



## THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

### BYLAW NO. 814-2018

#### A BYLAW ON SMOKE FREE PUBLIC PLACES

THE MUNICIPAL COUNCIL OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

##### 1. Definitions

- 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 any athletic field.
- b) **Cannabis** means any product composed in whole or part of cannabis as defined by the Cannabis Act (Canada).
- c) **Town** means the Town of Fox Creek
- d) **Consume** where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale or ingest.
- e) **Council** means the Municipal Council of the Town of Fox Creek.
- 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 vapor intended to be inhaled by the user of the device directly through the mouth, whether or not the vapor 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 Town of Fox Creek, 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 skating surfaces. Playground equipment does not include facilities for walking and biking trails, park fences, trees, picnic table, bridge or gazebo.
- j) **Recreation Facility** means the Fox Creek Greenview Multiplex, Derald Palmer Arena, Fox Creek Curling Club, Fox Creek Community Hall and Fox Creek School.
- 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.
  - a. **Smoke** means to smoke, hold or otherwise have control over a lit Tobacco Product or use of an Electronic Cigarette.
  - b. **Temporary Resident** means:
    - i. A place that is used by a traveler in respect of which the traveler 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.

- l) **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.
  - m) **Use with respect to Electronic Cigarettes** means to inhale or exhale vapor from an Electronic Cigarette or hold an activated Electronic Cigarette.
  - n) **Violation Ticket** has the same meaning and the *Provincial Offenses Procedures Act, RDS 2000, Chapter P-34*, as amended or repealed and replaced from time to time.
2. (a) No person shall consume cannabis and/or tobacco product:
- 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 Town.
  - ii. Within a 30 meter radius of:
    - a. A Recreation Facility;
    - b. A Public Park;
    - c. Any Town owned public facility;
    - d. An outdoor 'special event, unless in a defined area specifically identified by the event organizer as a designated consumption area;
    - e. Where children are playing or congregating; or
    - f. The front entrance to a commercial building;
    - g. Consumption of recreation cannabis is prohibited in any form (smoking, vaping, and edibles) in Fox Creek Public Places.
  - iii. Where smoking is prohibited by a public sign; and
  - iv. 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.


This Bylaw shall take effect on the date it is passed.

FIRST READING of Bylaw No. 814-2018 this 22 day of October, 2018

SECOND READING of Bylaw No. 814-2018 this 22 day of October, 2018

THIRD AND FINAL READING of Bylaw No. 814-2018 this 22 day of October, 2018

  
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Jim Hailes, Mayor

  
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Alicia Bourbeau, Acting CAO