

THE RURAL MUNICIPALITY OF EAST ST. PAUL
BY-LAW NO. 2017-12

**Being a By-Law of the Rural Municipality of East St. Paul to regulate
Smoking and Vaping within the Rural Municipality of East St. Paul.**

WHEREAS Section 232(1) of *The Municipal Act*, provides: “A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;”

AND WHEREAS Sections 6(1) and 6(2) of *The Non-Smokers Health Protection and Vapour Products Act* for the Province of Manitoba provides:

- “6(1) Notwithstanding the provisions of this Act, a municipal council may pass a by-law to limit or ban smoking or e-cigarette use in any enclosed public place in the municipality.
- 6(2) Where there is a conflict between a provision of this Act or a regulation made thereunder and a provision of a by-law made by The City of Winnipeg or another municipality under subsection (1) or another Act of the Legislature, the provision of this Act or the regulation governs; but the provision of the by-law governs where it is more severe or restrictive, or more extensive in its application, than the provision of this Act or the regulation.”

AND WHEREAS it has been determined that tobacco smoke is injurious or tends to create conditions adversely affecting human health.

AND WHEREAS Health Canada has advised of potential risks associated with vaping/e-cigarette use.

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-Law of the Rural Municipality of East St. Paul in Council assembled as follows:

1. Definitions

“Municipal Property” – means any land and/or physical building/structure owned, maintained and/or operated by the RM of East St. Paul. This includes but is not limited to athletic fields, ice rinks (indoor and outdoor), playgrounds, and parks.

“Smoking” means the act of inhaling or exhaling the smoke from a cigarette, cigar or pipe, includes having control of a lighted cigarette, cigar, pipe or other equipment used for smoking tobacco.

“e-cigarette” or “electronic cigarette” – means a product or devise, whether or not it resembles a cigarette, containing a power source and heating element designed to vaporize an e-substance (which may be a solid, liquid or gas) for inhalation or release into the air.

“Vaping” – is the act of using an e-cigarette.

2. Prohibition

1) No person shall smoke or vape:

- a) within in 30 metres (100 feet) of the playing surface of an athletic field or a rink during a youth event,
- b) on a playground,
- c) within 15 metres (50 feet) from an entrance/doorway, window or air intake unit or a municipal building/structure.

3. Consistent with the Non-Smokers Health Protection and Vapour Products Act, activities carried out for a traditional Aboriginal spiritual or cultural practice or ceremony which would include activities such as.

- i) An aboriginal person using tobacco,
- ii) A non-Aboriginal person using tobacco with an Aboriginal person, or
- iii) A person supplying or offering to supply tobacco or a tobacco-related product to a person described in (i) or (ii).

4. Every enclosed public place to which this By-law applies shall have signage clearly and conspicuously posted. No person shall remove, alter, conceal deface or destroy any sign posted pursuant to this By-law.

A person who contravenes a by-law of a municipality is guilty of an offence and, liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.

Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

That on the passing of this By-law, By-law 2009-14 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled at East St. Paul, Manitoba this **7th** day of November, 2017.



Mayor



Chief Administrative Officer

Read a first time this **10th** day of October 2017

Read a second time this **7th** day of November 2017

Read a third time this **7th** day of November 2017