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Approved as to Form  
Law Branch

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Approved as to Content  
Deputy City Manager, Citizen  
Services

**THE CITY OF EDMONTON  
BYLAW 18397  
PUBLIC PLACES BYLAW AMENDMENT No. 7**

Edmonton City Council enacts:

1. Bylaw 14614, the Public Places Bylaw, is amended by this bylaw.
2. Section 2(b) is deleted and replaced with:
  - (b) “City Manager” means the chief administrative officer of the City or delegate;
3. Section 2(e) is deleted and replaced with:
  - (e) “municipal tag” means a municipal tag as defined in the Enforcement Bylaw, Bylaw 16368;
4. Section 2(k) is deleted and replaced with:
  - (k) “violation ticket” means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended.

5. Section 11 is deleted and replaced with:

**DEFINITIONS**

11

In this Part:

- (a) “building” means an enclosed or substantially enclosed building or structure and, without limiting the generality of the foregoing, includes any bus shelter or light rail transit station;
- (b) “bicycle park” means an area designed and intended specifically for the use of bicycles;
- (c) “cannabis” is as defined in the *Cannabis Act* (Canada), and associated regulations, as amended;
- (d) “electronic cigarette” means a handheld device containing a liquid that is vapourized and inhaled, and includes but is not limited to electronic cigarettes, e-cigarettes, vapourizer cigarettes, personal vapourizers, and electronic nicotine delivery systems;
- (e) “electronic cigarettes retailer” means a fully enclosed premises where the sole function of the premises is the sale of electronic cigarettes and electronic cigarette products, and for which a valid City business licence has been issued pursuant to Bylaw 13138, Business Licence Bylaw;
- (f) “no smoking area” means any public place, or portion of a public place, designated by temporary or permanent signage or other marking as an area where smoking is prohibited for either tobacco products or cannabis, or both;
- (g) “off leash area” means an off leash area as defined in Bylaw 13145, Animal Licensing and Control Bylaw;
- (h) “patio” means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food and beverages;
- (i) “playground” means a structure or collection of structures designed and intended for recreational use by children and, where mounted in a distinct material such as sand, gravel, or wood chips, includes the material in which those structures

- are mounted;
- (j) “public vehicle” means a bus, taxi or other vehicle that is used to transport members of the public for a fee;
  - (k) “seasonal skating rink” means an outdoor ice surface on which members of the public are permitted to skate, whether upon payment of a fee or not, and includes public lakes, ponds, and outdoor rinks with boards or other ice support infrastructure;
  - (l) “skate park” means an area designed and intended specifically for the use of skateboards, in-line skates, or similar devices;
  - (m) “smoke” or “smoking” means:
    - (i) to inhale or exhale the smoke produced by a lit, ignited or heated tobacco product or holding or otherwise have control over a lit, ignited or heated tobacco product,
    - (ii) to inhale or exhale the smoke produced by lit, ignited or heated cannabis or holding or otherwise having control of lit, ignited or heated cannabis or any device or thing that contains lit, ignited or heated cannabis, or
    - (iii) to inhale or exhale the vapour, emissions or aerosol produced by, or using, holding or otherwise having control of, an electronic cigarette or similar device containing cannabis or a tobacco product;
  - (n) “smoking area” means any public place, or portion of a public place, designated by temporary or permanent signage or other marking as an area where smoking is permitted for either cannabis or tobacco products, or both;
  - (o) “sports field” means an outdoor area designed and intended for use in a specific sporting event and includes soccer fields, baseball diamonds, tennis courts, and similar areas but does not include golf courses;
  - (p) “tobacco product” means a product manufactured from

tobacco and intended to be smoked, including but not limited to a cigarette or cigar;

- (q) “water spray park” means a structure or collection of structures designed and intended for recreational use and that spray or release water, and includes a splash pad; and
- (r) “window” means a window that can be opened to admit air.

6. Section 12 is deleted and replaced with:

**TOBACCO  
SMOKING  
RESTRICTIONS**

- 12 (1) Except as permitted by this Part, no person shall smoke a tobacco product:
- (a) inside a building;
  - (b) on a patio;
  - (c) inside a public vehicle;
  - (d) on or within a bus terminal or light rail transit platform;
  - (e) within 10 metres from a bus stop, or a doorway, window or air intake of a building or patio;
  - (f) on, in or within 30 metres from:
    - (i) a playground,
    - (ii) a sports field,
    - (iii) a skate park or bicycle park,
    - (iv) an outdoor theatre,
    - (v) an outdoor pool or water spray park, or
    - (vi) a seasonal skating rink;
  - (g) within Sir Winston Churchill Square, Fort Edmonton Park, the John Janzen Nature Centre, the Edmonton Valley Zoo, or the Muttart Conservatory; or
  - (h) within an area designated as a no smoking area for tobacco products.

- (2) Notwithstanding subsection 12(1), a person may smoke in an area designated as a smoking area for tobacco products.

7. Section 12.1 is inserted after section 12:

**CANNABIS  
SMOKING  
RESTRICTIONS**

- 12.1 (1) Except as permitted by this Part, no person shall smoke cannabis:
- (a) inside a building;
  - (b) on a patio;
  - (c) inside a public vehicle;
  - (d) on or within any hospital property, school property, child care facility property, golf course, cemetery, ski hill, off leash area, bus terminal or light rail transit platform;
  - (e) within 10 metres from a bus stop or the doorway, window or air intake of a building or patio;
  - (f) on, in or within 30 metres from:
    - (i) a playground,
    - (ii) a sports field,
    - (iii) a skate park or bicycle park,
    - (iv) an outdoor theatre,
    - (v) an outdoor pool or water spray park, or
    - (vi) a seasonal skating rink,
  - (g) within Sir Winston Churchill Square, Fort Edmonton Park, the John Janzen Nature Centre, the Edmonton Valley Zoo, or the Muttart Conservatory; or
  - (h) within an area designated as a no smoking area for cannabis.
- (2) Notwithstanding subsection 12.1(1), a person may smoke in an area designated as a smoking area for cannabis.

8. Section 18 is deleted and replaced with:

- PROSECUTIONS**            18        In a prosecution for a contravention of this Part:
- (a)    it is not necessary that a witness testify to the precise description, kind, brand or name of the tobacco product, cannabis, or electronic cigarette possessed, smoked or consumed;
  - (b)    the court may, in the absence of evidence to the contrary, infer that the product smoked was cannabis, a tobacco product or an electronic cigarette from the fact that a witness describes it by a name that is commonly used to describe cannabis, a tobacco product or an electronic cigarette; and
  - (c)    evidence
    - (i)    that a substance had an odour of cannabis or a tobacco product, or
    - (ii)   that a substance appeared to be labelled or packaged as cannabis or a tobacco product
- is, in the absence of evidence to the contrary, sufficient to establish that the substance was cannabis or a tobacco product.

9. Section 18.1 is deleted and replaced with:

- DESIGNATED AREAS**            18.1    (1)    The City Manager may designate any public place, or portion of a public place, as a no smoking area or a smoking area.
- (2)    The City Manager shall place temporary or permanent signs or other markings identifying a no smoking area or a smoking area.
- (3)    The City Manager may impose any requirements on a smoking area including, but not limited to, requirements that the area be enclosed or that no minors be permitted within

the area.

- (4) No person shall remove, move, alter, deface, conceal or destroy any signs or other markings identifying a no smoking area or a smoking area that are placed pursuant to subsection 18.1(2).

10. Section 29(d.1) is inserted after section 29(d):

(d.1) establish areas where activities otherwise permitted by this bylaw are prohibited;

11. This bylaw comes into force on October 17, 2018.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

CITY OF EDMONTON

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MAYOR

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CITY CLERK