

**THE CORPORATION OF THE MUNICIPALITY OF IQALUIT, NUNAVUT**

**BY-LAW # 570**

**A By-Law of the Municipal Corporation of the Town of Iqaluit in Nunavut to regulate smoking in public places in the City of Iqaluit pursuant to the Cities, Towns and Villages Act, R.S.N.W.T., 1998.**

**WHEREAS the Council of the Corporation of the City of Iqaluit has the authority to pass by-laws regulating or prohibiting the smoking of tobacco in public places within the City pursuant to the Cities, Towns and Villages Act, R.S.N.W.T., 1988.**

**AND WHEREAS the Council of the City of Iqaluit recognizes the health hazards associated with smoking and environmental tobacco smoke.**

**AND WHEREAS the Council of the City of Iqaluit has approved the exercise of such authority according to the provisions of said Act.**

**NOW THEREFORE PURSUANT to the provisions of the Cities, Towns and Villages Act, R.S.N.W.T., 1988 the Council of the City of Iqaluit, NU, in regular session duly assembled, enacts as follows:**

**1. SHORT TITLE**

This By-Law may be cited as the “Smoking By-Law”.

**2. SEVERABILITY**

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

**3. DEFINITIONS**

- a) “Place of Public Assembly” means the whole or part of an indoor area to which the public has access by right, or by invitation, express or implied; and is used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, or amusement, but does not include indoor areas which regularly allow access only to individuals age 18 and above as defined in Appendix “A”.
- b) “Public Entranceway” means the entrance to an indoor place of public assembly through which the public has regular right of access.
- c) “Reception Area” means the place of public assembly used by an office or establishment for the receiving and greeting of customers, clients or other persons dealing with such office or establishment.
- d) “Indoor Area” means a building, or part of a building not otherwise referred to in this by-law to which persons have legal access and which includes a shopping mall, foyer, entranceway, passage/hallway, but does not include a private residence, or place of accommodation.
- e) “Proprietor” means the person on site, in care and control of the building, or place of public assembly referred to in this by-law at the time of the offense, and includes any person in charge thereof or any person who controls, governs or directs the activity carried on therein, including the City of Iqaluit as leaser of the Iqaluit Curling Club.

- f) “Special Occasion License” means a license granted to a group, or individual, which allows the provision of alcoholic beverages to guests for a specified period of time and at a specified place.

**4. GENERAL PROHIBITIONS**

- a) No person shall smoke in any place of public assembly designated as in ‘Appendix A’ of this by-law.
- b) No person shall smoke within 3 metres of any public entranceway.
- c) A proprietor of any business may not, for the sole purpose of allowing smoking on their premises, bar individuals under the age of 18 from entering their premises.
- d) The proprietor of a place of public assembly may not, for the duration of a special occasion license, allow smoking in said place of public assembly.

**5. ENFORCEMENT**

- a) The provisions of this by-law respecting the designation of non-smoking areas and the duties therein placed on proprietor, or other person in charge of a place of public assembly, shall be enforced by the City of Iqaluit By-Law Department.
- b) A By-Law Officer may, at any reasonable time, enter any designated place of public assembly for the purpose of determining compliance with this by-law.

**6. OFFENCE**

- a) Every person who contravenes any provision of this By-law is guilty of an offense.
- b) Every proprietor of a place of public assembly who allows contravention of any provision of this By-law is guilty of an offense.

**7. PENALTY**

Any person who is convicted of an offense under any provision of this By-law shall be liable to a penalty as set out in ‘Appendix B’ of this By-law.

**EFFECTIVE DATE**

8. This By-law shall come into effect on April 15<sup>th</sup>, 2003.

**REPEALS**

9. By-Law Number 198 is hereby repealed.

**THIS BY-LAW READ a First Time this 28th day of January, 2003 A.D.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Chief Administrative Officer**

**THIS BY-LAW READ a Second Time this 11th day of February, 2003 A.D.**

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**Mayor**

\_\_\_\_\_  
**Chief Administrative Officer**

**READ a Third and Final Time this \_\_\_\_\_ day of \_\_\_\_\_, 2003 A.D.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Chief Administrative Officer**

**APPENDIX A**

The following are designated places of public assembly for the purpose of this by-law:

- a) the reception area of a public building;
- b) a public restroom;
- c) a municipally owned building;
- d) the public portion of any restaurant or coffee shop;
- e) the public portion of any retail shop;
- f) the public portion of any barber shop or hairdressing establishment;
- g) common areas of residential buildings
- h) Iqaluit Curling Club
- i) Government Buildings (Federal and Territorial and Municipal)
- j) City Vehicles

**City of Iqaluit  
By-law 570**

**APPENDIX B**

<b><u>Offence</u></b>	<b><u>Fine</u></b>
Smoking in any place of public assembly	\$100.00
Smoking within 3 metres of a public entranceway	\$75.00
Allowing smoking in a place of public assembly (proprietor)	\$250.00
Contravention by a proprietor on a continuing basis	\$300.00/day