

By-Law 2236-19
City of Winkler

Being a By-law of the City of Winkler

To Amend Smoking By-Law No. 2215-18

Being a By-law under “The Municipal Act” and “The Non-Smokers Health Protection and Vapour Products Act” to regulate smoking within the City of Winkler. The Council of the City of Winkler in meeting duly assembled enacts as follows;

1. By-Law Name

This By-law may be referred to as the “Smoking By-Law”.

2. Definitions

Unless otherwise expressly provided, or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the words and expressions in “The Non-Smokers Health Protection and Vapour Products Act” of Manitoba.

- a) “City” means City of Winkler;
- b) “Municipal Public Building” means all City owned buildings;
- c) “Outdoor Seating Area” means an outdoor area or structure commonly referred to as a patio, deck, terrace, or rooftop, whether enclosed or not, that is open to the public or to which the public is customarily admitted or invited that is operated as part of a restaurant or licensed premises;
- d) “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;
- e) “Vape” or “Vaping” means the use of an electronic cigarette, vaporizer, or any other heated smoking equipment used to vaporize any substance whether or not it contains nicotine;
- f) “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;

3. Outdoor Seating Area

- a) No person shall smoke or vape in any outdoor seating area
 - i. The owner of any area to which section 3(a) applies must ensure that signs indicating smoking and vaping are prohibited are displayed in a conspicuous location at all entrances to the outdoor seating area;
 - ii. The absence of a sign required in section 3(a)(i) does not relieve any person from compliance of this By-law;
 - iii. No owner shall permit smoking or vaping in any outdoor seating area;

4. Public Places

No person shall smoke or vape:

- a) Within 15 meters outside of any doorway, window, or air intake of an enclosed Municipal Public Building;

- b) Within 15 metres of swimming pools, wading pools, spray pads or spray parks downed or operated by the City of Winkler.
- c) In any enclosed public place;
- d) In a transit shelter or bus stop;
- e) Inside a motor vehicle or equipment owned or leased by the City.
- f) Within 15 metres of athletic fields or hockey rinks owned or operated by the City of Winkler, during a youth event.
- g) On playgrounds and skate parks owned or operated by the City of Winkler.

5. Exception

Nothing in this By-law 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.

6. Cannabis

The consumption of cannabis is not permitted in any indoor and outdoor public spaces under The Non-Smokers Health Protection And Vapour Products Amendment Act.

7. Offence

- a) Any person who contravenes any provision of this By-law shall pay the administrative penalty outlined in Schedule A of the Enabling By-law No. 2174-17 or request a review by a screening officer in accordance with Part II of said by-law.
- b) That the amount of the administrative penalties set out in Schedule "A" to Enabling By-Law No. 2174-17 may be amended from time to time by resolution of Council.

8. Enforcement

For the purpose of enforcement of this By-law, the following persons are designated officers:

- a) Any member of the Winkler Police Service;
- b) City of Winkler By-Law Enforcement Officer

9. Repeal

THAT By-Law No. 1776-03 is hereby repealed

DONE AND PASSED in open Council assembled in the City of Winkler on this 11th day of June, 2019.

Mayor

City Manager

Read the first time this 28th day of May, 2019

Read the second time this 11th day of June, 2019

Read the third time this 11th day of June, 2019

Administrative Penalties

Added to Schedule A of Enabling By-law No. 2174-17

and amended from time to time by resolution.

Contravention	Individual Penalty	Corporation Penalty
3(a) Smoke or Vape in outdoor seating area	\$150.00	N/A
3(a)(i) No signage for outdoor seating area	\$150.00	\$300.00
3(a)(iii) Owner permits smoking or vaping	\$250.00	\$500.00
4(a) Smoke or Vape within 15 meters of a municipal public building	\$150.00	N/A
4(b) Smoke or Vape within the Winkler Aquatic Centre	\$150.00	N/A
4(c) Smoke or Vape in enclosed public place	\$150.00	N/A
4(d) Smoke or Vape in transit shelter or bus stop	\$150.00	N/A
4(e) Smoke or Vape in vehicle owned or leased by City	\$150.00	N/A
4(f) Smoke or Vape within 15 meters of athletic fields or hockey rinks, during a youth event	\$150.00	N/A
4(g) Smoke or Vape on playgrounds and skate parks	\$150.00	N/A
6 – Smoking, Vaping or Consumption of Cannabis in public	\$300.00	N/A