

**TOWN OF NEW GLASGOW  
SMOKING BYLAW  
BYLAW NO. 24  
(Consolidation)**

**Short Title**

1. This Bylaw shall be known and cited as the "Smoking Bylaw".

**Interpretation**

2. In this Bylaw,
  - (a) ***"cannabis"*** means a cannabis plant as defined by the Cannabis Act;
  - (b) ***"drinking establishment"*** means a lounge, pub, tavern, cabaret, club or beverage room licensed under the Liquor Control Act of Nova Scotia;
  - (c) ***"electronic cigarette"*** means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled; (April 21, 2016);
  - (d) ***"municipal property"*** means any lands owned, occupied, or leased by the Town of New Glasgow, or any Agency, Board or Commission whole or partly owned by the Town of New Glasgow, located within the geographical area of the Town of New Glasgow;
  - (e) ***"place of public assembly"*** means:
    - (i) a building or part thereof used, or intended to be used, by the public, whether gratis or for a fee, for, including but not limited to civic, political, travel, religious, social, educational, entertainment, recreational or like purposes;
    - (ii) the lobby or hallways of an institution or office building;
    - (iii) a shopping center or shopping mall;

- (iv) a food court used or intended to be used by the public, in any building;
- (v) retail or wholesale store. (April 21, 2016)
- (f) "**person**" includes a body corporate, society and the heirs, executors, administrators, successors and other legal representatives of a person. (April 21, 2016)
- (g) "**playground**" means any park or recreational area designed in part to be used by youth that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located within the Town; (October 18, 2011) (April 21, 2016)
- (h) "**proprietor**" means a person who owns, manages, possesses or controls premises or directs activity carried out on premises and includes a person shown on the most recent Assessment Roll for the Town of New Glasgow as the assessed owner or occupant of the premises except where the Town of New Glasgow has been given notice in writing of a change in ownership or has been provided with the name of a person identified as having exclusive possession and control of the premises; (April 21, 2016)
- (i) "**reception area**" means the space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment; (April 21, 2016)
- (j) "**restaurant**" means an establishment engaged in the sale and service of food to the public for consumption on the premises; (April 21, 2016)
- (k) "**retail or wholesale store**" means a building or part of a building, booth, stall or place used for the purpose of retail or wholesale trade or services; (April 21, 2016)
- (l) "**service line**" means an indoor line of two(2) or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money including but not limited to:
  - (i) sales;
  - (ii) provision of information, transactions or advice; and
  - (iii) transfers of money or goods (April 21, 2016)

- (m) ***“sidewalk” means either that portion of a Town Street between the curb line and an adjacent property line or any part of the street especially set aside for pedestrian traffic;***
- (n) ***“smoke” or “smoking” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco or another substance that is intended to be smoked or inhaled; (April 21, 2016)***
- (o) ***“Town” means the Town of New Glasgow;***
- (p) ***“water pipe” means any lighted or heated smoking equipment used to burn tobacco or non-tobacco substances or any combination thereof and draw the resulting smoke through a liquid before it is inhaled. (April 21, 2016)***

### **Offences and Penalties**

3. No person shall smoke in any of the following places:
- (a) ***any municipal property;***
  - (b) a place of public assembly;
  - (c) within a radius of 4 meters (13.12 feet) of all public entrances and air intake to buildings including windows capable of being opened;
  - (d) any service counter in any premises including unenclosed areas behind such service counters;
  - (e) any service line on any premises;
  - (f) any reception area including any unenclosed area adjoining a reception area;
  - (g) any elevator, escalator, or stairway which is generally used by and open to the public;
  - (h) any public transportation facilities and vehicles excluding taxis;
  - (i) any rest room, washroom or toilets, generally used by and open to the public;

- (j) any drinking establishment including patios or sidewalk cafes;
  - (k) any restaurant including patios or sidewalk cafes;
  - (l) any arena, bowling alley, pool hall;
  - (m) **any** park on Town owned property or property the Town leases or is licensed to maintain; (October 16, 2011)
  - (n) **any** playground on Town owned property or property leased or licensed to the Town; (October 16, 2011)
  - (o) **any** outdoor recreational facility on Town owned property or property leased or licensed to the Town, including but not limited to a sports field, grandstand, seating area or bleacher; (October 16, 2011)
  - (p) **any** trail or path on Town owned property or property leased or licensed to the Town to maintain; (October 16, 2011)
  - (q) **any sidewalk within the Town.**
4. The proprietor of any place listed in Section 3 shall not permit or cause to be permitted smoking in any such place.
  5. The proprietor of any place listed in Section 3 shall erect a sign at all public entrances to the establishment and erect signs within the establishment, clearly visible within all parts of the premises to which the prohibition applies, giving notice that smoking is prohibited.
  6. The proprietor of any place listed in Section 3 shall ensure that any person found smoking by the proprietor, or an employee or agent of the proprietor is immediately directed to stop smoking and, failing compliance, is directed to leave that place.
  7. Any person who fails to comply with a directive given by a proprietor or an employee or agent of the proprietor pursuant to Section 6 of this bylaw is guilty of an offence.
  8. Any person who violates any section of this bylaw is guilty of an offence and, on summary conviction is liable to a fine of not less than one hundred fifty dollars and not more than five thousand dollars and in default of payment to imprisonment for a period of not more than ninety days.

### **Separate Offence**

9. Everyday during which an offence pursuant to this bylaw continues is a separate offence.

### **Payment in Lieu of Prosecution**

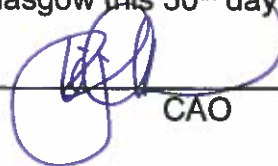
10. In lieu of prosecution pursuant to this bylaw, the Chief Administrative Officer or their delegate may issue to any person they believe upon reasonable grounds has violated any section of this bylaw a Notice of Violation, which Notice shall provide that, if the person to whom it is directed pays the sum of one hundred dollars to the Town of New Glasgow within fourteen days of the issuance of the Notice, no prosecution shall ensue with respect to the matter or matters referred to in the Notice.

### **Coming into Force**

11. This bylaw shall come into effect on ***October 30, 2018.***

I, Lisa M. MacDonald, CAO of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a bylaw amendment duly passed at a duly called meeting of the Town Council duly convened and held on the 29th day of October, 2018.

Given under the hand of the CAO and under the seal of the Town of New Glasgow this 30<sup>th</sup> day of October, 2018.

  
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CAO

1<sup>st</sup> Reading – September 24, 2018

Advertisement of Intent to Consider – October 11, 2018

2<sup>nd</sup> Reading – to take place on October 29, 2018

Date of Publication – November 1, 2018