



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 994 SMOKING AND CANNABIS USE

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO ESTABLISH A SMOKING AND CANNABIS USE IN PUBLIC PLACES BYLAW, PASSED PURSUANT TO SECTIONs 70, 71, 72, 73, 73, AND 75 OF THE CITIES, TOWNS AND VILLAGE ACT S.N.W.T, 2003, c.22.

WHEREAS, the Council of the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories, deems it to be in the public interest to regulate and prohibit smoking and cannabis use in public places;

AND WHEREAS a council may make by-laws pursuant to section 148 of the Cities, Towns, and Villages Act respecting public health and contagious diseases, and specifically prohibiting smoking and use of cannabis in public places;

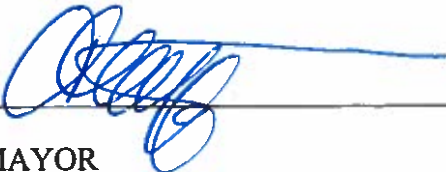
NOW THEREFORE, the Council of the Town of Fort Smith, at a duly assembled meeting, enacts as follows;

1. THAT the short title of the Bylaw may be cited as the "Smoking and Cannabis Use Bylaw."
2. THAT this Bylaw shall come into force and effect on the date of its final passing.
3. THAT Bylaw 991 is hereby repealed.

READ A FIRST TIME THIS 20th DAY OF November, 2018 A.D.

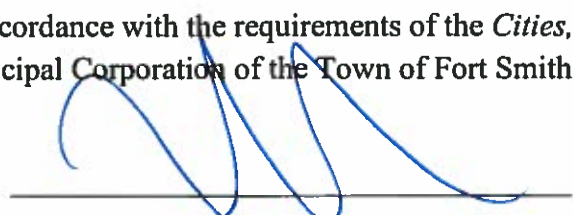
READ A SECOND TIME THIS 20th DAY OF November, 2018 A.D.

READ A THIRD TIME THIS 18th DAY OF December, 2018 A.D.


MAYOR


SENIOR ADMINISTRATION OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.


Senior Administrative Officer



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1. SHORT TITLE: Smoking and Cannabis Use Bylaw

2. INTERPRETATION

In this bylaw, unless the context otherwise requires:

- a) Grounds of a Town building – means the outdoor part of any lot containing a building owned or leased by the Town.
- b) Park and Playground – means any park or recreational area designed in part to be used by youth that has play or sports equipment or is a greenspace designated for recreational use by children, youth or families.
- c) Town property – means real property owned or leased by the Town, directly or through the medium of a board or commission and any motor vehicle owned or leased by the Town, directly or through the medium of a board or commission.
- d) Smoking – means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hooka pipe, or other lighted smoking implement designated to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions.

3. SMOKING ON MUNICIPAL PROPERTY

Territorial legislation sets base restrictions on where one can smoke or use cannabis, including distances from public buildings. The Cannabis Smoking Act and Regulations prohibit the smoking of cannabis wherever the smoking of tobacco is prohibited. In addition, smoking cannabis will be prohibited in, and within 30 meters of:

- children’s playgrounds;
- fields, courts, or rinks used for sports or other athletic activities;
- skateboard or bicycle parks; and
- public parks located within a community, for the duration of an event that is open to the public that is taking place in the public park.

Municipalities have the ability to expand on this legislation to increase those restrictions. This bylaw places additional prohibitions on the use of tobacco, cannabis, and related products as outlined in Sec. 2 (d) and Sec. 3 (b).

- a. No person shall smoke on, within, or within a radius of 30 metres of prohibited Town of Fort Smith locations, including the grounds of a Town building, vehicles, parks, playgrounds, greenspaces, and sports and recreation fields. See Appendix A for a comprehensive list of Prohibited Town of Fort Smith Locations.
- b. Products prohibited are cigarettes, cigars, pipes, electronic smoking devices, cannabis, other weeds and substances, waterpipes.
- c. Exemptions shall be made for use of tobacco during cultural or ceremonial events.
- d. Exemptions may be made for staff smoking areas to be designated on Town owned and leased properties. These areas must be out of sight of the public and in no way interfere with other staff or public occupation of the property. As such, a staff smoking area may not be designated if it does not meet these criteria. Smoking areas are designated for tobacco smoking only.

4. ENFORCEMENT

- a. Any person in contravention of any of the provisions or requirements of this Bylaw is guilty of an offence, and liable on summary conviction to a fine of Two Hundred Fifty (\$250.00) Dollars for the first offence. Subsequent offences will result in a fine of Five Hundred (\$500.00) Dollars.
- b. Enforcement will be enacted by the Town of Fort Smith Bylaw Officer.



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- c. Enforcement of territorial legislation regarding cannabis use will be enforced by the South Slave Region Environmental Health Officer.

APPENDIX A – Prohibited Town of Fort Smith Locations:

1. Recreation and Community Centre including grounds
2. Fort Smith Centennial Arena including grounds
3. Mary Kaeser Library including grounds
4. Town Hall including grounds
5. Skate Park and Beach Volleyball Court
6. Track and Field Park including Tennis and Basketball Courts and Soccer Pitch
7. Landslide Snowboarding and Sliding Hill
8. Riverside Park
9. Conibear Park
10. Kay Ferguson Park
11. Kid City Park
12. Caribou Crescent Park
13. Timber Crescent Park
14. Walter's Court Park
15. Herb Mercredi Park
16. Harry Sudom and Johnny Ayers Ball Park
17. Gateway Park (Trans Canada Trail)
18. Pine Crescent greenspace
19. Pike Street greenspace
20. Other designated parks, greenspaces, and municipal facilities