

## TOWN OF KIPLING

### BYLAW NO 4-2018



## A BYLAW FOR THE PURPOSE OF REGULATING AND CONTROLLING SMOKING IN PUBLIC FACILITIES IN THE TOWN OF KIPLING

The Council of the Town of Kipling, in the Province of Saskatchewan, enacts as follows:

### **Purpose**

The purpose of this Bylaw is to regulate smoking and the use of electronic cigarettes in enclosed public places.

### **Authority**

The authority for this bylaw is Section 8(1) of *The Municipalities Act, 2005* and *The Tobacco Control Act 2001, Section 15*.

### **Short Title**

This bylaw shall be known as “The Smoking Bylaw”.

### **Definitions**

In this bylaw:

- a. “Designated Officer” means the Bylaw Enforcement Officer and/or the person appointed Chief Administrative Officer of the Town of Kipling by Council.
- b. “Facility” means the Kipling Arena, Kipling Community Centre, Kipling Water Treatment, Kipling Swimming Pool, Sewage Lift Stations, Kipling Fire Hall, Kipling Professional Building, Town Shop, Kipling Golf Course Clubhouse, or any other municipally owned or controlled facility that the public may attend;
- c. “Smoke or smoking” means to inhale, exhale, burn, carry or control a lighted cigarette, cigar, pipe, or similar equipment that burns any substance, including but not limited to nicotine, cannabis or generates smoke, and includes the use of a hookah pipe, water pipe or bong;

- d. "Electronic Cigarette" means a handheld device containing a liquid, whether or not it contains nicotine or cannabis, that is vaporized and inhaled, and includes but is not limited to electronic cigarettes, e-cigarettes, vaporizer cigarettes, personal vaporizers and electronic nicotine or cannabis delivery systems.
- e. "Town" means the town of Kipling.

2. No person shall smoke at any time in any part of a public facility or space specified in Section 1(b) except for outside of the facility; or in the case of the Kipling Swimming Pool, outside the fenced pool area.

### **PENALTY CLAUSE FOR VOLUNTARY PAYMENT**

Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.

Such notice shall be deemed to have been served:

- a) On the expiration of twenty-four hours after it is posted, if it is mailed.
- b) On the day of actual delivery, if the notice is served personally; or
- c) On the business day following the transmission, if given by facsimile.

A **Bylaw Violation Notice** shall be in such form as determined in **Schedule A** and shall state the section of the Bylaw, which was contravened, and the amount pursuant to the General Penalty, Fines and Voluntary Payments Bylaw for this Bylaw that shall be accepted by the Municipality in lieu of prosecution.

Upon production of a Bylaw Violation Notice issued pursuant to this section within 14 days from the issue thereof, together with the payment of the fee as provided in the General Penalty, Fines and Voluntary Payments Bylaw of the municipality to the Administrator of the Town of Kipling, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.

Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 32, 32 and 34 of this Bylaw.

Notwithstanding the provisions of this section, a person to whom a Bylaw violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provision of the Bylaw.

**REPEAL**

Bylaw 2-2003 is hereby repealed upon coming into force of this Bylaw.

**EFFECTIVE**

This Bylaw shall come into force and take effect on the day adopted by Council the final passing thereof.

Read a First Time this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read a Third Time and Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Buck Bright, Mayor*

**(Seal)**

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*Gail Dakue, CAO*