

**TOWN OF VAUXHALL
SMOKE FREE BYLAW
BYLAW NO. 931-18**

**BEING A BYLAW OF THE TOWN OF VAUXHALL IN THE PROVINCE OF ALBERTA
to Respecting Vaping and Smoke Free Public Places**

WHEREAS the Council of the Town of Vauxhall has the authority to pass bylaws respecting:

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

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

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 TOWN OF VAUXHALL ENACTS AS FOLLOWS:

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

2. Definitions

2.1. "Town" means the Town of Vauxhall

2.2 " electronic smoking device" means the electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe;

2.3 "Bylaw Enforcement Officer" means the person appointed to the position of Bylaw Enforcement Officer pursuant to Bylaw 803, a peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5, or a member of the Royal Canadian Mounted Police

2.4 "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 visibly to the children and youth.

2.5 "Sports Field " means an open air seating facility primarily but not exclusively limited to use in watching sporting events.

2.6 "business" means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and

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includes any activity carried on by an educational institution, municipality, or charitable organization.

2.7 “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:

2.8 “cannabis” has the meaning given to that term in the federal Cannabis Act C-45, *An Act* respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017

2.9 “operator” includes the person responsible for the day to day operations of a public premises and a proprietor of a public premises

2.10 “outdoor pool” means a structure that contains water which is designed and intended for recreational use.

2.11 “playground” means an outdoor area upon which apparatus such as swings and slides and athletic areas are placed.

2.12 “Vauxhall Community Complex” means the building and area located at 417 4th Street, Lot 14, Block 32, Plan 0510752 including curling rink, hall, meeting room, swimming pool and ice arena.

2.13 “proprietor” means where applicable

2.13.1.1 a person who ultimately controls, governs or directs the activity carried on within any premises referred to in the Bylaw and includes the person usually in charge thereof;

2.13.1.2 a hospital board appointed established pursuant to the Post-Secondary Learning Act, S.A. 2003, c P-19.5; or

2.13.1.3 a board of trustees elected pursuant to the provisions of the School Act, R.S.A. 2000, c. S-3;

2.14 “public premises” means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation

2.15 “public vehicle” means a bus, taxi or other vehicle that is used to transport members of the public for a fee;

2.16 “smoke” or “smoking” means;

2.16.1.1 Inhaling or exhaling the smoke produced by burning tobacco or cannabis; or

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- 2.16.1.2 Holding or otherwise having control of any device or thing containing lit tobacco or cannabis.
- 2.17 “tobacco” means a product composed in whole or in part of tobacco, but does not include any product for use in nicotine replacement therapy;
- 2.18 “vape” or “vaping” means:
- 2.18.1 Inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance, or
 - 2.18.2 Holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis or any other substance.
- 2.19 “workplace” includes the whole or any part of a building, structure, vehicle or passenger conveyance in which a business is carried on but excludes:
- 2.19.1.1 any part which constitutes public premise
- 2.20 All schedules attached to this Bylaw form part of this Bylaw
- 2.21 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may substituted in its place.
- 2.22 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 2.23 Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

PROHIBITION

3. A person must not smoke or vape:
- 3.1 in a public premises, a workplace or a public vehicle;
 - 3.2 in, on or within 5 meters of a:
 - a) public library
 - b) food bank
 - c) playground

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- d) sports fields
- e) athletic facilities

to which the public has access as of right or by express or implied invitation

3.3 within 5 meters of an entrance or exit to a public premises; or

4. An employer, operator or proprietor must not permit a person to smoke or vape on premises controlled or owned by them where doing so is prohibited by this Bylaw.

5. 5.1. Despite any other provision of this Bylaw a person may, inside an enclosed premises where the primary function of the premises is the sale of electronic smoking devices, use an electronic smoking device to sample a product, other than tobacco or cannabis, prior to purchase.

5.2. Section 4 does not apply to an employer, operator or proprietor who allows a person to use an electronic smoking device to sample a product, other than tobacco or cannabis, prior to purchase inside an enclosed premise where the primary function of the premises is the sale of electronic smoking devices.

5.3. Despite any other provision of this Bylaw a person may smoke or vape tobacco in a location designated as a smoking room pursuant to section 5 of the Tobacco and Smoking Reduction Act, S.A. 2005, c. T-3.8.

OFFENCES

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

ENFORCEMENT

7. 7.1 Where an officer believes that a person has contravened any provision of this Bylaw, the officer may commence proceedings against the person by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.
- 7.2 Where section shall not prevent an officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the Provincial Offences Procedures Act or from laying an information instead of issuing a violation ticket.

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PENALTY

8. 8.1 Where there is a specified penalty listed for an offence in Schedule A to this Bylaw, that amount is the specified penalty for the offence.

8.2 Where there is a minimum penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum penalty for the offence

8.3 In this section, "specified penalty" means an amount that can be paid by person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

COMING INTO FORCE

9. This bylaw comes into force on the day the Cannabis Act comes into force.

Read a First time this 17th day of September 2018

Read a Second time this 16th day of October 2018

Read a Third time this 16th day of October 2018


MAYOR
CHIEF ADMINISTRATIVE OFFICER

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**SCHEDULE "A"
PENALTIES**

Section	Description of Offence	Minimum Penalty	Specified Penalty
3	Smoke or vape where prohibited	\$50	\$100
4	Permit person to smoke or vape where prohibited	\$50	\$200