

BYLAW NO. 4705

A BYLAW OF THE CITY OF MEDICINE HAT to amend Bylaw No. 4136, the Smoke Free Outdoor Public Places Bylaw.

WHEREAS Council considers it advisable to amend Bylaw No. 4136, the Smoke Free Outdoor Public Places Bylaw.

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

1. Section 1 is deleted in its entirety and replaced with the following:

“1. This Bylaw may be cited as the “Outdoor Smoking and Vaping Bylaw”.”

2. Section 2 is deleted in its entirety and replaced with the following:

“2.

- (a) **"Bylaw Enforcement Officer"** means any police officer, community peace officer, or bylaw enforcement officer employed by the City;
- (b) **"Cannabis Act"** means the *Gaming, Liquor, and Cannabis Act*, RSA 2000 Ch G-1, as amended;
- (c) **"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;
- (d) **"Grandstand"** means a public open-air seating structure for spectators, or other persons;
- (e) **"Park(s)"** means 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 following:
 - (i) the Heritage Trail System and all City paved pathways;
 - (ii) the Echo Dale Regional Park swim lake and beach;
 - (iii) outdoor rinks/ponds; and
 - (iv) basketball, pickleball, or tennis courts.
- (f) **"Public Event"** means a market, festival, fair, pancake breakfast, exhibition, concert or sporting event, or any similar type event;
- (g) **"Outdoor Public Place"** means any outdoor property, whether publicly or privately owned or controlled, to which members of the public have access to as of right, or are expressly or impliedly invited to the space, with or without payment, and includes the following:
 - (i) a Grandstand;
 - (ii) a Park;

(iii) a Public Event;

but does not include the following:

(iv) a highway (inclusive of roads and sidewalks) as defined under the *Traffic Safety Act*, RSA 2000 CT-6, as amended;

(v) a parking lot;

(vi) a campground;

(vii) a golf course; or

(viii) a private residential property.

(h) **"Smoke" or "Smoking"** means 'Smoke' or 'Smoking' as those terms are defined in the *Tobacco Act* and the *Cannabis Act*, as applicable.

(i) **"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*.

(j) **"Tobacco Act"** means the *Tobacco, Smoking and Vaping Reduction Act*, RSA 2005 Ch T-3.8, as amended.

(k) **"Vape" or "Vaping"** means 'Vape' or 'Vaping' as those terms are defined in the *Tobacco Act* and the *Cannabis Act*, as applicable."

3. Section 3 is deleted in its entirety and replaced with the following:

"3. No person shall Smoke or Vape in an Outdoor Public Place, unless within a Temporary Designated Area.

3.1 No person shall Smoke or Vape within 10.0 m of the boundaries of an Outdoor Public Place."

4. Section 4 is deleted in its entirety and replaced with the following:

"4. Nothing in this Bylaw affects the rights of Indigenous people respecting traditional Indigenous spiritual or cultural practices or ceremonies."

Coming into Force

5. Bylaw No. 4053, the Smoke Free Vehicles for Minors Bylaw, is hereby repealed.

6. Bylaw No. 4705 shall come into force when it is passed.

READ A FIRST TIME in open Council on February 6, 2023.

READ A SECOND TIME in open Council on _____.

READ A THIRD TIME in open Council on _____.

SIGNED AND PASSED on _____.

MAYOR: Linnsie Clark

CITY CLERK: Arlene Karbashewski