

## BYLAW NO. 4136

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**CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT** to prohibit smoking in outdoor public places.

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

**NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:**

### Bylaw Title

- Amended by:  
Bylaw 4705  
Mar. 7, 2023
1. This Bylaw may be cited as the “Outdoor Smoking and Vaping Bylaw”.

### Interpretation

- Amended by:  
Bylaw 4705  
Mar. 7, 2023
2. In this Bylaw:
    - (a) “**Bylaw Enforcement Officer**” means any police officer, community peace officer, or bylaw enforcement officer employed by the City;
    - (a) “**Cannabis Act**” means the *Gaming, Liquor, and Cannabis Act*, RSA 2000 Ch G-1, as amended;
    - (b) “**City**” means the municipal corporation of the City of Medicine Hat, or the area contained within the boundary thereof, according to the context in which the term is used;
    - (c) “**Grandstand**” means a public open-air seating structure for spectators, or other persons;
    - (d) “**Park(s)**” means an outdoor public space controlled by the City and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes but is not limited to the City’s Heritage Trail System and the Echo Dale Regional Park swim lake and beach;
    - (e) “**Public Event**” means a market, festival, fair, pancake breakfast, exhibition, concert or sporting event, or any similar type event;
    - (f) “**Outdoor Public Place**” means:
      - (i) a Grandstand;
      - (ii) a Park;
      - (iii) a Public Event;
      - (iv) an outdoor basketball, pickleball or tennis court; or
      - (v) an outdoor rink;

but does not include the following:

- (vi) a highway (inclusive of roads and sidewalks) as defined under the *Traffic Safety Act*, RSA 2000 CT-6, as amended;
  - (vii) a parking lot;
  - (viii) a campground;
  - (ix) a golf course; or
  - (x) a private residential property.
- (g) **"Smoke" or "Smoking"** means 'Smoke' or 'Smoking' as those terms are defined in the *Tobacco Act* and the *Cannabis Act*, as applicable.
  - (h) **"Temporary Designated Area"** means a temporary designated area within an Outdoor Public Place where Smoking and or Vaping is permitted, in accordance with the *Designated Smoke and or Vape Area Management Policy No. 0172*.
  - (i) **"Tobacco Act"** means the *Tobacco, Smoking and Vaping Reduction Act*, RSA 2005 Ch T-3.8, as amended.
  - (j) **"Vape" or "Vaping"** means 'Vape' or 'Vaping' as those terms are defined in the *Tobacco Act* and the *Cannabis Act*, as applicable.

**Prohibition and Exceptions**

- Amended by:  
Bylaw 4705  
Mar. 7, 2023     3.     No person shall Smoke or Vape in an Outdoor Public Place, unless within a Temporary Designated Area.
- Amended by:  
Bylaw 4705  
Mar. 7, 2023     3.1     No person shall Smoke or Vape within 5.0 m of the boundaries of an Outdoor Public Place.
- Amended by:  
Bylaw 4705  
Mar. 7, 2023     4.     Nothing in this Bylaw affects the rights of Indigenous people respecting traditional Indigenous spiritual or cultural practices or ceremonies.

**Enforcement**

- 5.     Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened Section 3 of this Bylaw, the Bylaw Enforcement Officer may commence proceedings against such person by issuing the person a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
- 6.     Where a Bylaw Enforcement Officer issues a person a violation ticket in accordance with Section 5 of this Bylaw, the Bylaw Enforcement Officer may either:
  - (a)    allow the person to pay the specified penalty; or
  - (b)    require a court appearance of the person where the Bylaw Enforcement Officer

**Specified Penalty**

- 7.     The specified penalty for a violation of Section 3 of this Bylaw is a fine in the amount of \$100.

**General Penalty**

8. Any person that violates Section 3 of this Bylaw is guilty of an offence, and the penalty payable upon conviction in a court of competent jurisdiction shall be:
- (a) Not less than \$100 nor more than \$1,000 for a first offence by that person; and
  - (b) Not less than \$200 nor more than \$2,000 for any subsequent offence by that person.

**Coming into Force**

9. This Bylaw shall come into force at the beginning of the date it is passed.

**READ A FIRST TIME in open Council on March 18, 2013.**

**READ A SECOND TIME in open Council on April 1, 2013.**

**READ A THIRD TIME in open Council on April 1, 2013.**

**SIGNED AND PASSED on April 2, 2013.**

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 4136 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by the City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Arlen Karbashewski  
Municipal Secretary and City Clerk  
City of Medicine Hat