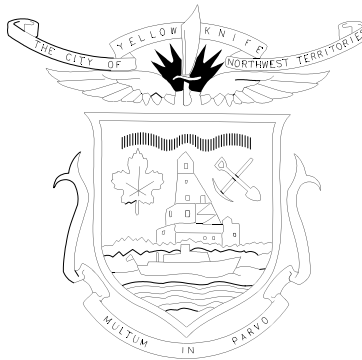


THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



SMOKING BY-LAW NO. 4276

Adopted August 25, 2003

This By-law is printed under and
by authority of the Council of
the City of Yellowknife

**CITY OF YELLOWKNIFE
BY-LAW NO. 4276**

A BY-LAW of the Municipal Corporation of the City of Yellowknife to prohibit and regulate smoking in public places;

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

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 City of Yellowknife, to prohibit or regulate smoking, or both, in public places in the City of Yellowknife as hereinafter set out;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, enacts as follows:

SHORT TITLE

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

"City" means the Municipal Corporation of the City of Yellowknife;

"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 <i>Liquor Act</i> ;
"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 <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, health centre and a nursing home;
"Licensed Dining Room"	means a dining room in respect of which a dining room licence 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</i> as a By-law Officer to enforce the by-laws of the City of Yellowknife or any Peace Officer who is authorized to enforce the by-laws of the City of Yellowknife;
"Place of Employment"	means any indoor place of work other than: <ul style="list-style-type: none">(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 Facility" means a private recreational facility in respect of which a private recreational facility licence has been issued pursuant to the *Liquor Act*;
- "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 at which the seating arrangements are under the control of the sponsor of the event and not the proprietor of the facility, room or hall.
- "Proprietor" means:
- (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, licenced 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 licenced premise pursuant to the *Liquor Act*;
- "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;
- "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" 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;

SMOKING RESTRICTIONS

3. No person shall smoke
- (a) in a public place, except as expressly permitted under this by-law;
 - (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; or
 - (n) in a hospital except in a smoking area designated as such by the proprietor.
4. No person shall smoke in any facility or vehicle leased, owned, rented, chartered or operated by the City.

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 in all of a portion of the premises, the proprietor shall:
- (a) post signs in conspicuous locations as prescribed in this by-law; and
 - (b) ensure that people desist from 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 "THIS IS A SMOKE-FREE ENVIRONMENT - NO SMOKING".
10. All signs required to be posted pursuant to this by-law shall conform to the following specifications:
 - (a) all signs shall include the words "City of Yellowknife By-law No. 4276" in letters not less than one-half ($\frac{1}{2}$) of the height for signs with letter height of three (3) centimeters 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 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 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.

11. Any sign that quotes By-law No. 4071 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.
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 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. 4071 and 4237 are hereby repealed.

EFFECT

18. This by-law shall come into effect on October 1, 2003 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 _____, A.D. 2003.

Mayor

City Administrator

Read a Second Time this _____ day of _____, A.D. 2003.

Mayor

City Administrator

Read a Third Time and Finally Passed this _____ day of _____, A.D., 2003.

Mayor

City Administrator

CITY OF YELLOWKNIFE
BY-LAW NO. 4276
Schedule A

CITY OF YELLOWKNIFE
BY-LAW NO. 4276
 Schedule B

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

CITY OF YELLOWKNIFE
BY-LAW NO. 4276
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