

CITY OF PRINCE ALBERT

BYLAW NO. 28 OF 2018



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OFFICE CONSOLIDATION

SMOKING IN PUBLIC PLACES BYLAW

BYLAW NO. 28 OF 2018

Including the Following Amendments:

AMENDMENTS

Bylaw No. 33 of 2018

DATE PASSED

October 22, 2018

CITY OF PRINCE ALBERT BYLAW NO. 28 OF 2018

A Bylaw of The City of Prince Albert to regulate the conduct and activities related to smoking by people in public places.

WHEREAS the Council of The City of Prince Albert deems it desirable to promote safe, enjoyable, and reasonable use of public places for the benefit of all residents and visitors.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as “The Smoking in Public Places Bylaw.”

DEFINITIONS

2. In this Bylaw:
 - (a) “Building” means an enclosed or substantially enclosed building or structure and, without limiting the generality of the foregoing, includes any bus shelter.
 - (b) “Bylaw Enforcement Officer” means a person appointed by Council pursuant to Section 337 of *The Cities Act, 2002*.
 - (c) “City” means the City of Prince Albert.
 - (d) “City Manager” means the chief administrative officer of the City.
 - (e) “City Vehicle” means any motor vehicle either owned by the City or with respect to which the City is the lessee.

- (f) “Council” means the Council of the City of Prince Albert.
- (g) “Designated Smoking Area” means an identifiable location outside of a facility in which smoking is permitted.
- (h) “Director” means the Director of Community Services of the City of Prince Albert or designate.
- (i) “Electronic Cigarette” means a handheld device containing a liquid that is vapourized and inhaled, and includes but is not limited to electronic cigarettes, e-cigarettes, vapourizer cigarettes, personal vapourizers, and electronic nicotine delivery systems.
- (j) “Electronic Cigarettes Retailer or a Vape Store Retailer” means a fully enclosed premises where the sole function of the premises is the sale of electronic cigarettes and electronic cigarette products, and for which a valid City business license has been issued pursuant to Bylaw No. 2 of 2014, Business License Bylaw.
- (k) “Facility” means buildings or improvements owned or operated by the City, whether under a joint-use agreement or otherwise, and land, parking lots, driveways and passageways for ingress and egress ancillary thereto.
- (l) “No Smoking Area” means any public place, or portion of a public place, designated by temporary or permanent signage or other marking as a no smoking area.
- (m) “Park” means land owned by the City whether controlled by a person under contract with the City or otherwise.
- (n) “Patio” means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food and beverages.
- (o) “Playground” means a permanently mounted structure or collection of structures designed and intended for recreational use by children.
- (p) “Public Vehicle” means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- (q) “Seasonal Skating Rink” means an outdoor ice surface on which members of the public are permitted to skate, whether on payment of any fee or not, and includes public lakes, ponds, and outdoor rinks with boards or other ice support infrastructure.

- (r) “Skate Park” means an area designed and intended specifically for the use of skateboards, bikes, in-line skates, or similar devices.
- (s) “Smoke” or “Smoking” means to smoke, hold, or otherwise have control over an ignited tobacco product, ignited marijuana product or any other similar ignited product designed to be inhaled through the mouth or to use, hold, or otherwise have control over an electronic cigarette or Hookah pipe. This excludes the legal consumption of marijuana on Private Property as outlined in the Government of Saskatchewan’s Cannabis Framework.
- (t) “Sports Field” means an outdoor area designed and intended for use in a specific sporting event and includes soccer fields, football fields, baseball diamonds, tennis courts, basketball courts, and similar areas but does not include golf courses.
- (u) “Tobacco Product” means a product manufactured from tobacco and intended to be smoked including, but not limited to, a cigarette or a cigar.
- (v) “Water Spray Park” means a structure or collection of structures that spray or release water which is designed and intended for recreational use.
- (w) “Window” means a window that can be opened to admit air.

(33/2018, s.1a)

GENERAL PROHIBITIONS

- 3. A person shall not smoke or vape:
 - (a) Inside a building;
 - (b) On a restaurant patio;
 - (c) Inside a public or City vehicle;
 - (d) Within 9 m from a main entrance and 6 m from a secondary doorway, window or air intake of a building or patio;
 - (e) Within 9 m from an outdoor spectator area, public playground, seasonal skating rink, skate park, basketball or tennis court, sports field, outdoor paddling pool or spray park;
 - (f) Within all areas of the Kinsmen Water Park;
 - (g) At Little Red River Park during a fire ban;

- (h) At a facility with a designated smoking area except within the designated smoking area.

(33/2018, s.1b)

SIGNAGE

- 4. The owner of any area under Section 3 shall ensure that signs indicating that smoking and vaping is prohibited are displayed in a clearly visible location at all entrances to the public area.
- 5. Signs required under section 4 must:
 - (a) be at least 12.7 centimetres x 12.7 centimetres in size;
 - (b) include, in black or red on a white background, the international symbol designating no smoking, with the symbol having a diameter of at least 9 centimetres;
 - (c) include the words: "Smoking and Vaping Prohibited" or "No Smoking or Vaping".
- 6. The absence of a sign as required by Sections 4 and 5 does not relieve any person from compliance with Section 3 of this Bylaw.

EXEMPTIONS

- 7. Nothing in this part Bylaw prohibits a person from smoking or holding lighted tobacco or tobacco related products for the purposes of traditional spiritual or cultural practices or ceremonies, if the product is an integral part of the traditional spiritual or cultural practices or ceremonies being carried out with the consent of the owner.

8. The onus to prove that the exemption in Section 7 applies shall be on the person alleged to be in violation.
9. Nothing in this part shall restrict smoking on property designated as an Urban Reserve.
10. 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.
11. Nothing in this part shall restrict a person from smoking in an area of a building designed, intended and used exclusively as a private residence.

ENFORCEMENT

12. Any person who contravenes any provision of this Bylaw, *The Tobacco Control Act* of Saskatchewan, or any Bylaw or Act as may be passed in their stead from time to time is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$2,000 in the case of an individual or \$5,000.00 in the case of a corporation.
13. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each occasion on which it continues and a person guilty of such an offence is liable to a fine in the amount not less than that established by this Bylaw for each such occasion.
14. The following fine amounts have been established:

- (a) \$220.00 for any offence for which a fine is not otherwise established in this section.
 - (b) Double this fine amount, \$440.00, for any subsequent offence.

- 15. A subsequent offence means an offence committed by a person within one (1) year after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.

- 16. When a Police Officer or Bylaw Enforcement Officer issues a summary offence ticket for a violation of this Bylaw, the Police Officer or Bylaw Enforcement Officer may enter on the ticket the amount of \$220.00 plus any applicable surcharges which, if paid within the prescribed time, will be accepted as a guilty plea to the offence.

- 17. Without restricting any other power, duty or function granted by this Bylaw, a Police Officer or Bylaw Enforcement Officer may:
 - (a) Carry out any inspections to determine compliance with this Bylaw;
 - (b) Take any steps or carry out any actions required to enforce this Bylaw;
 - (c) Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) Establish areas where activities otherwise regulated, restricted or prohibited by this Bylaw are permitted;
 - (e) Delegate any powers, duties or functions under this Bylaw to an employee of the City.
 - (f) Evict, or deny admission, or the right to gain entry to a park or facility, or the right to any privilege associated with the use or occupation of a park or

facility, to any person who he or she reasonably believes to have attempted or impeded with the enjoyment of any person attending a park of facility or participating in an activity or performance.

COMING INTO FORCE

13. That Bylaw No. 19 of 1993 and all amendments be repealed.
14. This Bylaw shall come into force and take effect from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 16TH DAY OF JULY, AD 2018.

READ A SECOND TIME THIS 16TH DAY OF JULY, AD 2018.

READ A THIRD TIME AND PASSED THIS 7TH DAY OF AUGUST, AD 2018.

"Greg Dionne"
MAYOR

"Terri Mercier"
A/CITY CLERK