

**TOWN OF HEALTHIER LIVING
BY-LAW #XXXXX**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF HEALTHIER LIVING IN THE NORTHWEST TERRITORIES TO PROHIBIT AND REGULATE SMOKING IN PUBLIC PLACES.

WHEREAS pursuant to Section 102, of the Cities, Towns and Villages Act of the Northwest Territories, R.S.N.W.T. 1988, c. C-8, and subsequent amendments thereto, which state:

AND WHEREAS a Council may make by-laws pursuant to Section 102 of the *Cities, Towns and Villages Act* 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 Healthier Living**, and especially its children, to prohibit or regulate smoking, or both, in the **Town of Healthier Living** as hereinafter set out;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the **Town of Healthier Living**, in Council duly assembled, enacts as follows:

SHORT TITLE

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

DEFINITIONS

2. In this by-law, the following terms shall have the following meanings:
 - a. "**Canteen**" means a military or quasi-military mess or the canteen facility of a fire hall in respect of which a canteen license has been issued pursuant to the *Liquor Act*;
 - b. "**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;

- c. "**Club**" means a social, sporting, community, benevolent or fraternal order or society, or any branch of it, in respect of which a club license has been issued pursuant to the *Liquor Act*;
- d. "**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 *Liquor Act* ;
- e. "**Health Care Clinic**" means any place in which medical, dental, optical, physiotherapy, chiropractic or other similar health services are provided or arranged but does not include a hospital;
- f. "**Hospital**" means an institution operated for the care of the diseased, injured or sick people and includes a nursing station, health centre and a nursing home
- g. "**Licensed Dining Room**" means a dining room in respect of which a dining room license has been issued pursuant to the *Liquor Act*;
- h. "**Officer**" means a person who is appointed in accordance with the *Cities, Towns and Villages Act* as a By-law Officer to enforce the by-laws of the Town of Healthier Living or any Peace Officer who is authorized to enforce the by-laws of the Town of Healthier Living; "Place of Employment" means any indoor place of work other than:
 - 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
- i. **“Outdoor Public Place”** includes
 - i. Playground Area, which includes swings, slides, climbing apparatus, play sand area, benches, gazebos or shade structures, ledge rocks, or any area that differentiates the playground;
 - ii. Outdoor Recreational Field, which includes all playing fields such as soccer pitches, lacrosse fields and boxes, multi-purpose fields, baseball diamonds, players benches and warm-ups areas, side lines and spectator seating areas;
 - iii. Outdoor Recreational Facilities, which include but are not limited to areas for playing sports or for other activities including splash pads, tennis courts, multi-purpose courts, skateboard parks, bocce courts, lawn bowling green, field houses and club houses, off leash dog parks, beaches, picnic shelters and designated picnic areas;
 - iv. Public entrances and exits to all municipal buildings where municipal services are provided;
 - v. Parkettes which includes small park generally characterized with limited playground equipment;
 - vi. Municipal Events Area during Town organized events except within a specific designated smoking area.;
 - vii. Community Gardens
 - i. **“Post”** means the erection or placing of a sign and includes the act of keeping the sign continuously displayed;
 - j. **“Private Recreation Facility”** means a private recreational facility in respect of which a private recreational facility licence has been issued pursuant to the *Liquor Act*;
 - k. **“Private Social Function”** means a specific social event for which an entire facility, room or hall has been reserved, at which attendance is limited to people who have been

specifically invited or designated by the sponsor , and are under the control of the sponsor of the event and not the proprietor of the facility , room or hall;

I. **“Proprietor”** means:

- i. the person who controls , governs or direct 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 taxicab;
 - 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;
- m. **“Public Place”** means a building or enclosed structure or portion thereof used for the gathering together of persons for the purposes of education, worship , entertainment , recreation, business or amusement but does not include a place where the entry of persons under the age of 19 years is prohibited by law or the constitution or by-laws governing the use of the place, a private residential dwelling, a private vehicle, a place of employment which is not generally accessible to the public or a place where a private social function is being held;
- n. **“Reception Area”** means the public space of an office or other establishment used for the receiving or greeting of customers , clients or other persons dealing with such office or establishment ;
- o. **“Restaurant”** means a dining room or similar public eating place that is not a licenced premise pursuant to the *Liquor Act* ;
- p. **“Retail Shop”** means any indoor place or premises , booth or stall where goods are displayed or offered for sale by retail, but does not include a restaurant, licenced dining room

or a hotel;

- q. “**Service Business**” means any business that derives the majority of revenue from the provision of services and includes but is not limited to a barber shop, hair salon, real estate office, dry cleaner, mechanical shop, appliance repair shop, travel agency, law firm or accounting firm;
- r. “**Service Counter**” means an indoor 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;
- s. “**Service Line**” means an indoor 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, but does not include a counter or desk where the customer is seated to do business or a service line at a private social function;
- t. “**Smoke or Smoking**” includes the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other organic substance;
- u. “**Smoking Areas**” means an area, designated by the proprietor, in which smoking is permitted and persons under the age of 19 are prohibited.
- !“ **Town**” means the Municipal Corporation of the **Town of Healthier Living**

SMOKING RESTRICTIONS

3. No person shall smoke

- a. in a public place, except as expressly permitted under this by-law;
- b. in an Outdoor Public Space or within 25 m or 65 feet of an Outdoor Public Space;
- c. in the common areas of 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;
- d. in any part of a service business where clients are served;
- e. in any reception area;
- f. in a taxi cab or limousine while operating as such with the Town;
- g. in a school bus, city transit bus or other form of public transportation or in a transit shelter used for any of these forms of transportation;
- h. while standing in or near a service line or service counter in any building generally open to and accessible by the public;
- i. in any part of a retail shop generally open to and accessible by the public;
- j. in a cultural or sports facility;
- k. in a hotel or motel room designated by the proprietor as non-smoking;
- l. in the concourse of a retail shopping centre;
- l. in a childcare centre;
- m. in a health care clinic; or

- n. in a hospital except in a smoking area designated as such by the proprietor;
- 4. No person shall smoke in any facility leased, owned, rented, chartered or operated by the Town.

RESTAURANTS, LICENCED DINING ROOMS, CLUBS, PRIVATE RECREATIONAL FACILITIES AND CANTEENS

- 5. No person shall smoke in an enclosed indoor restaurant, licenced dining room, club, private recreational facility or canteen.
- 6. Notwithstanding clause 5, the proprietor of a restaurant, licenced dining room, club, private recreational facility or canteen may designate the facility as a smoking area.

GENERAL PROVISIONS

- 7. Notwithstanding the specific provisions listed elsewhere in this by-law, the proprietor of any building, or other indoor premise not specifically 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.
- 8. When the proprietor of any premises has designated the premises or a portion thereof as a non-smoking area, he or she shall:
 - a. post signs in conspicuous locations as prescribed in this by-law; and
 - b. request that people desist from smoking in the premises or portion thereof which has been designated a non-smoking area
- 9. No person shall smoke in a non-smoking area designated by a proprietor or established pursuant to this by-law.
- 10. No proprietor shall place ashtrays or similar receptacles on tables

or other locations where smoking is prohibited by this by-law.

SMOKING AREAS

11. Where this by-law and other law permits a smoking area to be designated by a proprietor, such smoking area shall:
 - a. be fully identified by means of signs as provided for by this by-law; and
 - b. not include any area in which smoking is prohibited by any other by-law, statute or regulation.
12. The proprietor of a premises who has established a smoking area shall ensure that smoking is restricted to the smoking area.

SIGNS

13. 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".
14. A proprietor who designates a smoking area under the provisions of this by-law shall post signs:
 - a. in proximity to the main entrance bearing the text "SMOKING IS PERMITTED IN A DESIGNATED SMOKING AREA"
 - b. in the non-smoking area bearing the text "NO SMOKING IN THIS AREA", and
 - c. in the smoking area bearing the text "SMOKING PERMITTED".
15. 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 Healthier Living By-law XXXX**" in letters not less than one-half (1/2) of the height for signs with letter height of three (3) centimetres 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;
- 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 the lettering for signs shall be based upon eights 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.

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

PENALTIES

17. 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 of \$250.00.

18. Any other person who contravenes any of the provisions or requirements of this bylaw is guilty of an offence and liable on summary conviction to a fine of \$100.00.

19. 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 person may, in lieu of prosecution, pay the Town the

applicable voluntary penalty prior to the court date specified on the ticket.

EFFECT

20. If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
21. In the interpretation of this by-law, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust and unincorporated organization.
22. In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.
23. This by-law comes into effect upon its final passage
24. By-law #XXXX is hereby repealed.

READ A FIRST TIME THIS XX DAY OF XX, XXXX A.D.

READ A SECOND TIME THIS XX DAY OF XX, XXXX A.D.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XX, XXXX
A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

Schedule A



Schedule B

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

Viewing Distance	Letter Height
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