

THE TOWN OF LUSELAND

BYLAW NO. 2024-02

A BYLAW TO REGULATE SMOKING, VAPING AND WATERPIPE SMOKING IN PUBLIC PLACES, WORKPLACES, VEHICLES AND PROPERTY

WHEREAS, Section 8 (1) of *The Municipalities Act* provides that Council may pass bylaws for the purposes of the municipality that it considers expedient in relation to the following matters respecting the municipality;

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS Section 10.1, 11 and 11.1 of the Tobacco and Vapor Product Control Act and Regulations authorizes a municipality to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces;

AND WHEREAS waterpipe smoke from both tobacco-based products and non-tobacco “herbal” products contains harmful toxins and chemicals such as particulate matter, polycyclic aromatic hydrocarbons, carbon monoxide and heavy metals, with similar levels of toxins in both tobacco-based and nicotine-free waterpipe smoke;

AND WHEREAS smoking, in general, negatively affects indoor and outdoor air quality for indicators including carbon monoxide and particulate matter, which are themselves associated with impacts on human health;

AND WHEREAS it is desirable for the health, safety and well-being of the inhabitants of the Town of Luseland to prohibit the use of all smoke products in enclosed public places, enclosed workplaces, and other specified areas within the Town of Luseland to protect individuals from conditions hazardous to human health;

AND WHEREAS Legislation states that if a Municipality with Bylaws further restricting tobacco or vapor products, that Bylaw takes precedence over the Provincial requirements. Whichever provision that is more restrictive is the provision that prevails.

NOW THEREFORE, The Council of the town of Luseland, in the province of Saskatchewan, enacts as follows:

I. TITLE

- a. This Bylaw may be referenced as “The Smoking and Vaping Bylaw”

II. DEFINITIONS

1. In this Bylaw:

- a. “ashtray” means a receptacle or similar equipment for tobacco and/or cannabis ashes and for cigarette and cigar butts;
- b. “business” means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service, and includes any activity carried on by a government, government agency, crown corporation, educational institution, municipality, or charitable organization;
- c. “cannabis” means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not. Any substance or mixture of substances that contains or has on it any part of such a plant. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- d. “common area” means any enclosed area of a building that is open to the general public for the purpose of access to a retail shop, establishment or office, and includes but is not limited to corridors, passageways, escalators, stairwells, lobbies, public rest-rooms and elevators;
- e. “council” means the Council of the Town of Luseland
- f. “designated municipal building” means any building or area within or area in Appendix C, attached thereto which it is owned or operated by the Town and which is governed by the scope of this bylaw;

- g. “designated smoking area” means one or more areas designated under section V;
- h. “drinking establishment” means a business where the primary purpose is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises;
- i. “electronic smoking device” means an electronic device, a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapor intended to be inhaled by the user of the device, whether or not the vapor contains nicotine;
- j. “educational institution” means any building or portion thereof used or intended for use as a place in which individuals come for educational purposes, including schools and other such places;
- k. “employee” means a person who performs any work for, or supplies any service to an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer;
- l. “employer” includes an owner, operator, proprietor, manager, superintendent, overseer, receiver, or trustee of an activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it;
- m. “enclosed public place” means the inside of any place, building or structure, or vehicle or conveyance or a part of any of them,
 - i. That is covered by a roof; and
 - ii. To which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;
- n. “enclosed workplace” means the inside of any place, building or structure, or vehicle or conveyance or a part of any of them,
 - i. That is covered by a roof; and
 - ii. That employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time;
- o. “enforcement officer” means anyone appointed and acting under the direction of the Council for the Town of Luseland for the purpose of enforcing the provisions of this Bylaw;
- p. “entrance and exit” means any entrance or exit used by the public and/or staff to enter or exit a building, including windows;
- q. “municipality” means the Town of Luseland
- r. “no smoking or no vaping sign” means a sign prescribed by this Bylaw set out in Appendix B;
- s. “outdoor place of public assembly” means an area outside that is designated or used for public recreation including, but not limited to, parks, playgrounds, sports fields, pool, rink, and includes any lane and walkway leading thereto, any parking lots connected thereto, and any spectator or player seating areas;
- t. “outdoor patio” means an area outside of a building intended for the consumption of food or beverages by patrons;
- u. “personal service establishment” means any building or portion thereof in which members of the public are invited to enter for the purpose of receiving the following, but not limited to, haircuts, manicures, ear-piercing, tanning, spa services, health spa services, massages, tattoos or electrolysis, as the case may be;
- v. “place of public assembly” means a building or portion thereof where members of the public assemble whether by invitation or by general admission for the purposes of worship, entertainment, recreation, business or amusement and includes, without limiting the generality of the foregoing, theatres, convention centers, arenas, rec centers, pool and billiard halls, bowling alleys, bingo halls, curling rinks, halls, libraries, and museums;
- w. “smoke” or “smoking” means the lighting, carrying or smoking of any lighted cigar, cigarette, pipe or any other smoking device;
- x. “smokeless tobacco” means and includes any form of chewing tobacco or snuff;
- y. “town” means the Town of Luseland;
- z. “town administrator” means the Town of Luseland Administrator or other authorized official of the Town of Luseland;
- aa. “vape” or “vaping” means;

- i. Inhaling or exhaling the vapor, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, nicotine, cannabis or any other substance; and
- bb. “waterpipe” means any lighted or heated smoking equipment, whether called a waterpipe or any other name, used to burn or heat tobacco or non-tobacco substance or a combination thereof, with which vapor or smoke may be passed through the water basin before inhalation.

III. PROHIBITION

- 2. No person shall smoke, waterpipe, vape or use smokeless tobacco in any of the following public places except in a designated smoking area established in accordance with Part V of this Bylaw. No proprietor, employer, or employee shall permit the smoking, water piping, or vaping in any of the following public places:
 - a. Common areas;
 - b. Educational Institutions;
 - c. Restaurants;
 - d. Designated Municipal Buildings, as set out in Appendix C attached hereto and forming part hereof;
 - e. Personal Service Establishments;
 - f. Places of Public Assembly;
 - g. Retail Shops;
 - h. Service Lines;
 - i. School Buses;
 - j. Outdoor Places of Public Assembly;
 - k. Outdoor Patios
 - l. Drink Establishments;
 - m. Businesses;
 - n. Common Areas;
 - o. Entrances and Exits;
 - p. Enclosed Public Places; and
 - q. Enclosed Workplaces.
 - r. The prohibitions in this Bylaw shall apply whether or not a notice is posted that smoking and vaping is prohibited.

- 3. A proprietor or employer of a designated place may, where sufficient space exists, ensure that ashtrays are placed more than three (3) meters from the entrance or exit of designated place.
- 4. No person may dispose of ashes, butts or residue of tobacco or cannabis products in anything other than an ashtray, as defined within this Bylaw. Any person who does not comply with this Section is guilty of an offense.
- 5. No person shall smoke or hold lighted tobacco, smoke or hold lighted cannabis, smoke or hold a lighted waterpipe, or use an electronic device within three (3) meters from any entrance or exit

IV. SIGNS

- 6. Subject to Section IV (8) and (9), a person who carries on a business in any of the public places listed in Section III, shall promptly display and keep prominently displayed one or more no smoking no vaping signs.
- 7. The Town Administrator shall post a sign(s) in the Town Buildings and/or Town Vehicles as he/she deems appropriate to inform the staff and public any provisions of this Bylaw.
- 8. A No Smoking No Vaping sign indoors shall state:
 - a. The phrase “No Smoking No Vaping”; and
 - b. A graphic symbol substantially in the form shown on Appendix A attached hereto which shall be a minimum of 15 centimeters high and 20 centimeters wide (5.9” high and 7.8” wide).and may include
 - c. The words Town of Luseland Bylaw No 2024-02
- 9. A No Smoking No Vaping sign outdoors near entrances and exits shall state:
 - a. The phrase “Thank you for not smoking or vaping within 3 meters of doorways, windows, and air intakes”; and

- b. A graphic symbol substantially in the form shown on Appendix A attached hereto which shall be a minimum of 4.5 centimeters high and 14 centimeters wide (1.7" high and 5.5" wide).
 - c. The words Town of Luseland Bylaw No 2024-02
10. A designated smoking and vaping area sign shall state:
- a. "smoking and vaping in this area only"; or
 - b. "smoking and vaping permitted" or
 - c. Words or graphics symbols of similar meaning, an example of which is shown in Appendix B

11. No person shall remove, cover up, mutilate, deface or alter any sign required to be posted.

V. DESIGNATED SMOKING AREAS

12. The owner or operator of a public place listed in section 3, as a matter of policy, may designate one or more smoking areas in the business premises, by prominently posting in those areas a designated smoking and vaping area sign in the following circumstances:
- a. If the area is equipped with a ventilation system that is separate from the ventilation system of the remainder of the building, is under negative pressure and is vented directly to the outdoors;
 - b. If the area is not used for any function other than a smoking and vaping area; and
 - c. If the area is not located in an area in which smoking is prohibited by the Fire Commissioner or under any other law.

VI. EXCEPTIONS

13. Traditional pipe ceremonies are exempt from this Bylaw.

14. This Bylaw does not apply to the portion of a premises used primarily as a private dwelling.

VII. OFFENCES AND PENALTIES

15. Any person who smokes and/or vapes within an area set out in Section III and not within a "smoking area" designated pursuant to Section V is guilty of an offence against this Bylaw.
16. Any owner or proprietor of a business or premises who:
- a. Refuses to warn an individual who is smoking or vaping in the business or premises in any area where they are not permitted to do so under this Bylaw; or
 - b. Permits or allows an individual to continue to smoke in the business or premises in any area where they are not permitted to do so under this Bylaw after being warned

Is guilty of an offence pursuant to this Bylaw.

17. Any owner or proprietor of a business or premises who does not erect or place any of the signage required under section IV is guilty of an offence.
18. Any owner or proprietor of a business or premises who designates smoking areas that are not established as required in section V is guilty of an offence.
19. Any person who is guilty of an offence against any provision of this Bylaw shall be liable on summary conviction to a fine of not more than:
- a. Two Thousand Dollars (\$2,000.00), in the case of an individual; and
 - b. Five Thousand Dollars (\$5,000.00), in the case of a corporation; and

In any case of not less than:

- c. One Hundred Dollars (\$100.00) for a first offence;
- d. One Hundred and Twenty-Five Dollars (\$125.00) for a second offence; and

- e. One Hundred and Fifty Dollars (\$150.00) or more for a third and each subsequent offence.
20. Notwithstanding all sections of VII, where an Enforcement Officer believes that a person has contravened the provisions of any of the sections of this Bylaw, he/she may serve or cause to be served upon such person a Town of Luseland Bylaw Ticket, providing the person is a resident of the Town of Luseland and surrounding district, or a Summary Offence Ticket Information, providing that the person is not a resident of the Town of Luseland and surrounding district, as prescribed by this section.
 21. The Town of Luseland Bylaw Ticket shall be in prescribed form similar to that provided in Appendix D of this Bylaw and shall indicate thereon the Section of the Bylaw which was contravened and the amount of the penalty to be paid as provided in section VII (19) hereunder.
 22. The Summary Offence Ticket Information shall be in prescribed form similar to that provided in Appendix E of this Bylaw and shall indicate thereon the Section of the Bylaw which was contravened and the amount of the penalty to be paid as provided in Section VII (19) hereunder.
 - a. Seventy-Five Dollars (\$75.00) for a first offence;
 - b. One Hundred Dollars (\$100.00) for a second offence; and
 - c. One Hundred and Twenty-five Dollars (\$125.00) or more for a third and each subsequent offence.
 24. Upon production of the Town of Luseland Bylaw Ticket or Summary Offence Ticket Information issued pursuant to section VII (21) or section VII (22) within seven (7) days from the date of service, together with payment as indicated to the Town of Luseland Administrator or designate thereof at the Municipal Office, Luseland, Saskatchewan, it will be accepted as a guilty plea to the offence.
 25. If payment pursuant to section VII (21) or section VII (22) is not received within seven (7) days, a summons shall be issued to the person alleged to have committed the offence, and thereafter the provisions of section VII (21) or section VII (22) shall no longer apply with respect to that offence, and may be liable to further prosecution with fines under section VII (19) being payable on summary conviction.

VIII. SEVERABILITY

26. A decision of the Court that one or more provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts thereof with respect to this Bylaw.

Bylaw No. 2002-12 is hereby repealed.

This Bylaw shall come into force and take effect on the day of approval by the Council of the Town of Luseland.



Kathy runway

 Mayor

[Signature]

 Administrator

Read a third time and adopted this 12 day of March, 2024

[Signature]

 Administrator

APPENDIX "A"

TOWN OF LUSELAND BYLAW NO. 2024-02



APPENDIX "B"

TOWN OF LUSELAND BYLAW NO. 2024-02



Thank you

for not smoking or vaping
within **3 metres** of doorways,
windows, and air intakes.

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Saskatchewan

APPENDIX "C"

TOWN OF LUSELAND BYLAW NO. 2024-02

The Designated Town Buildings shall include the following:

- a. Town Office;
- b. Luseland Mall;
- c. Luseland Salvador Homecoming Hall;
- d. Luseland Arena;
- e. Luseland Swimming pool;
- f. Luseland Fire Hall;
- g. Town Shop;
- h. Town Storage Shop;
- i. Town Recycle Building;
- j. Water Treatment Plant;
- k. Sky Dome;
- l. Fairground Buildings;
- m. Pump Houses;
- n. Airport Building;
- o. Museum; and
- p. Transfer Station.

APPENDIX "D"

TOWN OF LUSELAND BYLAW NO. 2024-02

**NOTICE OF VIOLATION
TOWN OF LUSELAND**



NO. _____

NAME: _____
(PRINT) (LAST) (FIRST) (OTHER) (OTHER) Male () Female ()

DOB: _____

Day, Month, Year

ADDRESS: _____

(CITY) _____ (PROVINCE) _____ (POSTAL CODE) _____

ON THE _____ DAY OF _____, 20____ AT _____
(SASQUATCHWAN)

AT _____ AM / PM
(TIME)

Did unlawfully commit the following offence under:

() BYLAW NO. _____

Section No. _____ (LOCATION)

() BYLAW NO. _____

Section No. _____ (LOCATION)

() BYLAW NO. _____

Section No. _____ (LOCATION)

Description of Offence: _____

VOLUNTARY PENALTY \$ _____

IDENTIFICATION: _____

Licence No. _____ Province: Sask () Other _____

FINE REVENUE IS PAYABLE TO:

Town of Luseland
503 Grand Ave
P.O. Box 130
Luseland, SK S0L 2A0

Name of Enforcement Officer issuing Summons

(Print)

(Signature)

You may make voluntary payment of the above penalty at the Municipal Office of the Town of Luseland during regular office hours or by mail within seven (7) days from the date of service of this Notice of violation.

If you do not make the voluntary payment within the time set out above, you shall be liable to prosecution in Court, and, upon summary conviction, you shall be liable to the penalty provided for under the General Penalty Section of the said bylaw.

APPENDIX "E"

TOWN OF LUSELAND BYLAW NO. 2024-02

TICKET NO.

CERTIFICATE OF OFFENCE
 ON BEHALF OF HER MAJESTY THE QUEEN IN THE PROVINCE OF SASKATCHEWAN THE PEACE OFFICER DECLARES THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT:

NAME _____ (Name) _____ (Address) _____ (City) _____ (Province) _____ (Country)

DRIVERS LICENCE NO. Saskatchewan _____ (Class) _____ (Date of Birth) _____ (MM) _____ (DD) _____ (YYYY) _____ (Sex)

ADDRESS _____ (Address) _____ (City) _____ (Province) _____ (Country)

On the _____ day of _____, 20____ at _____ (Town) _____ (Other) _____ (M) _____ (M)

DO I/AM I/INITIALLY COMMIT THE FOLLOWING OFFENCE UNDER

The Alcohol and Gaming Regulation Act, 1997 The Traffic Safety Act Section Number _____

The Highways and Transportation Act, 1997 The Wildlife Act, 1996

Other _____

Regulations under indicated Act _____ for _____

Bylaw No. _____ for _____

Description of Offence: Exceed Speed Limit of _____ Driver Passenger failing to properly wear seat belt

Other _____

SECTOR 1

PLEASE READ THE BACK OF YOUR COPY CAREFULLY FOR THE OPTIONS AVAILABLE FOR RESPONDING TO THIS TICKET

A payment option of \$ _____ extends which must be paid no later than the _____ day of _____, 20____

Pursuant to The Summary Offences Procedure Act, 1990 this offence relates to:

SECTOR 2

PART B—SUMMONS
 Pursuant to The Summary Offences Procedure Act, 1990 this offence relates to: **SUMMONS**
 If no amount is shown or you choose not to pay the amount shown before your court date, or you intend to plead not guilty you are commended to appear in:

Traffic Court Provincial Court at _____ \$K

on the _____ day of _____, 20____ at _____, IL to answer to the above charge and be further dealt with according to the law.

PART N—OFFENCE NOTICE
 Pursuant to The Summary Offences Procedure Act, 1990 this offence relates to: **OFFENCE NOTICE**
 You are required to pay the amount shown above or respond to this notice under the options granted to you on the back of this notice 30 days before your court date, or appear at:

Traffic Court Provincial Court at _____ \$K

on the _____ day of _____, 20____ at _____, IL to answer to the above charge and be further dealt with according to the law.

CERTIFY that I did, on the _____ day of _____, 20____, issue this ticket _____ (Signature of Peace Officer)

SECTOR 3

THE FOLLOWING DOES NOT FORM PART OF THE CHARGE BUT IS PROVIDED FOR INFORMATION ONLY:

Vehicle Make _____ Type/Make and Model _____ Vehicle Year _____ Vehicle Licence No. _____ Class _____ Saskatchewan Other _____ Licence Exp. Year _____

VEHICLE IS A POWER UNIT, TRUCK, (EXCLUDING PICK-UPS) OR BUS NSC-DOT NO. _____

SECTOR 5

Vehicle was checked at _____ km/hr.

Municipal Police Officer Wildlife Officer Other _____

Highway Traffic Officer Revenue Officer R.C.M.P. _____

_____ (Police Officer Name) _____ (Police Officer Number) _____ (Occupant Ref Number)

COURT ACTION

DATE _____ FOR CROWN _____ FOR ACCUSED _____

PLEA: GUILTY NOT GUILTY FINDING OF THE COURT: STC DEF CONY DISM WORN B/W

FINE _____ BURCHARGE _____ TOTAL _____ I/D _____ OTHER _____ PAID _____

GIVEN UNTIL _____, 20____ TO PAY. DATE AND PLACE OF JUDGMENT _____, 20____

AT _____ SASKATCHEWAN, _____ (Letter on 1st side of this page)

PART 1

**S-63.1 REG 2 SUMMARY OFFENCES PROCEDURE, 1991
 Appendix PART 1
 Forms FORM A