

Sample smoke-free bylaw for cooperatives

Smoke-free bylaw

1. All forms of smoking are prohibited on the property, including:
 - a. inside all housing units;
 - b. on the interior common property, including, but not limited to, in hallways, elevators, parking garages, electrical and mechanical rooms, stairs, and storage locker areas;
 - c. on patios and balconies; and
 - d. within 8 metres (26 feet) of a door, window or air intake.
2. "Smoking" for the purposes of this bylaw means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking implement designed to burn tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions.
3. "Business invitee" for the purposes of this bylaw shall include, but is not limited to, any contractor, tradesperson, agent, household worker, or other person hired by the tenant or resident to provide a service or product.
4. [<Uniform application of policy>](#) This bylaw takes effect upon approval by the members of the cooperative and applies to all persons, including, but not limited to, members, tenants [\(if units are permitted to be rented under your bylaws; if not, all references to tenants can be removed\)](#), invitees, business invitees, occupants and visitors.

[<OR exemption>](#) This bylaw takes effect upon approval by the members of the cooperative and applies to all persons, including, but not limited to, members, invitees, business invitees, tradespersons, occupants and visitors, provided that the bylaw does not apply to any member or occupant residing in a unit in the building at the time the bylaw is approved by the members, and who continues in full-time residence in the housing unit after the bylaw takes effect [<or specify length of time of the exemption period>](#).
5. [<Remove if exemption provision does not apply. Declaration, rules, bylaws and other legislation still applies>](#) Notwithstanding the exemption provision in section 4 above, members and occupants who qualify for the exemption from the smoke-free bylaw as described herein must still comply with all applicable legislation and are still subject to the declaration, rules and bylaws, including, but not limited to, those with respect to causing a nuisance or hazard.
6. [<Human rights and reasonable accommodation>](#) The cooperative shall make reasonable accommodation for a member or occupant who has proven by medical evidence that they have a physical and/or mental disability and are unable to control their addiction to nicotine. Whether the member or occupant has proven the disability will be determined in the sole and absolute discretion of the directors, acting reasonably. The accommodation will be made based on all the circumstances and may include, but is not limited to:
 - a. allowing smoking in one or more designated areas of the common property [\(if applicable\)](#);

- b. paying for one or more treatment programs to assist with the cessation of smoking, including, but not limited to, paying for nicotine-replacement therapy; and/or
 - c. the willingness of the member, tenant or occupant to install and maintain smoke-extraction equipment in any unit or on the common property, as recommended by the directors.
7. **<Time limit for reasonable accommodation>** Reasonable accommodation granted pursuant to section 6 of the policy may be for a fixed period of time at which time the member, tenant or occupant is free to re-apply to the cooperative for further reasonable accommodation to be made.
8. **<Other accommodation>** In addition to accommodation made under section 6 of the policy, reasonable accommodation may be made by the cooperative if a member or occupant proves that to prohibit smoking would result in other discrimination prohibited by the Alberta Human Rights Act. The board of directors, in its sole discretion, will determine whether or not the resident has proven that the prohibition of smoking would be discriminatory pursuant to the Alberta Human Rights Act.
9. **<Traditional or cultural smoking activity>** The cooperative may make reasonable accommodation in the case where a member, tenant or occupant intends to use tobacco in relation to a traditional aboriginal cultural activity, or smoking is intended to be done by a prescribed group for a prescribed purpose. In making the accommodation, the cooperative will only do so in writing and may prescribe in writing when the permission is granted for, the duration of the permission and where smoking will be permitted.