

BYLAW NUMBER 27M2015

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND BYLAW 57M92,
THE SMOKING BYLAW**

WHEREAS Council has considered CPS2015-0387 and deems it necessary to amend Bylaw 57M92, The Smoking Bylaw, to restrict the use of electronic smoking devices in public places;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 57M92, The Smoking Bylaw, as amended, is hereby further amended.
2. In section 2:

(1) the following is added after subsection 2(e) as subsection 2(e.1):

“(e.1) *“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;”;

and

(2) the following is added after subsection 2(q) as subsection 2(q.1):

“(q.1) *“public vehicle”* means a bus, taxi or other vehicle that is used to transport members of the public for a fee;”.

3. Section 3 is deleted and replaced with the following:

“3. (1) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
 - (b) use an electronic smoking device;
- in a public premises, a workplace or a public vehicle.

(2) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
- (b) use an electronic smoking device;

in, on or within 5 metres of a:

- (i) outdoor pool;
- (ii) outdoor skating rink;
- (iii) playground;
- (iv) skate park; or
- (v) sports field;

to which the public has access as of right or by express or implied invitation.

(3) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
- (b) use an electronic smoking device;

within 5 metres of an entrance or exit to a public premises.

(4) No person shall permit ashtrays or objects intended to be a receptacle for a cigarette butt to be placed in indoor areas where smoking is prohibited by this Bylaw.

(5) No person shall provide services or allow services to be provided to any person who is:

- (a) carrying or possesses a lit cigarette, cigar or pipe; or
- (b) using an electronic smoking device;

in an area or premises in which doing so is prohibited by this Bylaw.

(6) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
- (b) use an electronic smoking device;

in Olympic Plaza.

(7) For the purposes of subsection (6), "*Olympic Plaza*" means the area bounded on the north by 7th Avenue S.E., on the east by Macleod Trail S.E., on the south by 8th Avenue S.E. and on the west by 1st Street S.E., but excluding lots 39 and 40 of Block 52 on Plan A."

4. Section 3.2 is deleted and replaced with:

"3.2 An employer, operator or proprietor shall ensure that no person:

- (a) carries a lit cigarette, cigar or pipe, or burns tobacco;

- (b) uses an electronic smoking device;
on premises controlled or owned by them.”

5. In **SCHEDULE “B” – SPECIFIED PENALTIES** under the headings indicated, the following is deleted:

| Section | Amount of Specified Penalty in Dollars |
|--|--|
| “3(1) Smoking in a prohibited place | \$100.00 |
| 3(1.1) Smoking in or on a outdoor pool, outdoor skating rink, playground, skate park or sports field | \$100.00 |
| 3(2) Smoking within 3 metres of an entrance way | \$100.00 |
| 3(3) Placing ash trays | \$200.00 |
| 3(4) Serving a person smoking | \$200.00 |
| 3(5) Smoking in Olympic Plaza | \$100.00 |
| 3.2 Allow smoking where prohibited | \$200.00” |

and replaced with:

| Section | Amount of Specified Penalty in Dollars |
|---|--|
| “3(1) Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device where prohibited | \$100.00 |
| 3(2) Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device in, on or within 5 metres of an outdoor pool, outdoor skating rink, playground, skate park or sports field | \$100.00 |
| 3(3) Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device within 5 metres of an entrance or exit to a public premises | \$100.00 |
| 3(4) Placing ash trays | \$200.00 |
| 3(5) Provide services to a person carrying or possessing a lit cigarette, cigar or pipe or using an electronic | \$200.00 |

smoking device where prohibited

3(6) Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device in Olympic Plaza \$100.00

3.2 Allow smoking or use of electronic smoking device where prohibited \$200.00"

6. This bylaw shall come into force on the day it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2015.

READ A SECOND TIME THIS ____ DAY OF _____, 2015.

READ A THIRD TIME THIS ____ DAY OF _____, 2015.

MAYOR
SIGNED THIS ____ DAY OF _____, 2015.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2015.