



CITY OF SWIFT CURRENT
where life makes sense

Smoking Bylaw

BYLAW NO. 4 – 2024

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 4 – 2024

A BYLAW of the City of Swift Current, in the Province of Saskatchewan, to regulate, control and prohibit smoking in public places.

THE COUNCIL OF THE CITY OF SWIFT CURRENT, SASKATCHEWAN, IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

PART I GENERAL

1. Title

This Bylaw may be cited as the “**Smoking Bylaw**”.

2. Legislative Authority

This Bylaw has been created pursuant to Section 8 of *The Cities Act* which enables Council the authority to pass bylaws for purposes such as the safety, health, and welfare of citizens.

3. Purpose

The purpose of this Bylaw is to promote the safety, health and welfare of people and promote safe, enjoyable and reasonable use of public places for the benefit of all residents and visitors by prohibiting smoking and limiting the impact of smoke on persons using public places.

This Bylaw is intended to adopt the restrictions and supplement the legislation under *The Tobacco and Vapour Products Control Act*, *The Tobacco Control Regulations*, *The Public Health Act, 1994*, *The Cannabis Control (Saskatchewan) Act* and *The Summary Offences Procedure Act, 1990*.

4. Definitions

In this Bylaw and in any resolution of the Council passed pursuant thereof, unless the context otherwise requires, the term or expression:

- a) “**Act**” means *The Cities Act*.
- b) “**Authorized Individual**” means any person who is a paid or unpaid employee of any Public Place and includes: a full-time, part-time, temporary, permanent, seasonal, and casual employee, volunteer or contractor or an Officer as described within this Bylaw.

- c) **“City”** means the municipal corporation of the City of Swift Current.
- d) **“Common Area”** means lobbies, foyers, stairwells, hallways, elevators, corridors, cloakrooms, amenity areas, washrooms, change rooms/dressing rooms, food seating areas and outdoor theatres of any building or facility.
- e) **“Council”** means Council for the City of Swift Current, elected pursuant to the provisions of section 11 of *The Local Government Elections Act, 2015*, as the governing body of the municipality.
- f) **“Designated Smoking Area”** means an identifiable location outside of a building or facility in which smoking is permitted.
- g) **“Electronic Cigarette” or “E-Cigarette”** means all or any of the following:
 - i. a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vaporizing an e-substance for inhalation or release into the air;
 - ii. a prescribed product or device similar in nature or use to a product or device described in subclause i.
- h) **“Electronic Substance” or “E-Substance”** means a solid, liquid or gas that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine.
- i) **“Herbal Substance”** means both an actual, naturally-occurring plant and/or the product(s) and/or substance(s) derived from but not exclusive to the whole plant, roots, stems, flowers or leaves and which are made available in forms including but not limited to liquid extracts, powders, capsules, tablets or teas.
- j) **“Indoor Public Place”** means all or any part of a building, facility or other enclosed place to which the public has access as of right or by express or implied invitation, or that is rented or leased by a person for public or private use and includes any enclosed place that is owned, operated, managed or maintained by the City.
- k) **“Legislation”** means any Acts, Regulations, and Laws enacted by the Province of Saskatchewan or in the Country of Canada as may be amended from time to time.
- l) **“Officer”** means any Bylaw Enforcement Officer or Peace Officer, appointed or designated by Council for the purpose of enforcing this Bylaw or any municipal law enforcement officer, such as a member of the Royal Canadian Mounted Police.
- m) **“Outdoor Public Place”** means all or any property, green space, park, or other open space to which the public has access as of right or by express or implied invitation, or that is rented or leased by a person for public or private use and includes any outdoor space that is owned, operated, managed or maintained by the City.
- n) **“Park”** 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.

- o) **“Person”** means any corporation, firm, partnership, association, registered company, unincorporated group of persons, natural person or other aggregation of the same.
- p) **“Play Area”** means an outdoor area for children to play on, which includes, without limiting, skate parks, bicycle parks, outdoor pools, and water spray parks.
- q) **“Public Place”** means any Indoor Public Place or Outdoor Public Place.
- r) **“School”** means a school or independent school as defined in *The Education Act, 1995* and includes:
 - i. grounds surrounding a school;
 - ii. athletic fields;
 - iii. parking lots;
 - iv. green space; and
 - v. spaces rented or leased by other groups if it is owned or operated by the school or school division.
- s) **“Smoke” or “Smoking”** means to inhale, exhale, burn or carry a lighted cigarette, e-cigarette, hookah pipe, pipe, or other lighted smoking equipment that burns tobacco, a herbal substance or other substance.
- t) **“Sports Field”** means an outdoor area designated and intended for use in a specific sporting event and includes soccer fields, football fields, baseball diamonds, tennis courts, and similar areas.
- u) **“Tobacco”** means 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 Drugs Act (Canada)* applies.
- v) **“Vape” or “Vaping”** means the use of an e-cigarette.

5. Schedules

The following schedules, appendixes and forms are attached to, and form part of, this Bylaw:

- a) Appendix “1” – No Smoking Sign;
- b) Schedule “A” – Offences for which a Violation Notice may be issued;
- c) Form “1” – Notice of Violation;

6. Interpretation

- 6.1 Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this Bylaw.
- 6.2 Any other words shall, insofar as they are not consistent with this Bylaw, have the same meaning as in *The Cities Act*, and amendments thereto.

- 6.3 Unless the context otherwise requires, words importing the singular number shall include the plural and vice versa.
- 6.4 If a provision of this Bylaw conflicts with the provisions of any Legislation, then the Legislation shall prevail.

PART II APPLICATION

7. General Prohibition

- 7.1 No Person shall Smoke or Vape:
- a) in an Indoor Public Place, including Common Areas;
 - b) within three (3) meters of a main entrance, secondary doorway, window or air intake of an Indoor Public Place, subject to additional restrictions pursuant to clause c);
 - c) in a School or on School property as defined in clause 4. r);
 - d) inside a public or City vehicle;
 - e) in an Outdoor Public Place, including Common Areas, Parks, Play Areas and Sports Fields, except within a Designated Smoking Area; or
 - f) within three (3) meters of the boundaries of an Outdoor Public Place, Common Area, Park, Play Area or Sports Field.
- 7.2 No Person shall:
- a) fail to leave a Public Place after an Authorized Individual has given the person notice or direction to leave for Smoking or Vaping in a Public Place; or
 - b) enter or use a Public Place after an Authorized Individual has prohibited the person's entry or use for Smoking or Vaping in a Public Place.

8. Signage

- 8.1 The owner of any Public Place as herein defined shall ensure that signs in the manner, size and location prescribed in *The Tobacco and Vapour Products Control Act*, indicating that Smoking and Vaping is prohibited, an example of which is shown in the attached Appendix "1", are displayed in a clearly visible location at all entrances to the public area.
- 8.2 The City may post signs indicating that Smoking and Vaping is prohibited in any Public Place.
- 8.3 No person shall remove, cover up or alter any sign which has been displayed or posted pursuant to this Bylaw.

- 8.4 The absence of a sign as required by subsection 8.1 does not relieve any person from compliance with Section 6 of this Bylaw.

9. Exemptions

- 9.1 Nothing in this Bylaw prohibits a person from Smoking in any place designed, intended, and used exclusively as a private residence.
- 9.2 Nothing in this Bylaw prohibits a person from using an Electronic Cigarette for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within the confines of the premises of a registered and licensed Electronic Cigarettes retailer.
- 9.3 Nothing in this Bylaw prohibits a person from Smoking or holding lighted Tobacco, Herbal Substances, or tobacco-related products in a public place for traditional spiritual or cultural practices or ceremonies, if the use of Tobacco, Herbal Substances, or tobacco-related products is an integral part of the traditional spiritual or cultural practices or ceremonies being carried out in a Public Place with the consent of the owner.
- 9.4 The onus to prove that the exemption in subsection 9.3 applies shall be on the person alleged to be in violation.

PART III ENFORCEMENT

10. Enforcement Officers

- 10.1 Any Officer or any other person duly authorized or recognized as having been granted authority by Council is hereby designated to enforce this Bylaw.
- 10.2 Without restricting any other power, duty or function granted by this Bylaw, an Officer may:
- a) carry out inspections to determine compliance with this Bylaw;
 - b) take any steps or carry out any actions required to enforce this Bylaw;
 - c) take any steps or carry out any actions required to remedy a contravention of this Bylaw; or
 - d) establish areas where activities otherwise regulated, restricted or prohibited by this Bylaw are permitted.

11. Offences and Penalties

- 11.1 No person shall:
- a) fail to comply with any provision of this Bylaw; or

- b) obstruct or interfere with an Officer or other person acting under authority of this Bylaw.
- 11.2 Any person who contravenes any of the provisions of this Bylaw or fails to comply herewith or with any notice given hereunder is considered guilty of an offence and liable, on summary conviction:
 - a) no less than \$100 in the case of a first offense, to a fine not exceeding \$3,000; and
 - b) no less than \$200 in the case of a second offense, to a fine not exceeding \$5,000.
- 11.3 An Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Violation Notice, which Violation Notice shall indicate that the City will accept voluntary payment as set forth in Schedule "A" to be paid to the City within 10 days.
- 11.4 If payment of the amount specified is made within the time specified, the person alleged to have committed the offence shall not be liable to prosecution for the offence indicated.
- 11.5 Where any person is convicted of an offence or has voluntarily paid a fine for an offence and contravenes the same provision of this Bylaw within a 12 month period, the specified payment payable in respect to the subsequent offence is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 11.6 If payment of the amount specified on the Violation Notice is not made on or before the date indicated on the Violation Notice, an Officer or Peace Officer, as the case may be, may lay an Information under oath as to the offence before a Justice of the Peace for the purpose of obtaining a Summons.
- 11.7 The Summons shall be in the prescribed form and shall provide for the voluntary payment of a penalty for the offence which the person is alleged to have committed. The Summons shall be issued by a Justice of the Peace and shall be served by a Peace Officer or other authorized person.
- 11.8 Voluntary payment of a penalty specified in a Summons shall be made no less than five (5) business days prior to the court date indicated on the Summons. Voluntary payment shall be made in person to the cashier at City Hall during normal business hours.
- 11.9 If payment of the amount specified on the Summons is not made no less than five (5) business days prior to the court date indicated, the person to whom the Summons has been issued shall be liable to prosecution for the alleged contravention of the Bylaw.
- 11.10 Notwithstanding the provisions of this Section, a person may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

12. Directors, etc. of Corporations

Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence, and is liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

13. Vicarious Liability

In a prosecution for an offence pursuant to this Bylaw, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted or convicted for the offence, unless the accused establishes that the offence was committed without his or her knowledge and that the accused exercised all due diligence to prevent its commission.

14. Evidence

In a prosecution for an offence pursuant to this Bylaw, the judge may infer that any substance or object in question is Tobacco, an Electronic Substance or Herbal Substance within the meaning of this Bylaw from the fact that a witness describes it as Tobacco, an Electronic Substance or Herbal Substance or by a name that is commonly applied to Tobacco, an Electronic Substance or Herbal Substance.

15. Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion will be deemed a separate, distinct and independent provision and the holding of the Court will not affect the validity of the remaining portions of the Bylaw.

PART VI

REPEAL OF FORMER BYLAW

16. Repeal

Bylaw No. 2 – 1985, Bylaw No. 39 – 1985, Bylaw No. 23 – 1993 and all amendments thereto are hereby repealed.

APPENDIX "1"

FORMING PART OF BYLAW NO. 4 – 2024



Examples Only: manner, size and location must be as prescribed in *The Tobacco and Vapour Products Control Act*.

SCHEDULE "A"

FORMING PART OF BYLAW NO. 4 – 2024

AMOUNTS WHICH WILL BE ACCEPTED BY THE CITY OF SWIFT CURRENT
IN LIEU OF PROSECUTION

SECTION	DESCRIPTION	FINE AMOUNT
Section 7.1	Smoking or Vaping in a prohibited place	\$150
Section 7.2	Failure to comply	\$150
Section 8.1	Failure to post signage	\$150
Section 8.3	Removing, covering or altering signage	\$500

***Subsequent Offence committed within twelve (12) months of the first offence
DOUBLE THE AMOUNT IN THE ABOVE SCHEDULE***

FORM "1"

FORMING PART OF BYLAW NO. 4 – 2024

VIOLATION NOTICE

RENTL' REMOVE LNER, REMOVE ADHESIVE, EXPOSE TO EXPOSE ADHESIVE, REMOVE LNER
 W/BAOWEB, REMOVE LNER, REMOVE ADHESIVE, EXPOSE TO EXPOSE ADHESIVE, REMOVE LNER
 W/BAOWEB, REMOVE LNER, REMOVE ADHESIVE, EXPOSE TO EXPOSE ADHESIVE, REMOVE LNER



CITY OF SWIFT CURRENT

VIOLATION NOTICE NO. 48211

DAY	MO.	YR.	A.M.
			PM.

<input type="checkbox"/> LICENCE #	<input type="checkbox"/> VIN #	<input type="checkbox"/> PHONE #	<input type="checkbox"/> SK _____
			(MAKE)
			<input type="checkbox"/> OTHER _____

TRAFFIC _____

ANIMAL _____

FIRE _____

OTHER _____

BYLAW	TO BE TOWED / PHOTO TAKEN	OFFICER
SEC		

PENALTY	PAY AMOUNT INDICATED
\$30.00	OR \$10.00 IF PAYMENT IS MADE WITHIN 10 DAYS OF ISSUE DATE
\$35.00	OR \$15.00 IF PAYMENT IS MADE WITHIN 10 DAYS OF ISSUE DATE
\$40.00	OR \$20.00 IF PAYMENT IS MADE WITHIN 10 DAYS OF ISSUE DATE
\$50.00	OR \$30.00 IF PAYMENT IS MADE WITHIN 10 DAYS OF ISSUE DATE
\$80.00	OR \$60.00 IF PAYMENT IS MADE WITHIN 10 DAYS OF ISSUE DATE
	OR IF PAYMENT IS MADE WITHIN 10 DAYS OF ISSUE DATE
	NO REDUCTION FINE

FAILURE TO PAY OUTSTANDING PENALTY WITHIN 30 DAYS OF THE ISSUANCE WILL RESULT IN A COURT SUMMONS TO APPEAR IN COURT. FAILING TO APPEAR FOR TRIAL WILL RESULT IN A DEEMED CONVICTION OR WARRANT OF COMMITTAL. DELINQUENT FINES MAY RESULT IN FURTHER FEES AND SEIZURE OF PROPERTY.

SEE REVERSE FOR PAYMENT INSTRUCTIONS

DATA Communications Management

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