

VILLAGE OF DONALDA  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 710  
SMOKE FREE PUBLIC PLACES AND WORKPLACES BYLAW

**A BYLAW OF THE VILLAGE OF DONALDA, IN THE PROVINCE OF ALBERTA. TO RESTRICT CONSUMPTION OF TOBACCO AND CANNABIS;**

**WHEREAS**, health officials have determined that secondhand tobacco and cannabis smoke is a health hazard or discomfort for many persons;

**AND WHEREAS**, the Council of the Village of Donalda deems it expedient and appropriate to limit the effects of secondhand smoke for residents and visitors to the Village of Donalda;

**AND WHEREAS**, the Council deems it expedient and appropriate to regulate the smoking of tobacco and cannabis products in public places and workplaces within the Village of Donalda; and, in accordance with the *Municipal Government Act R.S.A. 2000 c. M-26 as amended*, has the authority to pass bylaws respecting:

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

**NOW THEREFORE**, the Council of the Village of Donalda, duly assembled, hereby enacts as follows:

**SECTION 1 - SHORT TITLE**

- 1.1 This Bylaw may be cited as the “Smoking Bylaw”.

**SECTION 2 - DEFINITIONS**

In this Bylaw:

- 2.2 “**Building**” includes anything constructed or placed on, in, over or under land, whether permanent or temporary, into which a Person could enter;
- 2.3 “**Village**” means the Village of Donalda;
- 2.4 “**Village Building**” means any of the buildings owned, leased, operated or occupied by the Village of Donalda;

- 2.5 “**Cannabis**” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
- 2.6 “**Council**” means the Council of the Village of Donalda;
- 2.7 “**Educational Institution**” means a public or private school or post-secondary institution;
- 2.8 “**Employee**” includes a person who:
- a) performs any work for or supplies any services to any Employer; or
  - b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the Employer.
- 2.9 “**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;
- 2.10 “**General Manager**” means the chief administrative officer or his delegate;
- 2.11 “**Municipal Tag**” means a ticket or similar document issued by the Village of Donalda pursuant to the *Municipal Government Act R.S.A. 2000, c. M-26, as amended*, and as referred to in Section 5 below;
- 2.12 “**Peace Officer**” means a person appointed as a Bylaw Enforcement Officer pursuant to the Municipal Government Act, to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- 2.13 “**Person**” includes an individual, proprietorship, corporation or society;
- 2.14 “**Private Residence**” means a self-contained living premise for domestic use of one or more persons and is provided with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway, but does not include any portion of such area used as a workplace with the exception of a hotel room or motel room;
- 2.15 “**Proprietor**” means the owner, or his agent or representative of a Public Place referred to in this bylaw, and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein, where applicable includes:
- a) the person who ultimately controls, governs or directs the activity carried on within any premises referred to in this Bylaw and includes the person usually in charge thereof;

- b) a Regional Health Authority Board appointed pursuant to the provisions of the Regional Health Authority Act;
- c) the Board of Governors, Board of Trustees, or President of an Educational Institution;

2.16 **“Public”** means any person other than the owner, lessee, proprietor or employer of a building or place;

2.17 **“Public Building”** means any enclosed building or structure as defined in this bylaw to which the public can and does have access by right or by invitation, whether or not:

- a) all classes of the public are invited;
- b) the proprietor has the right to exclude any person;
- c) payment, membership or the performance of some formality is required prior to access;
- d) the public has access to the building only at certain times, or from time to time;
- e) a member of the public has access only if they are a member or if they are accompanied by a member;
- f) subject to subsection j) and k) below, if the public has access only to a portion of the building or structure, the entire building or structure shall be deemed to be a public building;
- g) a public premises where food or beverages are served that is not fully contained within an enclosed building; and
- h) an outside extension of an eating or drinking establishment regardless of whether it is covered;
- i) buildings owned and operated by the Village of Donalda;

Where a building includes a private residence, the following shall apply:

- j) that portion of the building containing the private residence shall be deemed to not be a public building;
- k) If a building contains two or more private residences, those common areas of the building including washrooms, corridors, reception areas, elevators, escalators, foyers, hallways, stairways, lobbies, laundry rooms and enclosed parking garages shall be deemed to be a public building;

2.18 **“Public Place”** means:

- a) public buildings and those areas within 6m of an entrance or exit to a public building;
- b) public transportation vehicles and public transportation vehicle shelters;
- c) educational institution;
- d) health care institution and;
- e) workplaces and those areas within 6m of an entrance or exit to a workplace;

- b) a Regional Health Authority Board appointed pursuant to the provisions of the Regional Health Authority Act;
  - c) the Board of Governors, Board of Trustees, or President of an Educational Institution;
- 2.16 **“Public”** means any person other than the owner, lessee, proprietor or employer of a building or place;
- 2.17 **“Public Building”** means any enclosed building or structure as defined in this bylaw to which the public can and does have access by right or by invitation, whether or not:
- a) all classes of the public are invited;
  - b) the proprietor has the right to exclude any person;
  - c) payment, membership or the performance of some formality is required prior to access;
  - d) the public has access to the building only at certain times, or from time to time;
  - e) a member of the public has access only if they are a member or if they are accompanied by a member;
  - f) subject to subsection j) and k) below, if the public has access only to a portion of the building or structure, the entire building or structure shall be deemed to be a public building;
  - g) a public premises where food or beverages are served that is not fully contained within an enclosed building; and
  - h) an outside extension of an eating or drinking establishment regardless of whether it is covered;
  - i) buildings owned and operated by the Village of Donalda;

Where a building includes a private residence, the following shall apply:

- j) that portion of the building containing the private residence shall be deemed to not be a public building;
  - k) If a building contains two or more private residences, those common areas of the building including washrooms, corridors, reception areas, elevators, escalators, foyers, hallways, stairways, lobbies, laundry rooms and enclosed parking garages shall be deemed to be a public building;
- 2.18 **“Public Place”** means:
- a) public buildings and those areas within 6m of an entrance or exit to a public building;
  - b) public transportation vehicles and public transportation vehicle shelters;
  - c) educational institution;
  - d) health care institution and;
  - e) workplaces and those areas within 6m of an entrance or exit to a workplace;

- 2.19 **“Public Space”** means;
- a) any place to which the public has access as of right or by invitation, expressed or implied. This includes:
  - b) parks and playgrounds;
  - c) green spaces;
  - d) streets and lanes;
  - e) sidewalks;
  - f) pathways;
  - g) right of ways;
  - h) common spaces;
  - i) parking lots;
  - j) municipal reserve property;
  - k) environmental reserve property;
  - l) all Village of Donalda owned buildings and lands;
- 2.20 **“Public Transportation Vehicle”** means a school bus, a bus owned or operated by or on behalf of the Village of Donalda, a taxicab, limousine or other similar vehicle which is being used by a passenger or passengers for hire or which is being offered for hire;
- 2.21 **“Public Transportation Vehicle Shelter”** means any structure with a roof designed to protect a passenger from the elements while waiting for a school bus, a bus owned or operated by or on behalf of the Village of Donalda, a taxicab, limousine or other similar vehicles;
- 2.22 **“Parks and Recreation District”** means land within the Village of Donalda that is designated Parks and Recreation as described in the Land Use Bylaw #625, as amended from time to time;
- 2.23 **“Public Use Land District”** means land within the Village of Donalda that is designated Public Use as described in the Land Use Bylaw #625, as amended from time to time;
- 2.24 **“Tobacco Product”** means a product composed of whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves;
- 2.25 **“Smoke” or “Smoking”** means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hooka pipe, vaporizer or other lighted smoking implement designed to burn or heat tobacco, cannabis or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.
- 2.26 **“Violation Ticket”** means a ticket issued pursuant to *Part II of the Provincial Offences Procedure Act, R.S.A. 2000 c. P-34, as amended* and regulations thereunder, and as referred to in Section 6 of this bylaw;

2.27 **“Workplace”** means any enclosed area of a building or structure in which an employee works and includes washrooms, corridors, lounges, eating areas, outdoor patios, reception areas, elevators, escalators, foyers, hallways, stairways, enclosed walkways, amenity areas, lobbies, laundry rooms and enclosed parking garages utilized by an employee. Without limiting the generality of the foregoing:

- a) a place is a Workplace whether or not the employee is employed by the proprietor of the premises at which the employee works;
- b) subject to clause d) below, if an employee works in any portion of a building, the entire building shall be deemed to be a workplace;
- c) home offices that employ non-residents or that require public access shall be deemed to be a workplace; and
- d) any portion of a building that is used exclusively as a private residence, including a hotel room or a motel room shall not be deemed to be a workplace.

### **SECTION 3 - GENERAL PROVISIONS**

#### **CANNABIS**

3.1 For the regulations regarding the Smoking of Cannabis within the limits of the Village of Donalda;

3.1.1 The smoking of Cannabis is strictly prohibited in or on the following places:

- a) Public Building;
- b) Public Place;
- c) Public Space;
- d) Public Transportation Vehicles and Public Transportation Vehicle Shelters;
- e) Public Use Land District;
- f) Parks and Recreation District;

#### **TOBACCO**

3.3 For the regulations regarding the Smoking of Tobacco within the limits of the Village of Donalda, Alberta Government Regulations shall be adhered to;

3.3.1 No Person may Smoke Tobacco within the following prescribed distances:

- a) 6m of an entrance or exit to a Public Building;
- b) 6m of an entrance or exit to a Public Place;
- c) Public Transportation Vehicles and Public Transportation Vehicle Shelters; and
- d) 6m of an entrance or exit to a Workplace.

**SECTION 4 – PENALTIES**

- 4.1 Any corporation which fails or neglects to perform the duties or requirements imposed upon it under the provisions of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000).
- 4.2 Any individual, other than a corporation, who contravenes any of the provisions or requirements of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars (\$1,000).
- 4.2 The specified fine for an offence committed pursuant to this bylaw is established at:

Individual	\$250.00
Corporations	\$1000.00
- 4.4 In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

**SECTION 5 – MUNICIPAL TAGS**

- 5.1 A Peace Officer is hereby authorized and empowered to issue a municipal tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 5.2 A municipal tag may be issued to such person:
  - a) either personally;
  - b) by mailing a copy to such person at his last known post office address, or
  - c) if upon a corporation, by serving the municipal tag by mailing a copy by registered mail, or serving a person who is the agent, representative, or a person in charge of the Designated Public Place.
- 5.3 The municipal tag shall be in a form approved by the General Manager and shall state:
  - a) the name of the person;
  - b) the offence;
  - c) the municipal or legal description of the land on or near where the offence took place, including the date and time;
  - d) the appropriate penalty for the offence as specified in Section 6 of this bylaw;
  - e) that the penalty shall be paid within 30 days of the issuance of the municipal tag;
  - f) any other information as may be required by the General Manager.

- 5.4 Where a municipal tag is issued pursuant to Section 7 of this bylaw, the person to whom the municipal tag is issued may, in lieu of being prosecuted for the offence, pay the penalty to the Village the penalty specified within the time period indicated on the municipal tag.
- 5.5 Nothing in this bylaw shall prevent a Peace Officer from immediately issuing a violation ticket.

## **SECTION 6 - VIOLATION TICKET**

- 6.1 In those cases where a municipal tag has been issued and if the penalty specified on a municipal tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to *Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34 as amended*.
- 6.2 Notwithstanding Section 7 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to *Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended*, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

## **SECTION 7 - SEVERABILITY**

- 7.1 If any section or sections of this bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

## **SECTION 8 - ENFORCEMENT**

- 8.1 For the enforcement of this bylaw, a Peace Officer, upon producing proper identification, may at all reasonable hours, enter any Designated Public Place and may make examinations, investigations and inquiries.
- 8.2 A Peace Officer is a Designated Officer for the purposes of *ss. 542 – 545 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended*.

## **SECTION 9 - EFFECTIVE DATE**

- 11.1 This bylaw shall come into effect at third and final reading.

Read a first time this 16<sup>th</sup> day of October, 2018.

Read a second time this 16th day of October, 2018.




Read a third and final time this 16<sup>th</sup> day of October, 2018.



---

Chief Elected Official



---

Chief Administrative Officer