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948/18 Smoking Bylaw Town of Rimbey Open House Questionnaire

Council has given first reading to 948/18 Smoking Bylaw, a Bylaw of the Town of Rimbey, in the Province of Alberta respecting smoke free public places and workplaces.

Council invites you to an open house regarding Bylaw 948/18 Smoking Bylaw with regards to tobacco and cannabis.

Date: Wednesday, November 14, 2018

Location: Council Chambers
Town of Rimbey
Administration Office
4938—50 Avenue, Rimbey, Alberta

Time 6:00 pm to 8:00 pm.

Please take this opportunity to fill out this questionnaire and bring it to the Open House or bring it into the Town of Rimbey Administration Office.

Here are a few definitions to keep in mind when considering your answers to the questionnaire.

“Cannabis” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

“Person” includes an individual, proprietorship, corporation or society;

“Private Residence” means a self contained living premise for domestic use of one or more persons and is provided with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway, but does not include any portion of such area used as a workplace with the exception of a hotel room or motel room;

“Public Building” means any enclosed building or structure as defined in this bylaw to which the public can and does have access by right or by invitation, whether or not:

- a) all classes of the public are invited;
- b) the proprietor has the right to exclude any particular person;
- c) payment, membership or the performance of some formality is required prior to access;
- d) the public has access to the building only at certain times, or from time to time;
- e) a member of the public has access only if they are a member or if they are accompanied by a member;
- f) Subject to subsection j) and k) below, if the public has access only to a portion of the building or structure, the entire building or structure shall be deemed to be a Public Building;
- g) a public premises where food or beverages are served that is not fully contained within an enclosed building; and
- h) an outside extension of an eating or drinking establishment regardless of whether it is covered;
- i) Buildings owned and operated by the Town of Rimbey

Where a building includes a private residence, the following shall apply:

- j) that portion of the building containing the private residence shall be deemed to not be a public building;
- k) If a building contains two or more private residences, those common areas of the building including washrooms, corridors, reception areas, elevators, escalators, foyers, hallways, stairways, lobbies, laundry rooms and enclosed parking garages shall be deemed to be a public building;

“Public Place” means:

- a) Public Buildings and those areas within 6m of an entrance or exit to a Public Building;
- b) Public Transportation Vehicles and Public Transportation Vehicle Shelters;
- c) Educational Institution;
- d) Health Care Institution and
- e) Workplaces and those areas within 6m of an entrance or exit to a Workplace;

“Public Space” means any place to which the public has access as of right or by invitation, expressed or implied. This includes:

- a) parks and playgrounds;
- b) green spaces;
- c) streets and lanes;
- d) sidewalks;
- e) pathways;
- f) right of ways;
- g) common spaces;
- h) parking lots;
- i) municipal reserve property;
- j) environmental reserve property;
- k) all Town of Rimbey owned buildings and land.

“Public Transportation Vehicle” means a school bus, a bus owned or operated by or on behalf of the Town of Rimbey, a taxicab, limousine or other similar vehicle which is being used by a passenger or passengers for hire or which is being offered for hire;

“Public Transportation Vehicle Shelter” means any structure with a roof designed to protect a passenger from the elements while waiting for a school bus, a bus owned or operated by or on behalf of the Town of Rimbey, a taxicab, limousine or other similar vehicles;

“Public Use District Land” means land within the Town of Rimbey that is designated Public Use as described in the Land Use Bylaw, as amended from time to time;

“Tobacco Product” means a product composed of whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves.

“Town Building” means any of the buildings owned, leased, operated or occupied by the Town of Rimbey;

“Smoke” or “Smoking” means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hooka pipe, vaporizer or other lighted smoking implement designed to burn or heat tobacco, cannabis or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.

“Workplace” means any enclosed area of a building or structure in which an employee works and includes washrooms, corridors, lounges, eating areas, outdoor patios, reception areas, elevators, escalators, foyers, hallways, stairways, enclosed walkways, amenity areas, lobbies, laundry rooms and enclosed parking garages utilized by an employee. Without limiting the generality of the foregoing:

- a) a place is a Workplace whether or not the employee is employed by the proprietor of the premises at which the employee works;
- b) subject to clause d) below, if an employee works in any portion of a building, the entire building shall be deemed to be a workplace;
- c) home offices that employ non-residents or that require public access shall be deemed to be a workplace; and
- d) any portion of a building that is used exclusively as a private residence, including a hotel room or a motel room shall not be deemed to be a workplace.

QUESTIONNAIRE

Please circle your preference of the yes or no answers.

CANNABIS

(Gaming, Liquor and Cannabis Act Section 90.28 No person may smoke or vape cannabis **(a)** in any area or place where that person is prohibited from smoking under the Tobacco and Smoking Reduction Act or any other Act or the bylaws of a municipality, **(b)** on any hospital property, school property or child care facility property, **(c)** in or within a prescribed distance from (i) a playground, (ii) a sports or playing field, (iii) a skateboard or bicycle park, (iv) a zoo, (v) an outdoor theatre, (vi) an outdoor pool or splash pad, or (vii) any other area or place that is prescribed or otherwise described in the regulations.

(Gaming, Liquor and Cannabis Regulation 129 – No person may smoke or vape cannabis within 5 metres of an area or place listed in section 90.2(c)(i) to (vi) of the act.)

For the regulations regarding the Smoking of Cannabis within the limits of the Town of Rimbey, do you agree that:

The smoking of Cannabis is strictly prohibited in or on the following places:

Public Place

Public Buildings and those areas within 6m of an entrance or exit to a Public Building	Yes	No
Workplaces and those areas within 6m of an entrance or exit to a Workplace	Yes	No

Public Space

Parks and playgrounds	Yes	No
Green spaces	Yes	No
Streets and lanes	Yes	No
Sidewalks	Yes	No
Pathways	Yes	No
Right of ways	Yes	No
Common spaces	Yes	No
Parking lots	Yes	No
Municipal reserves	Yes	No
Environmental reserve property	Yes	No

Do you agree there should be a designated location within the Town of Rimbey to smoke cannabis?

Yes	No
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TOBACCO

Tobacco and Smoking Reduction Act, Section 3 Subject to section 5, no person shall smoke (a) in a public place, (b) in a workplace, (b.1) in a vehicle in which a minor is present, (c) in a public vehicle, or, (d) within a prescribed distance from a doorway, window or air intake of a public place or work place.

10(1) Nothing in this Act affects a municipality's power to make bylaws to regulate, restrict or prohibit smoking.

(2) Where there is a conflict between a provision of this Act and a provision of a municipal bylaw that regulates, restricts or prohibits smoking, the more restrictive provision prevails.

Tobacco and Smoking Reduction Regulation Section 1(1) for the purposes of section 3(d) of the Act, the prescribed distance from a doorway, window or air intake of a public place or workplace is 5 metres. **(2)** for the purpose of section 3(d) of the act and this section, "window" means a window that can be opened to admit air.

For the regulations regarding the Smoking of Tobacco within the limits of the Town of Rimbey, do you agree that:

No Person may Smoke Tobacco within the following prescribed distances:

6 m of an entrance or exit to a Public Building	Yes	No
6 m of an entrance or exit to a Public Place	Yes	No
6 m of an entrance or exit to a Workplace	Yes	No

Additional Comments: (please print clearly)

Thank you for taking the time to complete this questionnaire.