may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* and regulations, to any person who violates any provision of this by-law and such individual or corporation may, in lieu of prosecution, pay the Town the voluntary penalty, for the offense as listed in Schedule C, attached hereto and forming part of this by-law, prior to the court date specified on the ticket.

15. Should any provision of this by-law be found to be invalid then such invalid provision shall be severed and the remaining by-law shall be maintained.

REPEALS

16. By-law Nos. 1782/GEN/01.

EFFECT

17. This by-law shall come into effect on the date of its final passing.

READ a first time this 23rd day of October 2018.



Mayor

READ a second time this 23rd day of October 2018



Mayor

READ a third and final time this day of 2018.

Mayor

CERTIFIED that this bylaw has been made in accordance with the requirements of the Cities, Towns and Villages Act, S.N.W.T., 2003, c.22, in force April 1, 2004 and the bylaws of the Municipal Corporation of the Town of Hay River this day of 2018.

Senior Administrative Officer

TOWN OF HAY RIVER
BY-LAW NO. 2388
Schedule A



TOWN OF HAY RIVER
BY-LAW NO. 2388
Schedule B

The size of lettering for all signs shall be not less than the following heights based upon the following maximum viewing distances in direct line of sight:

<u>Viewing Distance</u>	<u>Letter Height</u>
3 m or less	2 cms
6 m or less	5 cms
12 m or less	7 cms
24 m or less	10 cms
24 m or more	15 cms

TOWN OF HAY RIVER
BY-LAW NO. 2388
Schedule C

Voluntary Penalties

Corporation	1 st Offence	\$1,000.00
	2 nd Offence	\$2,000.00
	3 rd Offence	\$5,000.00
Individual	1 st Offence	\$ 100.00
	2 nd Offence	\$ 200.00
	3 rd Offence	\$ 500.00