

**BYLAW 3002-18
OF THE
CITY OF CAMROSE
PROVINCE OF ALBERTA**

BEING A BYLAW OF THE CITY OF CAMROSE RESPECTING SMOKE FREE PUBLIC PLACES AND WORKPLACES

WHEREAS the Council of the City of Camrose has the authority to pass bylaws respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place or place that is open to the public;
- c) businesses, business activities and persons engaged in business;

AND WHEREAS it has been determined that second hand smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for many persons.

AND WHEREAS Council deems it expedient and appropriate to limit the effects of second hand smoke for residents of and visitors to the City of Camrose.

AND WHEREAS Council deems it appropriate to limit the exposure that children and youth have to smoking in public places.

NOW THEREFORE, THE COUNCIL OF THE CITY OF CAMROSE ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as the "Smoke Free Bylaw".

2. Definitions

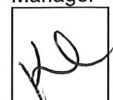
In this Bylaw:

- 2.1 "Bingo Establishment"** means any premises for which the Province of Alberta has issued a bingo license under the *Gaming and Liquor Act*.
- 2.2 "Cannabis"** means a cannabis plant and anything referred to in Schedule 1 of the *Cannabis Act*.
- 2.3 "Cannabis Act"** means means Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the *Criminal Code* and other Acts, 1st Sess, 42nd Part, 2017;
- 2.4 "Casino"** means any premises for which the Province of Alberta has issued a casino license under the *Gaming and Liquor Act*.
- 2.5 "Childcare Facility"** means a building or structure or portion therein, used for the care, education or supervision of children.

Mayor



Deputy
City
Manager



- 2.6 **"City"** means the City of Camrose.
- 2.7 **"Discreet Designated Smoking Areas"** means an area that has been designated as a smoking area that is away from buildings, crowds and high traffic areas and are not directly visible to children and youth.
- 2.8 **"Drinking Establishment"** means a business where liquor is sold for consumption on the premises, that may include the preparation and sale of food on the premises or for take away, and that may provide entertainment for patrons.
- 2.9 **"Grandstand"** means an open air seating facility primarily but not exclusively limited to use in watching sporting events.
- 2.10 **"Hospital Property"** means an institution providing medical and surgical treatment and nursing care for sick or injured people and includes medical centers or medical clinics.
- 2.11 **"Hotel"** includes hotels, motels and inns.
- 2.12 **"Offence Ticket"** means a municipal ticket issued by the City allowing for the voluntary payment of a specified fine established by this Bylaw.
- 2.13 **"Outdoor Public Event"** means an outdoor event that may require a City of Camrose permit or license, and which the public is invited or permitted to attend.
- 2.14 **"Outdoor Theatre"** means an outdoor event area for showing movie pictures or dramatic performances or displays.
- 2.15 **"Parade Route"** means a public processession moving through a pre-determined public space to celebrate a special day or event and may include; marching bands, floats, bicycles, horses etc."
- 2.16 **"Patio"** means an outdoor area for use by a Drinking Establishment or Restaurant where food and beverages are served to patrons. If no seating or service is provided, and if no food and beverages are permitted in the outdoor area, the outdoor area shall not be deemed to be a patio.
- 2.17 **"Peace Officer"** means a peace officer as defined in the *Provincial Offences Procedures Act*.
- 2.18 **"Playground"** means a structure or collection of structures designated and intended for recreational use by children and, where mounted in a distinct material such as sand, gravel, or wood chips, includes the material in which those structures are mounted.
- 2.19 **"Private Living Accommodation"** means an area of a building used as a residence.
- 2.20 **"Private Club"** means an enclosed place or premises that operates primarily for the

Mayor



Deputy
City
Manager



benefit and pleasure of the members of a non-profit corporation, service club or branch of the Royal Canadian Legion.

2.21 “Proprietor” means the owner, operator, manager or any other person in charge or in control of a place or premises and includes:

2.21.1 a person who is in charge of the

2.21.2 place or premises at any particular time;

2.21.3 the owner or driver of a taxicab;

2.21.4 the owner or driver of a public bus or other form of public transportation;

2.21.5 the owner or driver of a school bus; and

2.21.6 the Board of Trustees of a school, college or hospital.

2.22 “Public Building” means an enclosed or substantially enclosed building or structure to which the public is customarily admitted or invited, Without limiting the generality of the foregoing, public building includes bus shelters

2.23 “Public Housing” means housing provided for people with low incomes, subsidized by public funds.

2.24 “Public Park” means public space controlled by the City and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes the City’s walking trail system.

2.25 “Public Transportation Vehicle” means any vehicle used for the transportation of people upon the payment of a fee.

2.26 “Restaurant” means a business where food and beverages are prepared and served for consumption on-site by the public and may include a take-out component as an accessory development.

2.27 “Residential Care Facility” means a building or portion thereof that forms part of a senior citizens’s lodge, long term care facility, independent living facility, assisted living facility, or nursing home.

2.28 “Sidewalk Café” means an outdoor area, located on a public sidewalk, to which the public is invited or permitted access and which abuts and is operated as part of a Restaurant.

2.29 “Seasonal Skating Rink” means an outdoor ice surface on which members of the public are permitted to skate, whether on payment of any fee or not, and includes public lakes, ponds, and outdoor rinks with boards or other ice support infrastructure.

Mayor

Deputy
City
Manager



- 2.30 “Skate Park”** means an area designated and intended specifically for the use of skateboards, in-line skates, or similar devices.
- 2.31 “Sports Field”** means an outdoor area designed and intended for use in a specific sporting event and includes soccer fields, baseball diamonds, tennis courts, and similar areas , excepting golf courses.
- 2.32 “Smoking” means** to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted or heated device or apparatus designed to burn or heat tobacco or cannabis for the purpose of inhaling or tasting its emissions.
- 2.33 “Temporary Residence”** means a vehicle that is being used as a residence to temporarily house an individual.
- 2.34 “Toboggan Hill”** means an outdoor area signed or used as a toboggan site.
- 2.35 “Violation Ticket”** means a violation ticket as defined in the Provincial Offences Procedure Act.
- 2.36 “Water Spray Park”** means a structure or collection of structures that spray or release water which is designed and intended for recreation use.
- 2.37 “Work Place”** means all or any part of a 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, escalators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages and work vehicles.

3. Purpose

- 3.1** The purpose of this Bylaw is to regulate smoking in public places in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens.

4. Regulation of Smoking

- 4.1** No person shall smoke in any indoor place to which the public is ordinarily invited or permitted to attend or in any of the following places:
- 4.1.1** Bingo Establishment
 - 4.1.2** Casino
 - 4.1.3** Child Care Facility
 - 4.1.4** Drinking Establishment
 - 4.1.5** Grandstand
 - 4.1.6** Hotel
 - 4.1.7** Hospital Property
 - 4.1.8** One (1) Day Outdoor Public Event
 - 4.1.9** Outdoor Theatre

Mayor



Deputy
City
Manager

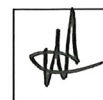


- 4.1.10 Parade Route
- 4.1.11 Patio
- 4.1.12 Private Club
- 4.1.13 Public Building
- 4.1.14 Public Housing
- 4.1.15 Public Park
- 4.1.16 Public Transportation Vehicle
- 4.1.17 Residential Care Facility
- 4.1.18 Restaurant
- 4.1.19 School
- 4.1.20 Sidewalk Cafe
- 4.1.21 Work Place
- 4.1.22 Zoo

For greater certainty, no designated smoking area as described in Section 5 of the Tobacco Reduction Act, SA 2005, CH T-38 is permitted in any of the places listed in Section 4.1.

- 4.2 The City Manager or designate may assign "discreet designated smoking areas" on City Property.
- 4.3 Notwithstanding anything contained in this Bylaw, the prohibitions set out in Section 4.1 do not apply to any Private Living Accommodation.
- 4.4 Notwithstanding anything contained in this bylaw, the prohibitions set out in Section 4.1 do not apply to the use of electronic cigarettes in Public Housing.
- 4.5 No person shall smoke within ten metres of a playground, park, seasonal skating rink, skate park, bike park, sports field, and water spray park or toboggan hill as outlined in red on City of Camrose Smoke Free map.
- 4.6 No person shall smoke inside or within five metres of the doorway of a place as prohibited in Section 4.1.
- 4.7 No Proprietor of a place where smoking is prohibited by Section 4.1 shall permit smoking in that place or within five metres of the doorway to said building as outlined in red on the City of Camrose Smoke Free map.
- 4.8 A Proprietor who takes the following steps or ensures that the following steps are taken shall be deemed to have complied with the obligation described in Section 4.6:
 - 4.8.1 advise a smoker that smoking is not allowed and request the smoker to put out any lit substance;
 - 4.8.2 ask any smoker who refuses to comply with such a request to leave the premises;

Mayor



Deputy
City
Manager



4.8.3 refuse to provide any further service to such person; and

4.8.4 immediately report to the Camrose Police Service any smoker who refuses to put out any lit substance or refuses to leave the premises when requested to do so.

4.9 No Proprietor of a place where smoking is prohibited by this Bylaw shall permit ashtrays to be placed or to remain in that place.

4.10 Nothing in this Bylaw affects the rights of people respecting traditional spiritual practices or ceremonies.

5. Signs Required

5.1 Every Proprietor of a place or premises mentioned in Section 4.1 shall ensure that signs prohibiting smoking are posted in proximity to all of the public entrances to such place. Such signs shall be in general conformity with the form specified in Schedule "A".

5.2 Where there is no public entrance to a place or premises mentioned in Section 4.1, signs prohibiting smoking shall be posted in a prominent location on or near the premises in such manner as to be readily visible to any member of the public using such place or premises.

5.3 No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this Bylaw.

6. Inspections

6.1 For the purpose of determining if the provisions of this Bylaw are being complied with, a Peace Officer is a designated officer for the purposes of section 542 of the Municipal Government Act of Alberta and may inspect such places or premises at all reasonable times.

7. Enforcement

7.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon conviction:

7.1.1 for a first offence, to a fine of \$200.00; and

7.1.2 for a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$2,500.00.

7.2 An individual who is convicted of an offence shall also be liable, in default of payment of any fine, to imprisonment for up to six months.

7.3 Each day that an offence continues shall constitute a separate offence.

Mayor



Deputy
City
Manager



7.4 Where a Peace Officer has reason to believe that a person has contravened any provision of this Bylaw, he or she may serve upon such person:

7.4.1 an Offence Ticket allowing payment to the City of the specified fine set out in Section 7.1, which payment shall be accepted by the City in lieu of prosecution for the offence; or

7.4.2 for a first offence, a Violation Ticket requiring a person to appear in Court with the alternative of making a voluntary payment; or

7.4.3 for a second or subsequent offence, a Violation Ticket requiring a person to appear in Court without the alternative of making a voluntary payment.

7.5 If a Violation Ticket containing a specified penalty is issued to a person for a breach of this Bylaw, the person may make a voluntary payment equal to the specified fine by delivering the Violation Ticket and the specified fine to the Provincial Court Office specified on the Violation Ticket within the required time. In that event, the voluntary payment will be accepted as a guilty plea and no court appearance is required.

8. Severability

8.1 Should any provision of this Bylaw be found to be invalid it is the intention of Council for the City that such invalid portion be severed and that the remainder of the Bylaw be given full force and effect.

9. Effective Date

9.1 This Bylaw shall come into force upon the final passing thereof and Bylaw 2877-16 is hereby rescinded.

READ a FIRST time in COUNCIL this 22ND day of MAY, A.D. 2018.


MAYOR


DEPUTY CITY MANAGER

Mayor

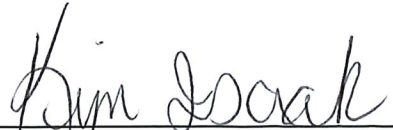
Deputy
City
Manager





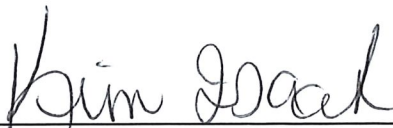
READ a **SECOND** time in **COUNCIL** this 04TH day of SEPTEMBER, A.D. 2018.


MAYOR


DEPUTY CITY MANAGER

READ a **THIRD** time in **COUNCIL** this 04TH day of SEPTEMBER, A.D. 2018.


MAYOR


DEPUTY CITY MANAGER

Mayor

Deputy
City
Manager





SCHEDULE "A"



NO SMOKING
THE CITY OF CAMROSE

Mayor

A square box containing a handwritten signature in black ink.

Deputy
City
Manager

A square box containing a handwritten signature in black ink.