

BYLAW NO. 2008-81-03
OF THE SADDLE LAKE CREE NATION
TO PROVIDE FOR THE REGULATION AND USE OF TOBACCO
PRODUCTS ON THE SADDLE LAKE CREE NATION LANDS

WHEREAS, the Saddle Lake Cree Nation is a signatory to the Treaty # 6, and as such, maintains and exercises inherent rights as recognized and confirmed by the Constitution of Canada, and

WHEREAS, the Chief and Council, are duly elected and empowered by the membership of the Saddle Lake Cree Nation, and

WHEREAS, pursuant to section 81 of the Indian Act, the Chief and Council are desirous of making regulations to ensure the protection and promotion of good health, safety and welfare to its members,

NOW THEREFORE, The Council of the Saddle Lake Cree Nation hereby make the following bylaw:

1.0 SHORT TITLE

- 1.1 This bylaw may be cited as the “Saddle Lake Cree Nation Smoking Bylaw”

2.0 INTERPRETATION

- 2.1 In this By-law:

“officer” means a tribal police Constable appointed by Chief and Council, a member of the Royal Canadian Mounted Police, or any other person appointed as a Special Constable to enforce this bylaw,

“public place” means all or any part of a building, structure or enclosed area to which members of the public have access as of right or by express or implied invitation, but does not include a place at which a private social function is being held

“private social function” means a specific social event:

- a. for which an entire room has been reserved, which is physically separated from areas where smoking is prohibited under this bylaw and to which members of the public do not have access as of right or express or implied invitation; and

- b. at which attendance is limited to people who have been specifically invited or designated by the sponsor; and
- c. at which seating arrangements are under the control of the sponsor or the event and not of the proprietor of the room,

but does not include:

- d. events which are held primarily for the purpose of business or for invitees who are in attendance in the course of or for the purpose of their employment; or
- e. an event in which minors are in attendance;

“workplace” means all or part of any building, structure, or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation, and includes reception areas, corridors, lobbies, stairwells, elevators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages, and work vehicles

“Reserve lands” means the lands set aside for use and benefit of the Saddle Lake Cree Nation.

“minor” means a person who is under the age of eighteen years old and includes any child and youth

“child” means any boy or girl who has not reached the age of twelve years

“youth” means any person between the age of twelve and seventeen years

“proprietor” means an employer or other person who, directly or indirectly, controls, governs, or directs the activities in the place;

“public vehicle” means a bus, taxi, or other vehicle that is used to provide transportation services to members of the public

“work vehicle” means a vehicle owned or leased by an employer and used by employees in the course of their employment,

“smoke or smoking” means to smoke, hold or otherwise have control over a lit tobacco product, and includes carrying a lighted cigarette, pipe, or cigar or any other lighted smoking equipment;

‘regulations’ means the regulations approved by Council to give effect to the objectives intended by the passing of this bylaw.

3.0 PROHIBITION OF SMOKING

- 3.1 Except as otherwise provided in this bylaw,
 - a. Smoking shall be prohibited in public places, workplaces, public vehicles and vehicles carrying minors
 - b. Minors under the age of eighteen shall be prohibited from smoking,
- 3.2 Parents or guardians are responsible for the behavior of their children in public. Parents or guardians will be held accountable for the behavior of their children in accordance with this and other bylaws.

4.0 EXCLUSIONS

- 4.1 Nothing in this bylaw affects the rights of Nation members to carry out traditional, spiritual or cultural practices or ceremonies,
- 4.2 Subject to section 5.0 , this bylaw does not apply to a building, structure or vehicle, or any part thereof, that is used as a private residence
- 4.3 That part of a private residence that is:
 - a. used to operate a home business,
 - b. used by employees who work in the residence, but do not live in the residence, in the course of their employmenta workplace for the purposes of this bylaw.

5.0 EXCEPTIONS

- 5.1 Chief and Council may, on application by a proprietor of a public place or workplace, issue a permit to allow smoking in a designated smoking area, which area may be all or any part of that public place or workplace
- 5.2 An application pursuant to section 5.1:
 - a. shall be in such form as may be specified by Chief and Council; and

- b. shall be accompanied by such application fee as may be specified by Chief and Council.

5.3 Chief and Council may, at its sole discretion:

- a. refuse to grant a permit,
- b. require the applicant to provide further information on or in support of the application as may be deemed necessary by Chief and Council; or
- c. issue a permit in such form and containing such conditions as may be determined by Chief and Council, including conditions as to the physical separation of the designated smoking area from other areas where smoking is prohibited under this bylaw and the maintenance of ventilation systems.

5.4 A person shall be entitled to smoke in a designated smoking area, and the proprietor shall be entitled to permit smoking in a designated smoking area, provided that the proprietor of that public place or workplace:

- a. ensures that signs are posted and conspicuously displayed indicating that minors are not permitted to enter or be in the place where smoking is permitted: and
- b. complies with any other conditions of the permit.

5.5 The proprietor of a place where smoking is prohibited under this bylaw must not permit a person to smoke in that place.

5.6 The proprietor of a public place or workplace must not permit persons under the age of 18 years to enter or be in a designated smoking area.

5.7 Chief and Council may, in its sole discretion, revoke a permit granted pursuant to section 5.1 with thirty days written notice to the proprietor of the public place or workplace to which the permit applies.

6.0 AMENDMENTS

6.1 These bylaws can only be amended by a quorum of Council at a duly convened meeting specifically called for the purpose of amending a bylaw.

6.2 The amended bylaw shall then be put to the general membership for acceptance by public notice.

7.0 SEVERABILITY

- 7.1 Should a court determine that a provision of this bylaw is invalid for any reason, the provision shall be severed from the bylaw and the validity of the rest of the bylaw shall not be affected.

8.0 PENALTIES

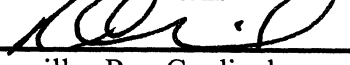
- 8.1 A person or persons, in contravention of any of the provisions of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding one month (30 days) or to both fine and imprisonment.
- 8.2 Other administrative sanctions or remedies may be imposed.
- 8.3 All revenues generated from fines will be payable to the Saddle Lake Consolidated Revenue Fund.

THIS BY-LAW IS HEREBY ENACTED by the Chief and Council of the Saddle Lake Cree Nation this 8 day of June, 2009.

Voting in favour of the by-law are the following members of Council:



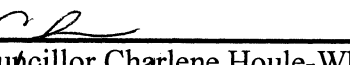
Chief Eddy Makokis




Councillor Ray Cardinal



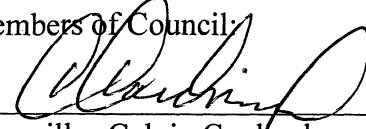
Councillor Terry Cardinal



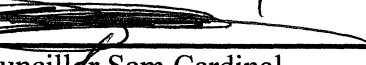
Councillor Charlene Houle-White



Councillor Adrian Redcrow




Councillor Calvin Cardinal



Councillor Sam Cardinal



Councillor Leonard Jackson




Councillor Jason Whiskeyjack

being the majority of those members of the Council of the Saddle Lake Cree Nation present at a properly constituted meeting of the Tribal Council.


The quorum of the Council is five (5) members.

Number of members in attendance at this meeting : 9.

I, Chief Eddy Makokis of the /Saddle Lake Cree Nation, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the Regional Office pursuant to subsection 82 (1) of the Indian Act, this 8 day of JUNE, 2009.



Witness



Chief Eddy Makokis