

**TOWN OF INUVIK
BY-LAW #2629/H&S/19**

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

PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c. 22 as amended;

AND WHEREAS a Council may make by-laws 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 Inuvik, and especially its children, to prohibit or regulate smoking, or both, in the Town of Inuvik as hereinafter set out;

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

1.0 SHORT TITLE

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

2.0 DEFINITIONS

2.1 In this by-law:

- 1) “**Canteen**” means a military or quasi-military mess or the canteen facility of a fire hall in respect of which a canteen licence has been issued pursuant to the *Liquor Act*.
- 2) “**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.
- 3) “**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.
- 4) “**Club**” means a social, sporting, community, benevolent or fraternal order or society, or any branch of it, in respect of which a club licence has been issued pursuant to the *Liquor Act*.
- 5) “**Council**” means the Council of the Municipal Corporation of the Town of Inuvik.
- 6) “**Cultural and Sports Facility**” means a cultural and sports facility in respect of which a cultural and sports facility licence has been issued pursuant to the *Liquor Act*;
- 7) “**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.
- 8) “**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.
- 9) “**Licensed Dining Room**” means a dining room in respect of which a dining room licence has been issued pursuant to the *Liquor Act*.
- 10) “**Peace Officer**” means any By-law Enforcement Officer of the Town of Inuvik, or any RCMP officer.
- 11) “**Person**” has the meaning given to it in the *Interpretation Act*.
- 12) “**Place of Employment**” means any indoor place of work other than a private home which also serves as a place of work.

- 13) **“Post”** means the erection or placing of a sign and includes the act of keeping the sign continuously displayed.
- 14) **“Private Recreational Facility”** means a private recreational facility in respect of which a private recreational facility licence has been issued pursuant to the *Liquor Act*.
- 15) **“Proprietor”** means:
 - a) 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;
 - b) the owner or driver of a taxi cab;
 - c) the owner or driver of a public bus or other form of public transportation;
 - d) the owner or driver of a school bus; or
 - e) the governing body of a hospital, health care facility, school or college.
- 16) **“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.
- 17) **“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.
- 18) **“Restaurant”** means a dining room or similar public eating place that is not a licenced premise pursuant to the *Liquor Act*.
- 19) **“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.
- 20) **“Senior Administrative Officer”** means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik.
- 21) **“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.
- 22) **“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.
- 23) **“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.
- 24) **“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.
- 25) **“Smoking Area”** means an area, designated by the proprietor, in which smoking is permitted and persons under the age of 19 are prohibited.
- 26) **“Town”** means the Municipal Corporation of the Town of Inuvik.

- 27) **“Town Recreational Property”** means public parks and recreation facilities owned or operated by the Town of Inuvik.
- 28) **“Vaping”** means the use of an electronic cigarette, vaporizer or other similar equipment used to vaporize any substance whether or not it contains nicotine.

3.0 SMOKING RESTRICTIONS

3.1 No person shall smoke:

- a) in a public place;
- b) 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;
- c) in any part of a service business where clients are served;
- d) in any reception area;
- e) in a taxi cab or limousine whether on or off duty;
- f) 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;
- g) while standing in or near a service line or service counter in any building generally open to and accessible by the public;
- h) in any part of a retail shop generally open to and accessible by the public;
- i) in a cultural or sports facility;
- j) in a hotel or motel room designated by the proprietor as non-smoking;
- k) in the concourse of a retail shopping centre;
- l) in a childcare centre;
- m) in a health care clinic;
- n) in a hospital except in a smoking area designated as such by the proprietor; or
- o) on any Town recreational property except:
 - i) in a smoking area designated as such by the Town; or
 - ii) when it is part of a cultural or spiritual ceremony.

3.2 No person shall smoke in any facility leased, owned, rented, chartered or operated by the Town.

4.0 GENERAL PROVISIONS

- 4.1 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.

- 4.2 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) not permit smoking in the premises or portion thereof which has been designated a non-smoking area.
- 4.3 No person shall smoke in a non-smoking area designated by a proprietor or established pursuant to this by-law.
- 4.4 No proprietor shall place ashtrays or similar receptacles on tables or other locations where smoking is prohibited by this by-law.
- 4.5 The Senior Administrative Officer or their designate may assign smoking areas on Town property.
- 4.6 No person shall smoke within three (3) metres of a Public Place, Town Recreational Property, or Public Park.
- 4.7 No person shall smoke inside or within three (3) metres of the doorway of a place as prohibited in section 3.
- 4.8 A proprietor who takes the following steps or ensures that the following steps are taken shall be deemed to have complied with the obligation described in section 6:
- a) advise a smoker that smoking is not allowed and request the smoker to cease smoking;
 - b) ask any smoker who refuses to comply with such request to leave the premises;
 - c) refuse to provide any further service to such person; and,
 - d) immediately report to a Peace Officer any smoker who refuses to cease smoking or who refuses to leave the premises when requested to do so.

5.0 SIGNS

- 5.1 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".
- 5.2 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 Inuvik Smoking By-law" in letters not less than one-half ($\frac{1}{2}$) of the height for signs with letter height of three (3) centimetres and not less than one-quarter ($\frac{1}{4}$) 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 to 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 heights and viewing distances as set out in Schedule B attached to and forming part of this by-law; and

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.

5.3 Any sign that quotes By-law 2089/H&S/03 shall be acceptable for two years following the effective date of this by-law provided that the remaining text complies with the provisions of this by-law.

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

6.0 INSPECTIONS

6.1 For the purpose of determining if the provisions of this by-law are being complied with, the Senior Administrative office is hereby authorized to inspect or to delegate inspections to a Peace Officer.

6.2 No person shall prevent, obstruct or hinder the Senior Administrative Officer or Peace Officer in the course of an inspection pursuant to this by-law.

7.0 PENALTIES

7.1 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 (\$10,000.00).

7.2 Any other person 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 (\$2,000.00).

7.3 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. Specified penalties for offenses under this by-law are listed in Schedule C attached to and forming part of this by-law.

8.0 SEVERABILITY

8.1 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.

9.0 REPEALS

9.1 By-law 2089/H&S/03 and any previous smoking by-laws are hereby repealed.

10.0 EFFECT

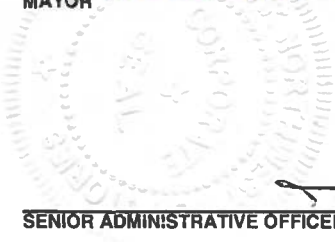
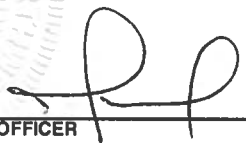
10.1 This by-law shall come into effect upon the day of its final passage.

READ A FIRST TIME THIS 27TH DAY OF MARCH, 2019 A.D.

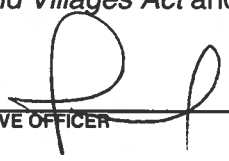
READ A SECOND TIME THIS 27TH DAY OF MARCH, 2019 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF APRIL, 2019
A.D.


MAYOR



SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Town of Inuvik.


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:

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

SCHEDULE C

SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
3.1	Smoke in a prohibited place	\$100.00
3.2	Smoke in Town of Inuvik facility	\$100.00
4.3	Smoke in a designated non-smoking area	\$100.00
4.4	Place ashtrays or similar receptacle in area where smoking is prohibited	\$100.00
4.6	Smoke within (3) meters of a Public Place, Town Recreational Property, or Public Park	\$100.00
4.7	Smoke inside or within (3) meters of a doorway prohibited in section 3.	\$100.00
5.4	Remove, alter, conceal, deface or destroy any sign posted	\$200.00
6.2	Obstruct Peace Officer	\$500.00