

BYLAW NO 1947/2026

OF THE

TOWN OF SYLVAN LAKE

**BEING A BYLAW OF THE TOWN OF SYLVAN LAKE IN THE PROVINCE OF ALBERTA
TO REGULATE SMOKING IN PUBLIC PLACES AND WORKPLACES.**

WHEREAS the Council of the Town of Sylvan Lake 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 secondhand smoke (exhaled smoke and the smoke from idling cigarettes, cigars, pipes, hookahs and electronic cigarettes) is a health hazard and causes discomfort for many persons; and

WHEREAS Council deems it expedient and appropriate to limit the effects of secondhand smoke for residents of and visitors to the Town of Sylvan Lake;

NOW THEREFORE, the Council of the Town of Sylvan Lake, in the Province of Alberta, duly assembled and under the powers conferred upon it by the authority of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, enacts as follows:

1. TITLE:

This Bylaw may be cited as "The Smoke Free Bylaw"

2. DEFINITIONS:

- A. "Ashtray" means a receptacle for tobacco ashes and for cigar and cigarette butts;
- B. "Building" means anything constructed or placed on, in, over or under land, whether permanent or temporary, into which a person could enter; where a building includes private living accommodation, the following shall apply:
 - i) that portion of the building containing the private living accommodation shall be deemed to not be a public building;
 - ii) if a building contains two or more private living accommodations, those common areas of the building including washrooms, corridors, reception areas, elevators, escalators, foyers, hallways, stairways, lobbies, laundry rooms, enclosed parking garages and common areas shall be deemed to be a public building.
- C. "Council" means the Town Council of the Town of Sylvan Lake.

- D. "Licensed Food and Beverage Establishment" means an establishment for the sale of alcohol for consumption on the premises and where a liquor license has been issued by Alberta Gaming & Liquor Commission and may include the preparation and sale of food;
- E. "Employee" includes a person who performs any work for or supplies any services to any Employer or receives any instructions or training in the activity, business, work, trade, occupation or profession of the Employer;
- F. "Employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;
- G. "Grandstand" means an open air seating facility primarily but not exclusively limited to use in watching sporting events;
- H. "Lakefront Smoke Free Zone" means the lakefront area to include the Town property from Lakeshore Drive north to the Departmental Miscellaneous Lease 210029 AND the area identified in the Departmental Miscellaneous Lease 210029.
- I. "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 and includes:
- i) a public premises where food or beverages are served that is not fully contained within an enclosed building, and;
 - ii) an outside extension of an eating or drinking establishment regardless of whether it is covered;
- J. "Peace Officer" means a person appointed as a Bylaw Enforcement Officer pursuant to the *Municipal Government Act*, to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- K. "Private Club" means an enclosed place or premises that operates primarily for the benefit and pleasure of the members of a non-profit corporation, service club or branch of the Royal Canadian Legion.
- L. "Private Residence" means a self-contained living premises for domestic use of one or more persons and is provided with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway and includes a hotel or motel room.
- M. "Proprietor" means the owner, operator, manager or any other person in charge or in control of a place or premises and includes:
- i) a person who is in charge of the place or premises at any particular time;
 - ii) the owner or driver of a taxi-cab;
 - iii) the owner or driver of a public bus or other form of public transportation;
 - iv) the owner or driver of a school bus;

v) the Board of Trustees of a school, college or hospital.

- N. "Public Building" means an enclosed or substantially enclosed building or structure to which the public is customarily admitted or invited;
- O. "Public Transportation Vehicle" means any vehicle used for the transportation of people upon the payment of a fee and includes a bus, taxicab, limousine or other similar vehicle;
- P. "Restaurant" means an enclosed place or premises the primary purpose of which is the preparation and sale of food for consumption on the premises, and the secondary purpose of which may include the sale of alcohol or non alcohol beverages, take out food services and catering. A Restaurant does not include a Drinking Establishment but does include any premises in respect of which a 'Class A' Liquor License has been issued and where minors are not prohibited by the terms of the license.
- Q. "Sidewalk Cafe" 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.
- R. "Smoke" or "Smoking" means to inhale, to exhale, burn or have control of a lighted cigarette, lighted cigar, lighted pipe, a hookah, and electronic cigarette or vape, or other lighted smoking implement designed to burn or heat tobacco, cannabis, or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.
- S. "Town" means the Town of Sylvan Lake.
- T. "Violation Tag" means a violation tag issued by the Town allowing for the voluntary payment of a specified fine established by This Bylaw.
- U. "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act*.
- V. "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. GENERAL PROVISIONS:

- A The following are Designated Public Places for the purpose of this Bylaw:
- i) Public Buildings and those areas within five (5) meters of an entrance or exit to a Public Building;
 - ii) Public Transportation Vehicles;
 - iii) Workplaces and those areas within five (5) meters of an entrance or exit to a Workplace;

iv) Lakefront Smoke Free Zone.

B. No person shall smoke in a Designated Public Place, whether or not a "No Smoking" sign is posted or visible.

C. No Proprietor or Employer shall permit smoking in a Designated Public Place, whether or not a "No Smoking" sign is posted or visible.

4. ASHTRAYS:

A. The Proprietor or Employer of every Designated Public Place shall, if employees or members of the public from time to time gather to smoke at a location outside the Designated Public Place, ensure that ashtrays are placed more than five (5) meters from the entrance or exit of the Designated Public Place.

5. REGULATION OF SMOKING:

A. No person shall smoke in any building to which the public is ordinarily invited or permitted to attend. This includes but is not limited to Licensed Food & Beverage Establishments, Grandstands, Patios, Private Clubs, Public Buildings, Public Transportation Vehicles, Restaurants, Sidewalk Cafes and Work Places.

B. For greater certainty, no designated smoking area as described in the *Smoke Free Places Act of Alberta, S.A 2005, Ch. S-9.5* is permitted in any of the places listed in section 5(A) above.

C. No person shall smoke within the Lakefront Smoke Free Zone, a public park, or playground property, school property, child care facility property, a playground, a sports or playing field, a skatepark or bike park, an outdoor theatre, a public market, an outdoor pool or splash pad, and a municipal facility that is frequented by children.

D. No person shall smoke on a sidewalk along Lakeshore Drive from 34 Street through to 53 Street AND Centennial Street from Lakeshore Drive through to 50 Avenue between the hours of 8:00AM and 8:00PM.

i) During the hours of 8:00PM and 8:00AM Sec. 3.A.i) remains in effect which prohibits smoking within five (5) meters of an entrance or exit to a Public Building;

E. Notwithstanding anything contained in this bylaw, the prohibitions set out in Section 5 do not apply to any private living accommodation.

F. No Proprietor or Employer of a place where smoking is prohibited by section 5 shall permit smoking in that place.

G. A Proprietor or Employer 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 5(0):

i) Advise a smoker that smoking is not allowed and request the smoker to put out

any lit tobacco;

- ii) Ask any smoker who refuses to comply with such a request to leave the premises;
- iii) Refuse to provide any further service to such person; and
- iv) Immediately report to a Peace Officer any smoker who refuses to put out lit tobacco and who refuses to leave the premises when requested to do so.

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

6. CONSUMPTION OF MEDICAL CANNABIS

- A. A person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 is subject to this Bylaw.
- B. A person referred to in subsection (1) must, on demand of a Peace Officer, produce a copy of the person's medical document.

7. SIGNS REQUIRED:

- A. Every Proprietor or Employer of a place or premises mentioned in Section 5 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' which is attached to and forms part of this bylaw.
- B. Every Proprietor or Employer of a place or premises mentioned in Section 5 shall ensure that signs prohibiting smoking are posted at the entrance to each washroom where the said washroom is not fully contained within a Workplace or Designated Public Place that has been signed in accordance with section 6(A).
- C. Where there is no public entrance to a place or premises mentioned in Section 5, signs prohibiting smoking shall be posted in a prominent location on or near the premises in such a manner as to be readily visible to any member of the public using such place or premises.
- D. Notwithstanding that the graphic symbol in Schedule 'A' is a cigarette; it shall be deemed to include reference to a lighted cigar, cigarette, pipe or other lighted smoking equipment.
- E. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this bylaw.

8. INSPECTIONS:

- A. 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 enter, inspect, make examinations, investigations and inquiries of any Designated Public Place at all reasonable times.

9. EXEMPTIONS:

Exemption for cigar lounges:

In this section,

(a) “cigar” means “cigar” means a roll or tubular construction that is intended for smoking that consists of:

- (i) a filler composed of natural tobacco, reconstituted tobacco or natural and reconstituted tobacco.
- (ii) a wrapper, or a binder and a wrapper, composed of natural tobacco, reconstituted tobacco or natural and reconstituted tobacco in which the filler is wrapped, and may include a mouthpiece (tip) or filter.

(b) cigar lounge” means a room where adults can smoke cigars indoors. Despite section 5 of the Bylaw, a person may smoke only cigars in a cigar lounge if the cigar lounge meets the following conditions:

- i. the cigar lounge is designated as a cigar lounge by the manager.
- ii. the cigar lounge has floor-to-ceiling walls, a ceiling and doors that separate the lounge visually and physically from any adjacent area in which smoking is prohibited under the Alberta Tobacco, Smoking and Vaping Reduction Regulation.
- iii. the cigar lounge has doors equipped with a properly functioning self-closing device.
- iv. the cigar lounge is equipped with a separate ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building in which the lounge is located.
- v. minors have no access to the cigar lounge.
- vi. no service, including cleaning, is allowed in the cigar lounge during the hours of operation.

10. PENALTIES:

- A. A person who has contravened any part of this Bylaw or who hinders or obstructs a Peace Officer carrying out the enforcement of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this part and not exceeding Two Thousand Five Hundred (\$2,500.00) dollars.

- B. Without restricting the generality of the forgoing, specified fine amounts are established for use on Violation Tags or on Violation Tickets if a voluntary payment option is offered:
- i) Individuals:
 - a. \$250.00 for a first offence;
 - b. \$500.00 for a second offence;
 - c. \$1,000.00 for a third or subsequent offence.
 - ii) Proprietors & Employers:
 - a. \$500.00 for a first offence;
 - b. \$1,000.00 for a second offence;
 - c. \$2,000.00 for a third or subsequent offence.
- C. In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

11. VIOLATION TAGS & TICKETS:

- A. If a Peace Officer believes that an offence has been committed under this bylaw, he may issue:
- i) A Violation Tag in a form as approved by the Chief Administrative Officer, referencing the section of the Bylaw contravened, to any person who he has reasonable and probable grounds to believe has contravened any provision of this Bylaw; or
 - ii) A summons under the *Provincial Offences Procedures Act*, R.S.A. 2000, C. P-34 as amended, by means of a Violation Ticket.
- B. Service of a Violation Tag or a Violation Ticket shall be sufficient if it is:
- i. Personally served;
 - ii. Served by regular mail to the person's last known mailing address; or
 - iii. Placed or attached in a conspicuous location on the Designated Public Place involved in the contravention of this Bylaw.
- C. No person, other than the Employer at or the Proprietor of the Designated Public Place shall remove a Violation Tag or Ticket placed or attached to such Designated Public Place by a Peace Officer in the course of his duties.
- D. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may:

- i) Specify the fine amount established under this Bylaw for the offence; or
 - ii) Require a person to appear in court without the alternative of making a voluntary payment.
- E. A person who commits an offence under this bylaw may:
- i) If a Violation Tag is issued in respect of the offence; or
 - ii) If a Violation Ticket is issued in respect of the offence, and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence make a voluntary payment equal to the fine specified.
- F. Voluntary payment of a fine levied under a Violation Tag or a Violation Ticket shall be deemed to be a conviction of the offence specified.

10.SEVERABILITY:

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

12. EFFECTIVE DATE:

- A. This bylaw shall come into effect on the date of the third and final reading and upon signing by the Mayor and Chief Administrative Officer.

Upon Third Reading of Bylaw 1947/2026, Bylaw 1942/2026 is hereby repealed.

Read a First time in Council assembled this 10th day of March 2026.

Read a Second time in Council assembled this 10th day of March 2026.

Read a Third time in Council assembled and passed this 10th day of March 2026.



Mayor Megan Hanson



CAO Dawn Phillips





**No Smoking
The Town of Sylvan Lake**

SIGN SPECIFICATIONS:

Size:

The total sign size shall be no smaller than 14 centimeters (5.5 inches) by 14 centimeters (5.5 inches) and will include the following:

- depiction of the international no-smoking symbol (shown above) that shall be at least 7.5 centimeters (3 inches) in height; and
- the text (shown above) and in approximate proportion as depicted above.

Schedule B – Lakefront No Smoking Zone Map

