

## TOWN OF EATONIA

### BYLAW NO. 2/12

#### A BYLAW FOR THE PURPOSE OF REGULATING, CONTROLLING AND PROHIBITING SMOKING AND SMOKELESS TOBACCO IN AND AROUND TOWN BUILDINGS AND TOWN VEHICLES

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Whereas it is deemed expedient and in the public interest to regulate, control and prohibit the smoking and smokeless tobacco in and around town owned facilities;

The Council of the Town of Eatonia in the province of Saskatchewan enacts as follows:

#### **SECTION I:**

##### **Short Title:**

1. This Bylaw may be cited as "*The Smoking Bylaw*"

##### **Purpose:**

2. The purpose of this Bylaw is to promote the safety, health and welfare of people through:
  - (a) the adoption of the restrictions on the smoking or holding of lighted tobacco in certain places as set forth in *The Tobacco Control Act, S.S., 2001 c T-14.1*; and
  - (b) the imposition of additional provisions respecting the smoking or holding of lighted tobacco in certain enclosed public places in the Town of Eatonia that are more restricted than the provisions in *The Tobacco Control Act*.

#### **SECTION II:**

##### **Definitions**

3. In this Bylaw:
  - (a) "Administrator" shall mean the Town Administrator of the Town of Eatonia;
  - (b) "Act" shall mean *The Tobacco Control Act*;
  - (c) "Building" shall mean a building within the meaning of *The Municipalities Act*;
  - (d) "Council" shall mean the Council of the Town of Eatonia;
  - (e) "Municipality" shall mean the Town of Eatonia;
  - (f) "No Smoking Sign" shall mean the depiction of the International "No-Smoking" Symbol;
  - (g) "Property" shall mean land or buildings or both;
  - (h) "Smoke or Smoking" shall mean the holding, or the inhaling of the smoke, of any lighted cigar, pipe or other device used for smoking;
  - (i) "Smokeless Tobacco" shall mean and include any form of chewing tobacco or snuff;
  - (j) "Structure" shall mean anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas;
  - (k) "Tobacco" shall mean tobacco in any form in which it is used or consumed, and includes snuff and raw leaf tobacco, but does not include any food, drug or device that contains nicotine to which the *Food and Drug Act (Canada)* applies;
  - (l) "Town Building" shall mean and include the Administration Building, The Public Works Shop, Fire Hall, Memorial Arena, Swimming Pool, Camp Kitchens, CN Station, Caboose, Eaton House, Community Hall, Water Treatment Plant, Pump Houses, Tax Title Property and Town Sheds;

- (m) "Town Vehicles" shall mean and include all Town owned vehicles and equipment, licensed or unlicensed;
- (n) "Town" mean the Town of Eatonia.

**SECTION III – GENERAL PROHIBITION AND PROVISIONS:**

- 4. No person shall smoke or use smokeless tobacco in and around any Town building or Town vehicles at any time.
- 5. No person shall smoke within five meters (16.25 feet) of any exit or entrance in and around any Town building.
- 6. The Town Administrator, Bylaw Enforcement Officer or Town foreman are hereby authorized to post sign(s) in and around the Town buildings or Town vehicles as deemed appropriate to inform members of the public and staff of any provisions of this Bylaw.

**SECTION IV - Enforcement, Offences and Penalties**

**Enforcement of Bylaw**

- 7. The administration and enforcement of this Bylaw is hereby delegated to the Administrator and Bylaw Enforcement Officer of the Town of Eatonia.
- 8. The Administrator for the Town of Eatonia is hereby authorized to further delegate the administration and enforcement of this Bylaw.

**Offences**

- 9. Any person who contravenes any provisions of this Bylaw is guilty of an offence and liable to a penalty of One Hundred Dollars (\$100.00).
- 10. Where a person has committed or is alleged to have committed a breach of any provisions of this Bylaw, a ticket in Form "A" attached to and forming part of this Bylaw may be served on such person by the Bylaw Enforcement Officer or Administrator. If payment is received or postmarked within seventy-two (72) hours of the issue date, the Town will reduce the required payment to a sum of Twenty-Five Dollars (\$25.00). If payment is received or postmarked within ten (10) calendar days from the date of issuing of the ticket, and accepted by the Town, then the person shall not be liable to further court action.
- 11. No person shall:
  - (a) fail to comply with an order made pursuant to this Bylaw;
  - (b) obstruct or hinder any person acting under the authority of this Bylaw; or
  - (c) fail to comply with any other provision of this Bylaw.
- 12. Every person who contravenes any provision of Subsection 11 is guilty of an offence and liable on summary conviction:
  - (a) in the case of an individual, to a fine of not more than \$10,000;
  - (b) in the case of a corporation, to a fine of not more than \$25,000; and,
  - (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.
- 13. If an individual is convicted of an offence pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than one year, unless the fine is paid sooner.

