



A BYLAW OF THE TOWN OF LAMONT
IN THE PROVINCE OF ALBERTA

BYLAW 13/18

BEING A BY-LAW OF THE TOWN OF LAMONT, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING SMOKING, TOBACCO, CANNABIS, AND SIMILAR PRODUCTS IN PUBLIC PLACES IN THE TOWN OF LAMONT.

WHEREAS pursuant to section 7(a) of the Municipal Government Act, RSA 2000, Ch. M-26 as revised, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS pursuant to section 7 (b) of the Municipal Government Act, RSA 2000, Ch. M-26 as revised, a Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

NOW THEREFORE the Council of the Town of Lamont, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the "Smoking Bylaw" of the Town of Lamont.

2. DEFINITIONS

2.1 "Cannabis and cannabis related products" means any product that is derived from, in any way, a cannabis plant for the purposes of smoking or other consumption

2.2 "Council" means the Town Council for the Town of Lamont;

2.3 "Electronic Smoking Device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.

2.4 "Playground" means an outdoor area upon which apparatus such as swings and slides are placed;

2.5 "Public Place" means any building, structure or other indoor space, or outdoor space, whether publicly or privately owned or controlled, to which the public may have either express or implied access as of right, or are expressly or implicitly invited to use the space, with or without payment, for the purpose of worship, entertainment, recreation, business, amusement, education, transportation, consumption of food or drink, or for the provision and receipt of services;

2.6 "Officer" means a person appointed as a Bylaw Enforcement Officer for the Town of Lamont pursuant to the *Municipal Government Act*.

2.7 "Public Vehicle" means a bus, taxi or other vehicle that is used to transport members of the public for a fee;

2.8 "Public Washroom" means any washroom or lavatory open to the general public;

2.9 "Smoke" or "Smoking" means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, electronic smoking device, or other lighted smoking implement designed to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.

2.10 "Town" means the Town of Lamont;

2.11 "Workplace" includes the whole or any part of a building, structure, vehicle or passenger conveyance in which a business is carried on but excludes:

- i. any part which constitutes a public place; and
- ii. private residences.



3. REGULATIONS

3.1 No person shall smoke or consume cannabis and cannabis related products in any public place, workplace, or public vehicle

3.2 No person shall:

- i. carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
- ii. use an electronic smoking device

in a public place, workplace or a public vehicle.

3.3 No person shall:

- i. carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
- ii. use an electronic smoking device

in, on or within five (5) metres of a:

- i. playground;
- ii. entrance or exit to a public place; or

3.4 No person shall permit ashtrays or objects intended to be a receptacle for a cigarette butt or related product to be placed in a public place where smoking is prohibited by this bylaw.

3.5 Notwithstanding anything in this Bylaw, the prohibitions set out in Section 3 do not apply to any private residence

4. VIOLATION TICKETS AND SPECIFIED PENALTIES

4.1 Where an officer believes that a person has contravened any provision of this bylaw, the officer may commence proceedings against the person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.

4.2 The specified penalty payable in respect of a violation of a provision of this bylaw shall be the amount shown as the specified penalty in Schedule "A" of this bylaw in respect of that provision.

4.3 This section shall not prevent any officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*.

4.4 Nothing in this bylaw shall limit the authority of a designated officer to take steps to ensure compliance with this bylaw.

5. EFFECTIVE DATE

5.1 This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

GENERAL

6. That By-law 01/18 is hereby repealed.

7. The Mayor and CAO are hereby authorized to sign this By-law.

8. This By-law shall remain in effect until repealed.

SCHEDULE "A"



Section		Amount of Specified Penalty in Dollars
3.1	Smoking or consuming cannabis and cannabis related products in a public place	\$100.00
3.2	Carrying or possessing a lit cigarette, cigar or pipe; or using an electronic smoking device where prohibited.	\$100.00
3.3	Carrying or possessing a lit cigarette, cigar or pipe; or using an electronic smoking device, in, on, or within 5 metres of a playground; entrance or exit to a public premise; any place public has access as of right or by express or implied invitation.	\$100.00
3.4	Placing ashtrays or objects intended to be a receptacle for a cigarette butt or related product to be placed in a public place where smoking is prohibited by this bylaw.	\$200.00

READ A FIRST TIME THIS 23 DAY OF OCTOBER 2018 A.D.

 Mayor _____
 Chief Administrative Officer

READ A SECOND TIME THIS 23 DAY OF OCTOBER 2018 A.D.

 Mayor, _____
 Chief Administrative Officer

PROCEED WITH THIRD READING WITH THE UNANIMOUS CONSENT OF ALL MEMBERS PRESENT THIS 23 DAY OF OCTOBER 2018 A.D.

 Mayor _____
 Chief Administrative Officer

READ A THIRD TIME THIS 23 DAY OF OCTOBER 2018 A.D.

 Mayor, _____
 Chief Administrative Officer