

CITY OF GRANDE PRAIRIE

OFFICE CONSOLIDATION

BYLAW C-1278

**A Bylaw of the City of Grande Prairie,
in the Province of Alberta, to establish
Smoke Free Public Places
(Bylaw C-1278B - June 18, 2018)**

(As Amended by Bylaw C-1278A, C-1278B and C-1278C)

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, Chapter M-26, Grande Prairie City Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, and services provided by or on behalf of a municipality;

AND WHEREAS pursuant to Section 10 of the *Tobacco and Smoking Reduction Act*, SA 2005, Chapter T-3.8, municipalities are authorized to pass bylaws to regulate, restrict or prohibit smoking;
(Bylaw C-1278A - February 6, 2017)

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “Smoke Free Public Places”.
(Bylaw C-1278B - June 18, 2018)

PART 1 - INTERPRETATION

2. In this Bylaw:
 - (a) **Athletic Field** means any field and/or land of natural and/or man-made composition that is used for athletic purposes to conduct organized or unorganized sporting activities which includes but is not limited to a baseball field, soccer pitch, player or spectator bench and lawn bowling field. A golf course shall not be included as an athletic field.
 - (b) **Cannabis** means any product composed in whole or part of cannabis as defined by the Cannabis Act (Canada).
(Bylaw C-1278B - June 18, 2018)
 - (c) **City** means the City of Grande Prairie.
 - (d) **Consume** where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale or ingest.
(Bylaw C-1278B - June 18, 2018)
 - (e) **Council** means the Municipal Council of the City of Grande Prairie.
 - (f) **Electronic Cigarette** means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine, or any component of such a device.
 - (g) **Minor** means a person who is under 18 years of age.
 - (h) **Peace Officer** means a bylaw enforcement officer appointed by the City of Grande Prairie, a Peace Officer, or a member of the Royal Canadian Mounted Police.
 - (i) **Playground Equipment** means any kind of structure or apparatus which is customarily found in a park-like setting and which a person may engage in play-like activities such as climbing, swinging, hanging, crawling, jumping, stepping, whether over, across, under, through or upon for enjoyment, exercise and/or as part of relating to others of any age. Without restricting the generality thereof, playground equipment includes swings, slides, climbing apparatus, and municipally-owned swimming pools, outdoor water parks, and outdoor ice skating surfaces. Playground equipment does not include facilities for walking and biking trails, park fences, trees, a picnic table, bridge, or gazebo.

- (j) **Recreation Facility** means all City owned buildings and venues that support and provide the delivery of cultural, sport and recreational programs and services to the community.
(Bylaw C-1278C - July 11, 2022)
- (k) **Residence** means a place used by a person as a permanent private dwelling or a temporary residence, including any structure or land adjacent to the private dwelling or temporary residence that is used for the convenience or enjoyment of the occupants of the dwelling.
- (l) **Smoke** means to smoke, hold or otherwise have control over a lit Tobacco Product or use an Electronic Cigarette.
- (m) **Temporary Residence** means:
- (i) a place that is used by a traveller in respect of which the traveller pays a fee;
 - (ii) a tent that is set up in an area where overnight camping is legally permitted; and
 - (iii) a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is legally permitted.
- (n) **Tobacco Product** means 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.
- (o) **Use** with respect to Electronic Cigarettes, means to inhale or exhale vapour from an Electronic Cigarette or hold an activated Electronic Cigarette.
- (p) **Violation Ticket** has the same meaning as the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended or repealed and replaced from time to time.
(Bylaw C-1278B - June 18, 2018)

PART 2 - PROHIBITION

3. (a) Notwithstanding subsection (b), no person shall smoke within a 10m radius of:
- i) any Playground Equipment or Athletic Field; or
 - ii) a doorway, window or air intake of a Recreation Facility.
- (b) Nothing in this bylaw shall prohibit a person from smoking in a residence.
(Bylaw C-1278A - February 6, 2017)
- 3.1 (a) No person shall consume cannabis:
- i) in any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other Act or Bylaws of the City;
 - ii) on all streets and avenues including and bounded by 101 Avenue or 100 Avenue between 102 Street and 98 Street;
 - iii) within a 30 meter radius of:
 - a. a recreation facility;
 - b. a public park;
 - c. a parade;
 - d. an outdoor special event, unless in a defined area specifically identified by the event organizer as a designated cannabis consumption area,
 - e. where children are playing or congregating; or
 - f. the front entrance to a commercial movie theatre;
 - v) where smoking is prohibited by a public sign; and
 - vi) in a manner and/or proximity that is adversely affecting another person.
- (b) Nothing in this Bylaw shall prohibit a person from consuming cannabis at a residence.
(Bylaw C-1278B - June 18, 2018)

PART 3 - ENFORCEMENT

- 4. (a) A Peace Officer may issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to any person who the Peace Officer has reasonable and probable grounds to believe has contravened Section 3 of this Bylaw.
(Bylaw C-1278A - February 6, 2017)
- (b) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (i) Specify the fine amount established by this Bylaw for the offence; or
 - (ii) Require a person to appear in court without the alternative of making a voluntary payment if the Peace Office believe that such appearance is in the public interest.

PART 4 - SPECIFIED PENALTY

- 5. The specified penalty established for use on a Violation Ticket if a voluntary payment option is offered is \$250.00.

PART 5 - VOLUNTARY PAYMENT

- 6. If a Violation Ticket is issued with a specified penalty, a person who commits an offence may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

PART 6 - GENERAL

- 7. 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. Should any provision of this bylaw be illegal or unenforceable for any reason whatsoever, it shall be considered separate and severable from the remaining provisions of this bylaw, which shall remain in force as though such provision was not included.

READ a first time this 9 day of July , 2012.

READ a second time this 9 day of July , 2012.

“B. Given” (signed)
Mayor

“B. MacNeill” (signed)
Acting Corporate Services Director

READ a third time and finally passed this 7 day of August , 2012.

“B. Given” (signed)
Mayor

“K. Anderson” (signed)
Corporate Services Director