

TOWNSITE OF REDWOOD MEADOWS ADMINISTRATION SOCIETY  
BYLAW NO. 2018-002

**A BYLAW OF THE TOWNSITE REDWOOD MEADOWS ADMINISTRATION SOCIETY WITHIN THE BOUNDARIES OF THE TOWNSITE OF REDWOOD MEADOWS THAT IS LOCATED ON THE TSUUT'INA INDIAN RESERVE, #145, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE RULES OF SMOKING AND VAPING.**

The Council of the Townsite of Redwood Meadows Administration Society has duly convened to enact the following:

**1. TITLE**

- (a) This bylaw shall be known as the "Smoking & Vaping Bylaw."

**2. INTERPRETATION**

- (a) In this bylaw:

1. "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 includes any activity carried on by an educational institution, municipality or charitable organization.
2. "Bylaw Officer" means a Bylaw Officer appointed pursuant to the Bylaw Enforcement Bylaw; 2018-004.
3. "Cannabis" has the meaning as given to it in the *Cannabis Act*.
4. "*Cannabis Act*" means Bill C-45, an Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the *Criminal Code* and other acts.
5. "Electronic Smoking Device" means an electric device that can be used to deliver a vapor, emissions or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
6. "Intoxication" or "Intoxicated" means a condition of having physical or mental control markedly diminished by the effects of alcohol, a drug or other chemical substance.
7. "Operator" means the person responsible for the day to day operations of the Public Premises.
8. "Outdoor Skating Rink" means an outdoor ice surface that is designated for recreational skating or playing hockey.
9. "Playground" means an outdoor area upon which apparatus such as swings and slides are placed.

10. "Public Nuisance" means an act, condition or thing that causes offence, annoyance, trouble or injury to another person or the public because it interferes with the rights of that person or the public, which includes but is not limited to yelling, screaming, swearing, urination, impeding traffic, waking neighbors, disrupting games / events and molesting one's self or another person.
11. "Public Premises" means all or any part of a building, structure or other enclosed area to which members of the public have access to as of right or by expressed or implied invitation.
12. "Skate Park" means an outdoor area which is designated and intended specifically for the use of skateboards, in-line skates or other similar devices.
13. "Smoke" or "Smoking" means:
  - a) Inhaling or exhaling the smoke produced by burning or heating Tobacco or Cannabis; or
  - b) Holding or otherwise having control of any device or object containing lit or heated Tobacco or Cannabis.
14. "Sports Fields" means an outdoor area which is set apart and used for the playing of sporting activities.
15. "Tobacco" 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.
16. "Vape" or "Vaping" means:
  - a) Inhaling or exhaling the vapor, emissions or aerosol produced by an Electronic Smoking Device or similar device containing Tobacco, Cannabis or any other substance; or
  - b) Holding or otherwise having control of an Electronic Smoking Device that is producing vapor, emissions or aerosol from Tobacco, Cannabis or any other substance.
17. "Workplace" means the whole or any part of a building, structure, vehicle for transporting a passenger in which a business is carried on but excludes:
  - a) Any part which constitutes Public Premises, and
  - b) Private residences.

### 3. PROVISIONS

- (a) A Person must not Smoke or Vape:
1. In a Public Premise, a Workplace or Business;
  2. In, on or within ten (10) meters of a:
    - a) Outdoor Skating Rink;
    - b) Playground;
    - c) Skate Park; or
    - d) Sports Field to which the public has access to as of a right or by expressed or implied invitation;
    - e) within ten (10) meters of an entrance or exit of a Public Premise, Workplace or Business.
- (b) An employer or Operator must not permit a person to Smoke or Vape on the premises controlled or owned by them.
- (c) A person must not Smoke or Vape within ten (10) meters of children playing within an outdoor space (i.e. cul-de-sac, roadway, driveway or yard),
- (d) A person considered to be Intoxicated and/or being a Public Nuisance due to their Smoking or Vaping shall have a higher fined applied as set out in Schedule A.

#### **4. EXCEPTIONS**

- (a) Despite any other provisions of this Bylaw a person may Smoke or Vape Tobacco or Cannabis 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.

#### **5. ENFORCEMENT & PENALTIES**

- (a) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable for a minimum penalty in accordance with Schedule A of this bylaw.
- (b) Any person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable for a minimum penalty of \$100 to a maximum of \$500.
- (c) A Bylaw Officer, Peace Officer, RCMP, Tsuut'ina Police or a Police Officer within the province of Alberta pursuant to the Bylaw Enforcement Bylaw, 2018-004 is hereby authorized and empowered to issue a Violation Tag or Ticket to any person, who a Bylaw Officer, Peace Officer, RCMP, Tsuut'ina Police or a Police Officer within the province of Alberta has reasonable or probable grounds to believe has contravened any

provision of this bylaw.

**5. ENCTMENT/ TRANSITION**

- (a) If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- (b) Schedule A forms part of this bylaw.
- (c) This bylaw comes into force on the date it is passed.

**6. CONFLICT WITH THE SOCIETIES ACT OR ADMINISTRATION AGREEMENT**

In the event of any inconsistency between this bylaw and the *Societies Act* or Administration Agreement the provisions of the *Societies Act* or Administration Agreement shall prevail.

FIRST READING: October 16, 2018

SECOND READING: October 16, 2018

THIRD READING: \_\_\_\_\_

**APPROVED ON BEHALF OF THE COUNCIL FOR THE TOWNSITE OF REDWOOD MEADOWS ADMINISTRATION SOCIETY.**

**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**Townsite Manager**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Print Name**

## Schedule A

## Penalties:

Minimum Penalty: \$100

Maximum Penalty: \$500

1<sup>st</sup> Offence

Section	Description	Amount
3	Smoking or Vaping in a Prohibited Area	\$100.00
3. (c)	Intoxication or Nuisance	\$250.00

2<sup>nd</sup> Offence

Section	Description	Amount
3	Smoking or Vaping in a Prohibited Area	\$200.00
3.(c)	Intoxication or Nuisance	\$375.00

3<sup>rd</sup> Offence

Section	Description	Amount
3	Smoking or Vaping in a Prohibited Area	\$300.00
3.(c)	Intoxication or Nuisance	\$500.00