

**CITY OF COLD LAKE
BYLAW NO. 554-PL-15**

A BYLAW REGULATING SMOKING IN PUBLIC PLACES

Please note: in a bylaw that is “Unofficially Consolidated” the original approved bylaw is updated to include all of the approved amendments to that bylaw.

Unofficial Consolidation as of April 23, 2024

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING SMOKING IN PUBLIC PLACES

WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for many inhabitants of the City of Cold Lake;

AND WHEREAS, Council deems it necessary and in the public interest to regulate tobacco smoking in or near parks, playgrounds and outdoor recreational facilities in City of Cold Lake,

AND WHEREAS the *Municipal Government Act, RSA 2000, Chapter M-26* authorizes a council to pass bylaws for municipal purposes respecting safety, health and welfare of people and the protection of people and property people, activities and things in, on or near a public place and property;

NOW THEREFORE, pursuant to the authority of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended, the Council of the City of Cold Lake duly assembled enacts:

SECTION 1 – TITLE

This Bylaw shall be cited as the “Smoking Bylaw”.

SECTION 2 – DEFINITIONS

In this Bylaw,

- 2.1 “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires.
- 2.2 "Electronic cigarette" means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled and includes all components used in conjunction with the device, including the e-liquid, cartridge and any other component that may be sold separately from the device itself.
- 2.3 "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.
- 2.4 “Municipal outdoor recreation area” means any park, playground, or outdoor recreation facility such as but not limited to soccer pitches, baseball diamonds, football field, water park, skate park or outdoor skating rinks located on lands owned by the city of Cold Lake including cemeteries, undeveloped municipal reserves or other open spaces or any land managed by the City for recreational purposes through lease or other formal arrangement with a private land owner or other public organization such as a school district”.
- 2.5 “Officer” means a Peace Officer, a Bylaw Officer, a member of the RCMP, or any person appointed by the CAO to enforce this Bylaw.
- 2.6 “Patio” means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food and beverages.

- 2.7 “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 forgoing, public building includes bus shelters.
- 2.8 “Public transportation vehicle” means a bus, school bus, taxi, limousine or other vehicle that is used to transport members of the public for a fee;
- 2.9 "Proprietor" means the owner or his agent or representative of the premises referred to in this Bylaw, and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein.
- 2.10 "Sign" means a sign as prescribed by the *Alberta Tobacco and Smoking Reduction Act* and/or as prescribed by the *Tobacco and Smoking Reduction Regulations*.
- 2.11 "Smoke" or "Smoking" means to smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit cigarette, cigar, pipe, electronic cigarette or other device that burns or heats tobacco, cannabis, any weed, any herb, or other substance that is intended to be smoked or inhaled.

Amended on August 28, 2018, Bylaw No. 629-PL-18

- 2.12 “Smudging” means an indigenous spiritual and cultural practice comprised of a cleansing or sacred smoke bath, created from burning medicinal or sacred plants that is used to purify the body, aura, energy, ceremonial/ritual space or any other space and personal articles.
- 2.13 “Traditional Pipe Ceremony” means a cultural or religious ceremony performed by Canada’s Indigenous Peoples involving the use of tobacco products and is commonly held out of doors or in a separate and specific indigenous structure such as a tipi.

*Amended by Bylaw No. 835-PL-24
April 23, 2024*

- 2.14 “Violation Tag, Municipal” means a tag or similar document issued by the City pursuant to the *Municipal Government Act R.S.A. 2000* as amended.
- 2.15 “Violation Ticket, Provincial” has the same meaning as in the *Provincial Offences Act R.S.A. 2000* as amended;
- 2.16 “Workplace” 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;
- 2.16.1 place is a Workplace whether or not the employee is employed by the proprietor of the premises at which the employee works;
- 2.16.2 subject to the sub clause below, if an employee works in any portion of a building, the entire building shall be deemed to be a workplace; and
- 2.16.3 any portion of a building that is a private residence shall not be deemed to be a workplace.

SECTION 3 – GENERAL PROHIBITIONS

- 3.1 The following are designated public places for the purposes of this bylaw:
- 3.1.1 a public building;
- 3.1.2 a patio;

- 3.1.3 a public transportation vehicle;
 - 3.1.4 a workplace;
 - 3.1.5 a municipal outdoor recreation area and those areas within five metres of a municipal outdoor recreation area;
 - 3.1.6 within five metres from a doorway, window or air intake of a building, patio or workplace.
- 3.2 No person shall smoke in any designated public place regardless of whether or not a 'No Smoking' sign is posted.
- 3.3 No proprietor or employer shall permit smoking in a designated public place, whether or not a 'No Smoking' sign is posted or visible.
- 3.4 Should a proprietor of a facility wish to make any area not covered by this bylaw or an existing provincial or federal legislation a non-smoking area, they are required to post a No Smoking sign as prescribed by the *Alberta Tobacco and Smoking Reduction Act*. Where appropriate signage has been posted, the area is deemed to be non-smoking.

SECTION 4 - EXEMPTIONS

- 4.1 Traditional Indigenous Spiritual or Cultural Practices:
- 4.1.1 The rights of indigenous people respecting traditional indigenous spiritual or cultural practices of ceremony are exempt from this bylaw, and include such practices as Traditional Pipe Ceremony or Smudging.
 - 4.1.2 The Traditional Pipe Ceremony or Smudging exemption only applies to those persons actually participating in the ceremony and does not apply to spectators or on lookers, not directly involved in the ceremony.
 - 4.1.3 At least twenty-hour (24) hours prior to the use of smoke under this exemption, a written request must be provided to the CAO or designate who will confirm the specific location is appropriate for use, to permit time to notify other users of the facility, disable smoke detectors, sprinklers and/or ventilation systems, and provide access to a fire extinguisher as required.

*Amended by Bylaw No. 835-PL-24
April 23, 2024*

SECTION 5 - ASHTRAYS

- 5.1 The proprietor or employer of every designated public place shall ensure that no ashtrays are placed or allowed to remain in any designated public place.
- 5.2 The proprietor and 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 meters from the entrance or exit of the designated public place.

SECTION 6 - OFFENCES AND PENALTIES

- 6.1 Any person or corporation that contravenes this Bylaw is guilty of an offence.
- 6.2 Any person who willfully obstructs an Officer or assaults an Officer in the exercise or performance of their duties related to this Bylaw, with the intent to resist or prevent the lawful arrest or detainment of themselves or another person is guilty of an offence.
- 6.3 ~~A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than two hundred fifty dollars (\$250.00) and not exceeding two thousand five hundred dollars (\$2,500), and to imprisonment for not more than~~

~~six months for non-payment of a fine.~~ A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than three hundred dollars (\$300.00) and not exceeding two thousand five hundred dollars (\$2,500), and to imprisonment for not more than six months for non-payment of a fine.

Amended on April 26, 2022, Bylaw No. 744-PL-22

- 6.4 The penalty for a second offence, within a calendar year, shall be double the fine amount.
- 6.5 The penalty for a third and subsequent offences, within a calendar year, shall be triple the fine amount.

SECTION 7 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

- 7.1 A municipal violation tag or provincial violation ticket may be issued in respect to an offence, and the municipal violation tag or provincial violation ticket must specify the fine amount established by this Bylaw for the offence.
- 7.2 The person receiving the municipal violation tag or provincial violation ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence.
- 7.3 A provincial violation ticket must be paid before the date specified by the ticket.
- 7.4 A municipal violation tag must be paid within thirty (30) days of the date it was issued.
- 7.5 If a municipal violation tag has been issued, a person may, prior to the required date, request that a provincial violation ticket be issued in place of a municipal violation tag to allow that person to attend court with respect to the offence.
- 7.6 If a provincial violation ticket is issued in respect to an offence:
- 7.6.1 The provincial violation ticket may specify the fine amount established by this bylaw for the offence;
- 7.6.2 The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment;
- 7.7 If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or
- 7.8 If a provincial violation ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to the offence.

ENACTMENT

This Bylaw shall come into full force and effect immediately upon the date of its final passage.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 10th day of March, A.D., 2015, on motion by Councillor Lefebvre.

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 24th day of March, A.D., 2015, on motion by Councillor MacDonald.

THIRD READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 14th day of April, A.D., 2015, on motion by Councillor MacDonald.

Executed this _____ day of _____, 2015.

CITY OF COLD LAKE

DEPUTY MAYOR

CHIEF ADMINISTRATIVE OFFICER

Unofficial Consolidation