

BYLAW NO. 22-2018

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE  
PROVINCES OF ALBERTA AND SASKATCHEWAN TO  
PROHIBIT SMOKING IN PUBLIC PLACES

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with: the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, the *Lloydminster Charter*, provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS the *Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws.

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a Bylaw to prohibit smoking in Public Places; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in the *Lloydminster Charter*, enacts as follows:

**1. SHORT TITLE**

- 1.1 This Bylaw shall be cited as the Smoking Bylaw

**2. DEFINITIONS**

- 2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply, unless the context otherwise requires.

**3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER**

- 3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.
- 3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:
- 3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City, including a Designated Officer;
  - 3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;
  - 3.2.3. establish any forms required for the administration of this Bylaw.

**4. SMOKING IN PUBLIC PLACES**

- 4.1. No Person shall Smoke or Vape in a Public Place, a Commercial Building, or a Commercial Vehicle.
- 4.2. No Person shall Smoke or Vape in a vehicle at any time there is one or more Persons under the age of 18 in the vehicle.
- 4.3. No Person shall Smoke or Vape within five (5) metres from a doorway, window or air intake of a building or patio provided however that nothing in this provision prohibits a Person from smoking within five metres from a doorway, window or air intake of a building designed, intended and used exclusively as a private residence.



- 4.4. Notwithstanding any other provision of this Bylaw, no Person shall Smoke or Vape Cannabis on any sidewalk or in any vehicle.

## 5. SMOKING AREAS

- 5.1. Notwithstanding any provision within this Bylaw, a designated smoking area for Tobacco, may be established within a Public Place as long as:
- 5.1.1. it is not placed within 5 meters of the doorway, window or air intake of a building or shelter;
  - 5.1.2. it complies with all applicable provincial legislation; and
  - 5.1.3. access to any Person under the age of 18 is prohibited.

## 6. PENALTIES

- 6.1. Any Person who contravenes this Bylaw is guilty of an offence.
- 6.2. Persons having contravened certain sections of this Bylaw shall be liable for the penalties set out in such section or set out in Schedule "B" hereto.
- 6.3. A Bylaw Enforcement Officer or Designated Officer may issue a notice or form commonly called a Notice of Violation, having printed wording approved by the City Manager, to any Person who has contravened any provision of this Bylaw. The Notice of Violation shall require payment to the City of Lloydminster in the amount specified in Schedule "A" to this Bylaw within a stated period and if the amount is paid the Person will not be prosecuted for the contravention.
- 6.4. Nothing in this Bylaw shall prevent or restrict the issuance of a Violation Ticket pursuant to the *Provincial Offences Procedure Act* (Alberta) or Summons Ticket or Offence Notice Ticket pursuant to the *Summary Offences Procedure Act 1990* (Saskatchewan) to a Person who has contravened any provision of this Bylaw and the specified penalty for this purpose shall be the amount specified in Schedule "A" to this Bylaw.
- 6.5. A Summary Offence Ticket or a Violation Ticket shall be deemed to be sufficiently served:
- 6.5.1. if served Personally on the accused; or
  - 6.5.2. if mailed to the address of the Owner or Person accused by regular mail.

## 7. NUMBER AND GENDER REFERENCES

- 7.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

## 8. SEVERABILITY

- 8.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

This Bylaw shall come into force and effect upon the final passing thereof.

The following bylaws and all amendments thereto are hereby repealed:

- Bylaw 01-2018 (Smoking Bylaw)

INTRODUCED AND READ a first time this 20 day of August, 2018, A.D.



READ a second time this 20 day of August, 2018, A.D.

READ a third time this 20 day of August, 2018, A.D.

Date signed     AUG 21 2018    

Date signed     AUG 21 2018    



SCHEDULE "A" ATTACHED TO

BYLAW NO. 22-2018

**Definitions**

<b>Cannabis</b>	Means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the <i>Cannabis Act</i> (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
<b>Charter</b>	Means the Lloydminster Charter.
<b>City</b>	Means the City of Lloydminster and the area contained within the corporate boundaries of the City.
<b>City Manager</b>	Means the Commissioner of the City of Lloydminster as appointed by Council or designate.
<b>Council</b>	Means the Municipal Council of the City of Lloydminster.
<b>Commercial Building</b>	Any building used for a purpose other than a residential building, including any building developed for industrial or public purposes.
<b>Commercial Vehicle</b>	Any vehicle licensed as such in the Province of Saskatchewan or Alberta and shall include any vehicle used for public transportation such as, but not limited to, a bus, taxi or a vehicle for hire.
<b>Person</b>	Means any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative organization.
<b>Public Place</b>	Means any place, whether publically or private owned, to which members of the public have access, as of right or by express or implied invitation, whether on payment of any fee or not and shall include, but is not limited to, playgrounds, parks, public buildings, the common areas of a multi-unit residential facility, Commercial Building and any other place where smoking is prohibited under any law of the Province of Alberta or the Province of Saskatchewan. This does not include sidewalks.
<b>Smoke</b>	Means to inhale, exhale, burn have or otherwise have control over an ignited cigarette, cigar, pipe, hookah pipe, or any other implement designed to burn or heat Tobacco, Cannabis or any other substance for the purpose of inhaling or tasting its Smoke or emissions.
<b>Tobacco</b>	A product composed in whole or in part of Tobacco, including Tobacco leaves and any extract of Tobacco leaves, but does not include any product for use in nicotine replacement therapy.
<b>Vape</b>	The use of an electronic cigarette, vaporizer, or any similar device containing Tobacco, Cannabis or any other substance which emits vapour, emissions or aerosol.



SCHEDULE "B" ATTACHED TO  
BYLAW NO. 22-2018  
**Penalties**

<b>OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
Smoking or Vaping in a Public Place	4.1	\$500.00
Smoking or Vaping in a Commercial Vehicle	4.1	\$500.00
Smoking or Vaping in a Private vehicle when Persons under the age of 18 are present	4.2	\$1000.00
Smoking or Vaping within 5 metres of a doorway	4.3	\$300.00

