

BYLAW NO. 5575

THE SMOKING BYLAW AMENDMENT, 2019 (1)

THE MUNICIPAL CORPORATION OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:

The Smoking Bylaw amended

1. Bylaw No. 5192 is amended in the manner set forth in this Bylaw.

Section 2 is amended

2. Section 2 is amended by adding the following:

Purpose

2(c) the adoption of the restrictions on the smoking or holding of lighted cannabis as set forth in The Cannabis Control (Saskatchewan) Act, Chapter C-2.111.

Section 3 is amended

3. Section 3 is amended by adding the following:

Definitions and Schedules

3(a.1) "cannabis" means a cannabis plant or any substance or mixture of substances that contains or has on it any part of a cannabis plant.

(c.1) the term "city facilities" means all city owned, operated and leased facilities;

(c.2) "common areas" means lobbies, foyers, stairwells, hallways, elevators, corridors, cloakrooms, amenity areas, washrooms, food seating areas and other public areas of a city owned building;

(c.3) "customer service area" means a partially enclosed or unenclosed area, including a balcony or patio that is part of or connected to or associated with a city facility or public premise that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;

(g.1) "parks" means any open green space that is used for the enjoyment of the public for both passive and active recreational activities, which may have facilities for rest or recreation;

(g.2) "playground" means an outdoor area for children to play on;

(i.1) "smoke" or "smoking" means to inhale, exhale, burn, or carry a lighted cigarette, cigar, e-cigarette, hookah pipe, pipe, or other lighted smoking equipment that burns tobacco or other substance;

(i.2) "sports field" means a field used for outdoor games or activities;

Section 4 is amended

3. Section 4 is amended by adding the following:

Smoking in certain places prohibited

4(2)(j) in any city facilities, common areas, or customer service area;

(k) within 10 (ten) metres of a recreational activity area, playground or facility within a park;

(l) within 10 (ten) metres of the perimeter of any sports field including bleachers;

(m) within 10 (ten) metres of the perimeter of a common area or customer service area.

Section 4.1 is added

4.1 Section 4.1 is included by adding the following:

Smoking in certain places exceptions

4.1(1) Nothing in this Bylaw prohibits a person from smoking or vaping for the purposes of traditional spiritual or cultural practices or ceremonies, if smoking or vaping is an integral part of the traditional spiritual or cultural practices or ceremonies being carried out with the consent of the owner of that place.

(2) The onus to prove that the exemption in Section 4.1(1) applies shall be on the person alleged to be in violation.

(3) Nothing in this Bylaw prohibits a person from vaping for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within a vape retail store.

(4) Section 4 does not apply to any places exempted from the application of Section 11(3) of *The Tobacco Control Act*.

(5) Council may consider and approve any further exemption for an outdoor public event.

Coming into force

5. This Bylaw comes into force and effect on the date of passage.

PASSED AND ENACTED ON THE DAY OF , 2019.

MAYOR

CITY CLERK

READ a first time the day of , 2019.

READ a second time the day of , 2019.

READ a third time the day of , 2019.