

# THE CORPORATION OF THE CITY OF GRAND FORKS

## BYLAW NO. 2054

### A Bylaw to Designate Smoke- and Vape-free Outdoor Places in the City of Grand Forks

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In accordance with the *Community Charter*, Council may, by bylaw, establish certain prohibitions in public places for the health and well-being of its citizens. Second-hand smoke is a health risk and nuisance for many inhabitants of and visitors to the City of Grand Forks.

The Council for the Corporation of the City of Grand Forks, in open assembled, **ENACTS** as follows:

1. **Citation**

1.1 This bylaw may be cited as the “**Smoke- and Vape-free Outdoor Places Bylaw 2054.**”

2. **Definitions**

2.1 In this bylaw, unless the context requires otherwise:

“**Bylaw Enforcement Officer**” means the persons duly appointed by Council as such, and shall include any *peace officer*.

“**Cannabis**” means cannabis as defined in the *Cannabis Act* (Bill C-45, an *Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*.

“**City**” means the City of Grand Forks.

“**Community Facility**” means a building, lands or recreation facility including but not limited to recreation centers, arenas, picnic shelters and other recreation facilities located in a Park or on any other land which the City owns or controls by means of a lease, licence or other legal instrument that is intended for athletic, social, cultural or recreational use by members or visitors to the community.

“**Entranceway**” includes but is not limited to doorways, verandahs, stairways, air intake systems and windows.

“**Minor**” means a natural person under the age of majority.

“**Municipal Ticketing Information Bylaw**” means the City of Grand Forks’ current Municipal Ticketing Information Bylaw, including all amendments and replacements thereto.

**“Outdoor Public Event”** means any event where the public is invited to gather on any outdoor area of City owned, controlled or operated property, including any park, public square or street, including, but not limited to:

- a) a market, contest, festival, celebration, fair, exhibition or concert;
- b) an outdoor public event on any City owned, controlled or operated property that is leased to a third party; or
- c) any event for which a City rental or use permit is required

**“Outdoor Public Space”** means any outdoor area owned, controlled, or operated by the City that is open to the public or to which the public is customarily admitted or invited, and includes any:

- a) park,
- b) sports venue, stadium, or sports facility,
- c) outdoor recreational facility,
- d) utility easement,
- e) cemetery,
- f) public streets, when used as part of an outdoor public event.

**“Park”** means any real property or property subject to a right of occupation by the City of Grand Forks for the purpose of pleasure, recreation or community uses by the public, including parks, playgrounds, splashpads, sport courts, natural and landscaped areas, sports fields, trails, walkways and other public places and all improvements and may include beaches, and other public places adjacent to lakes or streams including foreshore or land covered by water.

**“Person”** includes a natural person of the age of majority, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a Person to whom the context can apply according to the law.

**“Public Premise”** means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation.

**“Public Vehicle”** means a bus, taxi or other vehicle that is used to transport members of the public for a fee.

**“School Property”** means property that is owned or leased by, or operated under the authority of, a board established under the *School Act* or the *Independent School Act*, and used for the purposes of delivering educational programs or other learning programs, and includes real property and improvements.

**“Smoke”** or **“Smoking”** means to inhale, exhale, burn or carry a lighted cigarette, electronic cigarette, cigar, pipe, hookah pipe or other lighted or heated smoking equipment that burns tobacco, Cannabis or any other weed or substance but does not include the carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes.

### **3. Smoking Regulation**

#### **Prohibitions**

- 3.1 No Person or Minor may Smoke:
- a) In a *Public Premise* or a *Public Vehicle*,
  - b) In, on, or within 6 metres of a:
    - i. *Community Facility*,
    - ii. *Outdoor Public Space*,
    - iii. *Park*,
    - iv. Picnic area,
    - v. *School Property*,
    - vi. playground or playing field,
    - vii. skateboard or bike park,
    - viii. public tennis court or swimming pool lot,
    - ix. community garden,
  - c) within the Core Commercial (CC) zoned area of Market Avenue between Riverside Drive and 5<sup>th</sup> Street (excluding alleys and private parking lots),
  - d) on public sidewalks,
  - e) on a City street when used as part of an *Outdoor Public Event*,
  - f) inside or within 6 metres of any public building or space in which the City owns or holds an interest,
  - g) inside a motor vehicle or equipment owned, leased, or used by the City.

#### **Exemptions to Prohibitions Specified**

- 3.2 This Bylaw does not apply to:
- a) a designated smoking area established for the purpose of an *Outdoor Public Event* with the area being determined by and with the agreement of both the City and the event organizer,
  - b) Aboriginal cultural activity,
  - c) carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes.

### **4. Offences and Penalties**

#### **Bylaw Contravention**

- 4.1 A violation of a provision of this Bylaw will result in liability for penalties and late payment amounts established in the City's *Municipal Ticketing Information Bylaw*.
- 4.2 A *Person* who contravenes, violates, or fails to comply with any provision of this Bylaw is deemed to have committed an offence under this Bylaw, and is liable on summary conviction to a fine not exceeding \$2,000 for each offence.
- 4.3 Each violation of this Bylaw constitutes a separate offence.

- 4.4 If a *Bylaw Enforcement Officer* has determined that a *Person* has violated a provision of this Bylaw, that *Person* must, when requested by the *Bylaw Enforcement Officer*, provide their name and address to the Officer.

## **Enforcement**

- 4.5 *Bylaw Enforcement Officers* are designated to enforce this Bylaw by means of the Bylaw Notice under the *Community Charter*.
- 4.6 No *Person* shall interfere with, delay, obstruct, or impede the *Bylaw Enforcement Officer*, designate, or other *Person* lawfully authorized to enforce this Bylaw in the performance of duties.
- 4.7 The *Bylaw Enforcement Officer* has the right to enter at all reasonable hours any land or building to which this Bylaw applies in order to ascertain whether the provisions of this Bylaw are being complied with.

## **5. General Provisions**

### **Severability**

- 5.1 If any part, section, sub-section, clause, or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

Read a first, second, and third time on the \_\_\_\_ day of \_\_\_\_, 2018.

Adopted this \_\_\_\_ day of \_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer