

SMOKING (Cannabis) BY-LAW NO. XXX

A BY-LAW of the *Insert community name here* to prohibit and regulate smoking cannabis in public places;

PURSUANT TO *Section 102 of the Cities, Towns and Villages Act, R.S.N.W.T., 1988 c. C-8 or Hamlets Act, S.N.W.T. 2003, c. 22, s. 43.*;

WHEREAS a Council may make by-laws pursuant to *Section 102 of the Cities, Towns and Villages Act Hamlets Act, S.N.W.T. 2003, c. 22, s. 43.* respecting public health and contagious diseases, and, specifically, prohibiting or regulating smoking cannabis in public places; and

WHEREAS it is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the *insert community name here*, to prohibit or regulate smoking cannabis, or both, in public places in the insert community name here as hereinafter set out;

NOW THEREFORE, THE COUNCIL OF THE *insert community name here*, in regular session duly assembled, enacts as follows:

SHORT TITLE

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

INTERPRETATION

2. In this by-law:

"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*;

"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.

"Insert type of community here" means the *insert the formal community name here*;

"Community Recreational Property" means "Public Parks" and "Recreation Facilities"

“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 <i>Liquor Act</i> ;
“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 <i>Liquor Act</i> ;
"Health Care Clinic"	means any place in which medical, dental, optical, physiotherapy, chiropractic, therapeutic massage or other similar health services are provided or arranged but does not include a hospital;
"Hospital"	means an institution operated for the care of the diseased, injured or sick people and includes a nursing station and a health centre;
"Licensed Dining Room"	means a dining room in respect of which a dining room license has been issued pursuant to the <i>Liquor Act</i> ;
"Officer"	means a person who is appointed in accordance with the <i>Cities, Towns and Villages Act/Charter Communities Act/Hamlets Act/Tlcho Community Governments Act</i> as a By-law Officer to enforce the by-laws of the <i>insert community name here</i> or any Peace Officer who is authorized to enforce the by-laws of the <i>insert community name here</i> ;
"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.
"Post"	means the erection or placing of a sign and includes the act of keeping the sign continuously displayed;
“ Private Recreational	means a private recreational

Facility”	facility in respect of which a private recreational facility licence has been issued pursuant to the <i>Liquor Act</i> ;
"Proprietor"	means: <ul style="list-style-type: none">(i) the person who controls, governs or directs 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 taxi cab;(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;
"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 including restaurants, licensed dining rooms, canteens, clubs, cocktail lounges, cultural and sports facilities and private recreational facilities. A private residential dwelling, a private vehicle or a place of employment which is not generally accessible to the public are not considered public places.
"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;
"Restaurant"	means a dining room or similar public eating place that is not a licensed premise pursuant to the <i>Liquor Act</i> ;

"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, licensed dining room or a hotel;
"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;
"Service Counter"	means a 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;
"Service Line"	means a 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;
"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;
"Vaping"	means the use of an electronic cigarette, vaporizer, or other similar equipment used to vaporize any substance whether or not it contains nicotine.

SMOKING RESTRICTIONS

3. 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 City/Town/Hamlet/Community Recreational Property except:
 - (i) in a smoking area designated as such by the City/Town/Hamlet/Community; or
 - (ii) when it is part of a cultural or spiritual ceremony.
4. No person shall smoke cannabis in any facility or vehicle leased, owned, rented, chartered or operated by the City/Town/Hamlet/Community.
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GENERAL PROVISIONS

5. 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.
6. When the proprietor of any premises has designated the premises or a portion thereof as a non-smoking area or where this by-law prohibits smoking cannabis in all or a portion of the premises, the proprietor 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.
7. No person shall smoke in a non-smoking area designated by a proprietor or established pursuant to this by-law.
8. No proprietor shall place ashtrays or similar receptacles on tables or other locations where smoking is prohibited by this by-law.

SIGNS

9. 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
 10. "THIS IS A SMOKE-FREE ENVIRONMENT - NO SMOKING".
 11. All signs required to be posted pursuant to this by-law shall conform to the following specifications:
 - (a) all signs shall include the words "Community Name By-law No. XXX" in letters not less than one-half (2) of the height for signs with letter height of three (3) centimeters 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
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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 lettering for signs shall be based upon heights 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.

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

PENALTIES

13. 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).

14. Any individual, other than a corporation, 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).

15. 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 individual or corporation may, in lieu of prosecution, pay the **City/Town/Hamlet/Community** the voluntary penalty, for the offense as listed in Schedule C, attached hereto and forming part of this by-law, prior to the court date specified on the ticket.

16. Should any provision of this by-law be found to be invalid then such invalid provision shall be severed and the remaining by-law shall be maintained.

REPEALS

17. By-law Nos. **XXX and XXXX** are hereby repealed.

EFFECT

18. This by-law shall come into effect on **insert date here** and when otherwise meeting the requirements of sections **56 and 57 of the *Cities, Towns and Villages Act***.

Read a first time this ___ day of _____, 20__.

Read a second time this ___ day of _____, 20__.

Read a third time this ___ day of _____, 20__.

Signed, certified by the senior administrative officer and sealed this ___ day of _____, 20__.

Mayor

I hereby certify that this bylaw has been made in accordance with the requirements of the **Hamlets Act and the bylaws of the Hamlet of _____**.

Senior Administrative Officer

**INSERT COMMUNITY
NAME HERE**
BY-LAW NO. XXX
Schedule A



**INSERT COMMUNITY
NAME HERE
BY-LAW NO. XXX
Schedule B**

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The size of lettering for all signs shall be not 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 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

**INSERT COMMUNITY
NAME HERE
BY-LAW NO. XXX
Schedule C**

Voluntary Penalties

Corporation	1 st Offence	\$1,000.00
	2 nd Offence	\$2,000.00
	3 rd Offence	\$5,000.00
Individual	1 st Offence	\$ 100.00
	2 nd Offence	\$ 200.00
	3 rd Offence	\$ 500.00
