

CITY OF ST. ALBERT

BYLAW 12/2017 Being Amendment 1 to Bylaw 1/2004

NOW THEREFORE the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. Bylaw 1/2004, being the Smoking Bylaw, is amended as follows:

a. Section 2 is removed and replaced with the following:

2. *In this Bylaw:*

- (a) *“Building” means a fully or substantially enclosed structure constructed such that it may accommodate human occupation. A bus shelter shall be considered a building for the purposes of this Bylaw;*
- (b) *“Bylaw” means a City bylaw;*
- (c) *“City” means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;*
- (d) *“City Manager” means the City’s chief administrative officer;*
- (e) *“Council” means the City’s municipal council;*
- (f) *“Electronic Smoking Device” means an electronic device used to deliver nicotine, marijuana or other substances to the person inhaling from the device and includes, but is not limited to, an electronic cigarette, vaporizer cigarette, personal vaporizer, cigar, cigarillo, or pipe;*
- (g) *“Lounge” means a place of business, including its Patio, that is open to the public and is governed by a:*
 - (i) *“Class A – Minors Prohibited” liquor license; or*
 - (ii) *special event liquor license (with a Minors-prohibited endorsement)*

as issued in accordance with the Gaming and Liquor Act RSA 2000 cG-1 (and any amending or succeeding legislation). For the purposes of this Bylaw, a place is a Lounge only for those hours

during which the license permits the sale and service of liquor and prohibits entry to Minors;

- (h) *“Minor” means an individual who has yet to reach the age of majority, as described by the Age of Majority Act RSA 2000 cA-6 (and any amending or succeeding legislation);*
- (i) *“Municipal Violation Tag” means a City-issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;*
- (j) *“Outdoor Pool” means an outdoor structure or a partially enclosed structure that contains water which is designated and intended for recreational use, and includes a spray park or wading pool;*
- (k) *“Outdoor Public Event” means an outdoor market, festival or concert;*
- (l) *“Patio” means an outdoor area or structure, including a balcony, that adjoins or is adjacent to a Restaurant or Lounge and is regularly used for the consumption of food and beverages by patrons of the adjoining Restaurant or Lounge;*
- (m) *“Peace Officer” is as defined in the Provincial Offences Procedures Act RSA 2000 cP-34 (and any amending or succeeding legislation);*
- (n) *“Playground” means any kind of structure or collection of structures which is designed and intended for recreational uses such as climbing, swinging, hanging, crawling, jumping, stepping whether over, across, under, through and includes the distinct material in which the structure or apparatus is mounted;*
- (o) *“Private Living Accommodation” means any Building or portion thereof that is used as a residence or that is used exclusively by person(s) living in the residence. In a Building containing multiple residential units, common use areas such as parkades, washrooms, waiting rooms, meeting rooms, storage areas, fitness facilities, kitchens, eating areas, cloak rooms and hallways shall not be considered parts of a Private Living Accommodation. For the purposes of this Bylaw, a room to let in a hotel, motel, lodge or inn, or any similar place, shall be considered a Private Living Accommodation;*
- (p) *“Proprietor” means the owner of, or any person controlling, governing or directing activities within, a place referred to in this Bylaw;*
- (q) *“Public Transportation Vehicle” means a vehicle normally used for*

the transportation of people in exchange for the payment of a fee;

- (r) *“Restaurant” means a place of business that is primarily established for the purpose of food and beverage sales, service and consumption. A Lounge shall not shall be considered part of a Restaurant;*
- (s) *“Seasonal Skating Rink” means an outdoor ice surface that is designed and intended for recreational skating or playing hockey and includes public lakes, ponds and outdoor rinks;*
- (t) *“Skate Park” means an area designed and intended specifically for use of skateboards, in-line skates or similar devices;*
- (u) *“Sports Field” means an area designed and intended for use in a specific sporting event and includes, but is not limited to, a soccer pitch, football field, rugby pitch, baseball diamond, tennis court and similar areas, but does not include golf courses;*
- (v) *“Smoking” means holding or otherwise controlling or using an ignited cigarette, cigar, pipe containing tobacco, marijuana or other product, or an Electronic Smoking Device; and*
- (w) *“Violation Ticket” is as defined in the Provincial Offences Procedures Act RSA 2000 cP-34 (and any amending or succeeding legislation).*

b. Section 3 is removed and replaced with the following:

- 3. (1) *Unless an exception applies under this Bylaw, no person may engage in Smoking activity:*
 - (a) *at or in any City-owned structural facility;*
 - (b) *within a Building;*
 - (c) *on the grounds of an Outdoor Public Event, except in an area reserved for motor vehicle parking, or an area specifically reserved for smoking by the Proprietor of the Outdoor Public Event;*
 - (d) *on a Patio; and*
 - (e) *inside a Public Transportation Vehicle.*
- (2) *Unless an exception applies under this Bylaw, no person may engage in Smoking activity within 5 metres of a(n):*

(a) doorway, window or air intake of a Building;

(b) Outdoor Pool; or

(c) Playground.

(3) Unless an exception applies under this Bylaw, no person may engage in Smoking activity within 5 metres of a:

(a) Seasonal Skating Rink;

(b) Skate Park; or

(c) Sports Field

while it is being used for its intended purpose.

(4) Subsection (1) does not apply to a Private Living Accommodation.

c. Section 4 is removed and replaced with the following:

4. Notwithstanding 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 prior to purchase.

d. Sections 5, 6, 7, and 8 are removed and remaining sections are renumbered accordingly.

2. The City Manager is authorized to consolidate Bylaw 1/2004.

READ a First time this 27th day of February 2017.

READ a Second time this 20th day of March 2017.

READ a Third time this ___ day of _____ 2017.

SIGNED AND PASSED this ___ day of _____ 2017.

MAYOR

CHIEF LEGISLATIVE OFFICER