

**R.M. of Edenwold No. 158**  
**Bylaw No. 2018-42**

**A Bylaw to regulate smoking and vaping in public places.**

The Council of the Rural Municipality of Edenwold No. 158 in the Province of Saskatchewan enacts as follows:

1. In this bylaw the expression:
  - (a) "cannabis" means cannabis as defined in *The Cannabis Control (Saskatchewan) Act* and includes any products containing cannabis;
  - (b) "outdoor public place" means any outdoor area of municipally-owned, controlled or operated property that is open to the public or which the public is customarily admitted or invited, and includes any outdoor recreational facility, utility easement, floodplain or buffer strip but does not include a street or sidewalk except during any outdoor public event, in which case a street or sidewalk being used as part of an outdoor public event is no longer excluded;
  - (c) "enclosed public place" means all or any part of a building or other enclosed place to which the public is customarily admitted or invited and includes municipally-owned offices and facilities;
  - (d) "sidewalk" means the sidewalk constructed on or adjacent to a part of a street or that portion of a street intended primarily for use by pedestrians and does not include a pedestrian mall, public square or plaza or any part thereof;
  - (e) "smoke or smoking" means to inhale, exhale, burn, carry or control a lighted cigarette, cigar, pipe, or similar equipment that burns any substance (including cannabis) or generates smoke, and includes the use of a hookah pipe, water pipe or bong;
  - (f) "street" means any street, alley or other road designed and intended for or used by the general public for the passage of vehicles, and includes any area primarily intended to be used for the parking of vehicles and the necessary passageways on that area; and does not include a pedestrian mall, public square or plaza or any part thereof;
  - (g) "vape or vaping" means the use of an electronic cigarette, vaporizer, or any other heated smoking equipment used to vaporize any substance (including cannabis), whether or not it contains nicotine;
  - (h) "vape retail store" means a fully enclosed premises where the sole function of the premises is the sale of electronic cigarettes, vaporizers and other heated smoking equipment; and
  - (i) "walkway" means an outdoor pathway meant exclusively for pedestrian and cyclist use.
2. Outdoor Public Seating Areas
  - (a) No person shall smoke or vape in any outdoor seating area.
  - (b) The owner of any outdoor public seating area shall ensure that signs indicating that smoking and vaping is prohibited are displayed in a conspicuous location at all entrances to the outdoor public area and at least one sign in a conspicuous location in each outdoor seating area or waiting area.
  - (c) The absence of a sign as required by section 2(b) does not relieve any person from compliance with section 2(c) of this Bylaw.
  - (d) No owner of an outdoor public seating area shall permit smoking or vaping within that area.
3. Outdoor Public Place
  - (a) No person shall smoke or vape in any outdoor public place.
4. Public Places
  - (a) No person shall smoke or vape within 10 meters of any doorway, window or air intake of an enclosed public place.
  - (b) No person shall vape in any enclosed public place.
5. Cannabis Smoking Prohibited
  - (a) No person shall smoke or vape cannabis in any outdoor seating area.



- (b) The owner of any outdoor public seating area shall ensure that signs indicating that smoking and vaping is prohibited are displayed in a conspicuous location at all entrances to the outdoor public area and at least one sign in a conspicuous location in each outdoor seating area or waiting area.
- (c) The absence of a sign as required by section 5(b) does not relieve any person from compliance with section 5(a) of this Bylaw.
- (d) No owner of an outdoor public seating area shall permit smoking or vaping within that area.
- (e) No person shall smoke, vape, or otherwise consume cannabis on any publicly owned property, including parks, playgrounds, streets, walkways, or sidewalks.

6. Exemptions

- (a) Nothing in this Bylaw prohibits a person from smoking or vaping for the purposes of traditional spiritual or cultural practices or ceremonies if smoking or vaping is an integral part of traditional spiritual or cultural practices or ceremonies being carried out with the consent of the owner of that place.
- (b) The onus to prove that the exemption in section 6(a) applies shall be on the person alleged to be in violation.
- (c) Nothing in this Bylaw prohibits a person from vaping for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within a vape retail store.
- (d) Council may consider and approve any further exemption for an outdoor public event.

7. Penalties

- (a) A person contravening any provisions of this bylaw shall be guilty of an offence and is liable to a penalty of:
  - i. First offence \$100.00
  - ii. Second offence \$200.00
  - iii. Third offence \$500.00
- (b) A person contravening any provisions of this bylaw with four or more offences shall be guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of the Municipality.
- (c) A person contravening any provisions of this bylaw who has been served with a summons ticket and the penalty amount is \$500.00 or less and who wishes to plead guilty and pay a voluntary payment within 14 days of the date of the summons ticket, may deliver the summons and an amount equal to 50% of the specified penalty sum for the offence to a place indicated on the summons ticket on or before the date specified on the summons.

8. This Bylaw shall come into force and take effect on the date of the final reading and approval of Council.

First Reading: August 14<sup>th</sup>, 2018  
 Second Reading: October 23<sup>rd</sup>, 2018  
 Third Reading: October 23<sup>rd</sup>, 2018

CERTIFIED A TRUE AND CORRECT COPY OF

Bylaw 2018-42

DATED AT BALGONIE, SASK.

THIS 23rd DAY OF October 2018

  
 \_\_\_\_\_  
 Reeve

  
 \_\_\_\_\_  
 Administrator

