

## SAWRIDGE INDIAN BAND

### SMOKING PLACES LAW

#### PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- PURPOSE** 1 The purpose of this law is to regulate the use of certain locations on the Sawridge Indian Reserves for the purpose of smoking so as to reduce the exposure of others to second hand smoke, while ensuring that smokers are provided with locations in which they may smoke with a minimum of inconvenience.
- DEFINITIONS** 2 In this law, unless the context otherwise requires:
- (a) **“bar”** means a place that is defined as such by a Band Law or in absence of which is governed by either a ‘Class A – Minors Prohibited’ or ‘Class B – Recreational Facility – Minors Prohibited’ liquor license granted on behalf of the Province of Alberta under the *Gaming and Liquor Act*, but only during the hours such license permits the sale or consumption of liquor and prohibits entry to minors.
  - (b) **“building”** means an enclosed or substantially enclosed building or structure;
  - (c) **“licensed gaming event”** means an event held pursuant to a bingo license or a casino license granted under the applicable law;
  - (d) **“patio”** means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food or beverages;
  - (e) **“private living accommodation”** means an area of a building used as a residence (including temporary residences), but does not include any portion of such area used as a workplace;
  - (f) **“Proprietor”** means the owner, the lessee under a lease from the Band or its sublessee, or any

other person in charge or in control of a place;

- (g) **“Reserve”** means the Sawridge Indian Reserves 150G, 150H and any other lands reserved for the use of the Sawridge Indian Band or any portion thereof;
- (h) **“restaurant”** means a business where food is served for consumption on the premises of the business;
- (i) **“smoke”** means to smoke, hold or otherwise have control over an ignited tobacco product including, but not limited to, cigarettes, cigars and pipes;
- (j) **“workplace”** means an area of a building in which a person works as an employee or in a capacity similar to an employee.

**RULES FOR INTERPRETATION**

- 3 The marginal notes and headings in this law are for reference purposes only.

**PART II - REGULATION OF SMOKING**

**WHERE SMOKING IS PROHIBITED**

- 4 (1) Except where permitted pursuant to Part III, the following locations may not be used for the purposes of smoking:
  - (a) inside a building; or
  - (b) on a patio;(2) Any location on Reserve where it is not prohibited by this Law may be used for the purposes of smoking by persons who are otherwise lawfully permitted to be at that location.
- 5 (1) No proprietor of a place where smoking is prohibited by this law shall permit smoking in that place.
  - (2) No proprietor of a place where smoking is prohibited by this law shall permit ashtrays to be placed or to remain in that place.

**LIVING  
ACCOMMODATIONS  
EXEMPT**

- 6 The provisions of this Part do not apply to an area of a building used exclusively as a private living accommodation.

**PART III - EXCEPTIONS**

**WORKPLACE  
EXCEPTION**

- 7 (1) Subject to the provisions of this section, the proprietor of a place where smoking is otherwise prohibited by this law may permit smoking in an area of that place being used as a workplace but only in a designated smoking area.
- (2) If smoking is permitted pursuant to this section the proprietor shall ensure that:
- (a) all designated smoking areas prevent smoke, by ventilation or physical barriers, from entering any place where smoking is prohibited;
  - (b) the combined area of all designated smoking areas does not exceed 40% of the total floor area of the workplace;
  - (c) designated smoking areas do not include more than 40% of any common areas of the workplace including, but not limited to, waiting rooms, meeting rooms, eating areas, cloak rooms, hallways and other such areas;
  - (d) designated smoking areas do not include any area which a worker must use for work purposes without the worker's consent; and
  - (e) signage is clearly and prominently posted at each entrance to a designated smoking area indicating that smoking is permitted inside;
- (3) No worker shall be required to work in any designated smoking area without their consent.
- (4) A Proprietor shall obtain the written consent of each worker who does work in a designated smoking area prior to that worker being permitted to perform his or her duties in that designated smoking area.
- (5) Notwithstanding subsection (3) and (4) a worker may

be required to work in a designated smoking area without their consent provided that:

- (a) work in a designated smoking area commences one hour after smoking has been terminated in that area,
- (b) smoking is not permitted in the designated smoking area while the worker is present, and
- (c) the designated smoking area has been adequately ventilated to remove substantially all of the residual smoke prior to the entry of the worker.

**PROVINCIAL LAW**

8 Provincial Laws which purport to restrict the use of places for the purposes of smoking shall have no application to the use of any place on Reserve.

**RESTAURANT AND BAR EXCEPTION**

- 9 (1) Subject to the provisions of this section, the Proprietor of a place where smoking is otherwise prohibited by this or any other law may permit smoking in a portion of the area of that place being used as a restaurant or bar, including a patio.
- (2) If smoking is permitted pursuant to this section the Proprietor shall ensure that, at all times:
  - (a) smoke does not enter any part of a building where smoking is prohibited;
  - (b) the combined area of all designated smoking areas does not exceed 40% of the total floor area of the seating area of the Bar or Restaurant which is open, including any patio; and
  - (c) signage is clearly and prominently posted at each entrance indicating that smoking is permitted, and the hours during which smoking is permitted;

**LICENSED GAMING  
EVENT EXCEPTION**

- 10 (1) Subject to the provisions of this section, the proprietor of a place where smoking is otherwise prohibited by this Law may permit smoking in an area of that place being used for a licensed gaming event but only in a designated smoking area.
- (2) If smoking is permitted pursuant to this section, and if persons under 18 years of age are permitted to enter the licensed gaming event, the proprietor shall ensure that:
- (a) all designated smoking areas prevent smoke, by ventilation and physical barriers, from entering any place where smoking is prohibited;
  - (b) the combined area of all designated smoking areas does not exceed 65% of the total floor area of the licensed gaming event;
  - (c) signage is clearly and prominently posted at each entrance to a designated smoking area indicating that smoking is permitted inside; and
  - (d) no person under 18 years of age is allowed to enter, or remain in, a designated smoking area.
- (3) If smoking is permitted pursuant to this section, and if persons under 18 years of age are prohibited from entering the licensed gaming event, the proprietor shall ensure that:
- (a) the combined area of all designated smoking areas does not exceed 65% of the total floor area of the licensed gaming event;
  - (b) signage is clearly and prominently posted at each entrance to the licensed gaming event indicating that smoking is permitted inside; and
  - (c) no person under 18 years of age is allowed to enter, or remain in, the licensed gaming event.

**CEREMONIAL  
EXCEPTION**

- 11 Notwithstanding any other provision of this Law, smoking for ceremonial, or traditional purposes by Sawridge Band Members and other individuals whom they invite to participate, is permitted anywhere on the

Reserve provided that it is carried out in accordance with the customs and traditions of the Sawridge Indian Band.

#### **PART IV - ENFORCEMENT**

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| <b>OFFENCE</b>             | 12 | Any person who contravenes this Law is guilty of an offence.   |
| <b>CONTINUING OFFENCE</b>  | 13 | In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Law for each such day. |
| <b>FINES AND PENALTIES</b> | 14 | A person who is found guilty of an offence under this Law on summary conviction is liable to a fine in an amount not exceeding \$1,000.00, and to imprisonment for not more than thirty days.  |

#### **PART V - GENERAL**

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| <b>CHIEF AND COUNCIL</b> | 15 | Without restricting any other power, duty or function granted by this Law, the Chief and Council may: <ul style="list-style-type: none"><li>(a) carry out whatever inspections are reasonably required to determine compliance with this Law; and</li><li>(b) prosecute any person who has committed an offence under this Law;</li></ul> |
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**CONFLICTS**

- 16 Where any law of the Province of Alberta conflicts with the provisions of this Law, the provisions of this Law shall prevail.

**PART VI - MARKETING**

**DISPLAY/ADS**

17. Any business on Reserve that lawfully uses premises situated on the Reserve for the purpose of selling Tobacco products may in conjunction with such use, display or advertise such products within and upon its premises and such advertisements or displays may be visible from outside the premises.

**PART VII - PASSAGE**

**DATE OF PASSAGE**

18. This Law was passed by the Sawridge Indian Band Council on the 13 day of May, 2008

SAWRIDGE INDIAN BAND

  
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CHIEF

  
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COUNCILOR

  
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COUNCILOR