
BEING A BYLAW OF THE TOWN OF THORSBY IN THE PROVINCE OF ALBERTA, RESPECTING THE
REGULATION OF SMOKE FREE PUBLIC PLACES AND WORKPLACES.

- WHEREAS:** Health officials have determined that second-hand Tobacco Smoke (exhaled Smoke and the Smoke from idling cigarettes, cigars and pipes) and Smoking is a health hazard or discomfort for many persons;
- AND WHEREAS:** The Council of the Town of Thorsby deems it expedient and appropriate to limit the effects of second-hand Smoke for residents of and visitors to the Town;
- AND WHEREAS:** Council deems it appropriate to limit the exposure that children and youth have to Smoking in public places;
- AND WHEREAS:** Council deems it expedient and appropriate to regulate Smoking and Tobacco use in public places and workplaces within the Town of Thorsby; and in accordance with the Municipal Government Act R.S.A. 2000 c. M-26 as amended, has the authority to pass bylaws respecting:
- a) the safety, health and welfare of people and the protection of people and property;
 - b) people, activities and things in, on or near a public place or place that is open to the public;
 - c) businesses, business activities and persons engaged in business.
- NOW THEREFORE:** The Municipal Council of the Town of Thorsby, in the Province of Alberta, duly assembled, enacts as follows:

PART I – TITLE

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

PART II - DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:
- a. **“Ashtray”** means a receptacle for Tobacco ashes and for cigar and cigarette butts;
 - b. **“Building”** includes anything constructed or placed on, in, over or under land, whether permanent or temporary, into which a Person could enter;
 - c. **“Business”** means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and includes any activity carried on by an educational institution, municipality, or a charitable organization;
 - d. **“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.
 - e. **“Cannabis Accessory”** means Cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time;
 - f. **“Childcare Facility”** has a meaning prescribed in the Land Use Bylaw;
 - g. **“Community Recreation Facility”** or Community Centre as prescribed in the Land Use Bylaw;
 - h. **“Council”** means the Council of the Town of Thorsby;
 - i. **“Designated Public Place”** means a place prescribed in Section 3;
 - j. **“Drinking Establishment”** means a business where the primary purpose is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises;
 - k. **“Educational Institution”** means a public or private school or post-secondary institution;

- l. **"Employee"** includes a person who performs any work for or supplies any services to any Employer;
- m. **"Employer"** includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;
- n. **"Enclosed Walkway"** means any pedway, bridge, hallway, connecting stairway, or similar structure that is physically enclosed;
- o. **"Electronic Smoking Device"** means an electronic device that can be used to deliver a vapor, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
- p. **"Grandstand"** means an open air seating facility primarily but not exclusively limited to use in watching sporting events;
- q. **"Hotel"** includes hotels, motels and inns;
- r. **"Municipal Building"** means any of the buildings owned, leased, operated or occupied by the Town of Thorsby;
- s. **"Municipal Manager"** means the Chief Administrative Officer or his/her delegate;
- t. **"Municipal Tag"** means a ticket or similar document issued by the Municipal pursuant to the Municipal Government Act R.S.A. 2000, c. M-26 as amended, and as referred to in Section 8 below;
- u. **"Municipality"** means the Municipality of Thorsby;
- v. **"Outdoor Patio"** means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food or beverages whether enclosed, or covered, or not;
- w. **"Outdoor Public Event"** means an outdoor market, festival, fair, display, exhibition, fundraiser, race, concert or parade requiring a municipal permit, and to which the public is invited or permitted to attend;
- x. **"Outdoor Public Place"** means an outdoor Beach, Grandstand, Park, Playground, Pool, Seasonal Multipurpose Pad, Skate or Bicycle Park, Sports Field, Dog Park, Trail, or Water Park open to the public.
- y. **"Park"** means public space controlled by the Municipality and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes municipal trails;
- z. **"Peace Officer"** means a Bylaw Enforcement Officer appointed by the Town, any Peace Officer appointed under the Peace Officer Act of Alberta, any police officer appointed under the Police Act of Alberta, any sworn member of the Royal Canadian Mounted Police, and any sworn member of the Canadian Forces Military Police appointed under the National Defense Act;
- aa. **"Person"** includes an individual, proprietorship, corporation or society;
- bb. **"Place of Worship"** means a development and any related meeting halls used for spiritual worship and related religious, charitable, educational or social activities;
- cc. **"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, rubber, gravel, or wood chips, includes the material in which those structures are mounted;
- dd. **"Private Club"** means an enclosed place or premise that operates primarily for the benefit and pleasure of the members of a non-profit corporation or service club;
- ee. **"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;
 - i. private residence is a workplace if a home business is operated from the residence and the owner of the business has employees who work in the residence but do not live in the residence; and
 - ii. only that part of a private residence in which the business is operated is a workplace for the purposes of this bylaw;
- ff. **"Proprietor"** means the owner, or his agent or representative of a Designated Public Place referred to in this bylaw, and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein, where applicable includes;
 - i. the person who ultimately controls, governs or directs the activity carried on within any premises referred to in this Bylaw and includes the person usually in charge thereof; and

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- ii. the Board of Governors, Board of Trustees, or President of an Educational Institution;
- gg. **"Public"** means any person other than the owner, lessee, proprietor or employer of a particular building or place;
- hh. **"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 but subject to the following:
- i. 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;
 - ii. A building includes a private residence, that portion of the building containing the private residence shall be deemed to not be a public building; and
 - iii. If a building contains two or more private residences, those common areas of the building including, Patios, Pools, other recreational areas, washrooms, corridors, reception areas, elevators, escalators, foyers, hallways, stairways, lobbies, laundry rooms and enclosed parking garages shall be deemed to be a public building;
- ii. **"Public Transportation"** means a school bus, bus, taxicab, limousine or other similar vehicle which is being used by a passenger or passengers for hire, or which is being offered for hire including premises owned, used or occupied by the Municipality for the purposes of providing transit services, including public transportation vehicle shelters;
- jj. **"Restaurant"** means an enclosed place or premises, the primary purpose of which is the preparation and sale of food for consumption on the premises, the secondary purpose of which may include the sale of alcoholic or non-alcoholic beverages, takeout food services and catering. A restaurant does not include a drinking establishment, but does include any premises for which a Class A liquor license has been issued for the sale and consumption of liquor in premises open to the public, and where minors are permitted by the terms of the license;
- kk. **"Seasonal Multi-Purpose Pad"** means a surface on which members of the public are permitted to skate or engage in other physical activities, whether on payment of a fee or not, and includes, public lakes, ponds, outdoor rinks with boards or other ice support infrastructure and outdoor basketball courts;
- ll. **"Skate or Bicycle Park"** means an area designed and intended specifically for the use of one or more of the following:
- i. skateboards;
 - ii. bicycles;
 - iii. in-line skates; or similar devices
- mm. **"Sign"** means a sign as prescribed in Section 5;
- nn. **"Sports Field"** means an area designed and intended for use in a specific sporting event, including spectator seating areas, and includes a soccer pitch, football field, rugby pitch, baseball diamond, tennis court and similar areas;
- oo. **"Smoke"** or **"Smoking"** means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted or heated device or apparatus designed to burn or heat Tobacco, Cannabis, peyote, shisha, or any other weed, plant, or substance for the purpose of inhaling or tasting its emissions.
- pp. **"Tobacco"** means the substance as defined in the Tobacco Smoking and Vaping Reduction Act.
- qq. **"Town"** means the municipal corporation of the Town of Thorsby, its Town Manager and designate, or the area contained within the corporate boundary thereof as the context requires;
- rr. **"Vape"** or **"Vaping"** means to inhaling or exhaling the vapor, emissions or aerosol produced by an electronic Smoking device or similar device containing Tobacco, Cannabis or any other substance; or holding or otherwise having control of an electronic Smoking device that is producing vapor emissions or aerosol from Tobacco, Cannabis or any other substance;
- ss. **"Vehicle"** means anything that is designed to transport persons or objects; or, any mode of transportation powered by combustible engine or electricity including, but not limited to: mopeds, motorcycles, cars, sport utility vehicles, trucks, agricultural vehicles and maintenance equipment;

- tt. **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000 c. P-34, as amended and regulations thereunder, and as referred to in Section 9 of this bylaw;
- uu. **"Water Park"** means a structure, collection of structures, or outdoor pad, that spray or release water which is designed and intended for recreational use;
- vv. **"Workplace"** means any enclosed area of a building or structure in which an employee performs the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation;
 - i. subject to clause (ii) below, if an employee works in any portion of a building for any period of time, the entire building shall be deemed to be a workplace;
 - ii. a private residence shall not be deemed to be a workplace but that part of a private residence in which a home business is operated is a workplace if the home business is operated from the residence and the owner of the business has employees who work in the residence but do not live in the residence; and
- ww. **"Work Vehicle"** means a vehicle owned or leased by an employer and used by employees during the course of employment.

PART III – GENERAL PROVISIONS

1. Subject to Section 3.2, 3.4, 3.5, 3.6 the following are Designated Public Places for the purposes of this bylaw:
 - a. Public Buildings and those areas within 5 meters of an entrance or exit;
 - b. Municipal Buildings and those areas within 5 meters of an entrance or exit;
 - c. Public Transportation;
 - d. Outdoor Public Events;
 - e. Outdoor Public Places;
 - f. Outdoor patio;
 - g. Water Park and those areas within 10 meters of an entrance or exit;
 - h. Educational Institution areas within 30 meters of an entrance or exit;
 - i. Workplaces and those areas within 5 meters of an entrance or exit;
 - j. Dog Park and those areas within 5 meters of an entrance or exit;
 - k. Sports Field and those areas within 5 meters of an entrance or exit;
 - l. Outdoor skating rink and those areas within 5 meters of an entrance or exit;
 - m. Community recreation facility and those areas within 5 meters of an entrance or exit;
 - n. Childcare facility and those areas within 10 meters of an entrance or exit;
 - o. Private Club areas within 5 meters of an entrance or exit;
 - p. Business and those areas within 10 meters of an entrance or exit;
 - q. Drinking Establishment and those areas within 10 meters of an entrance or exit;
 - r. Seasonal Multi-Purpose Pad and those areas within 10 meters of an entrance or exit;
 - s. Restaurants and those areas within 5 meters of an entrance or exit; and
 - t. Place of Worship and those areas within 5 meters of an entrance or exit.
2. No person shall Smoke, Vape, operate an electronic Smoking device, containing any Smoke able substance in a Designated Public Place, whether or not a "No Smoking, No Vaping, No Electronic Smoking Devices" signs is/are posted or visible.
3. No Proprietor or Employer shall permit Smoking, Vaping, or operation of an electronic Smoking device, containing any Smokeable substance in a Designated Public Place, whether or not a " No Smoking, No Vaping, No Electronic Smoking Devices" signs is/are posted or visible.
4. No person shall Smoke, Vape, operate an electronic Smoking device, with any Smoke able Cannabis substance on any public place, Public Vehicle, outdoor Skating Rink, community recreational facility, or Outdoor Public Event.
5. No person shall Smoke, Vape, operate an electronic Smoking device, with any Smokeable Tobacco or Cannabis substance in any vehicle with passengers under the age of 18.
6. No person may dispose of ashes, butts or residue of Tobacco or Cannabis products on the ground or in anything other than an ashtray, as defined within this Bylaw.

PART IV - ASHTRAYS

1. The proprietor and employer of every Designated Public Place shall ensure that ashtrays are placed or allowed outside the establishment.
2. The proprietor and employer of every Designated Public Place shall, if employees or members of the public from time to time gather to Smoke at a location outside the Designated Public Place, ensure that ashtrays are placed more than five (5) meters from the entrance or exit of the Designated Public Place.

PART V - SIGNS

1. The proprietor and employer of every Designated Public Place shall ensure that signs are posted conspicuously and in accordance with Schedule "A" so as to clearly identify that Smoking or Vaping is prohibited.
2. The proprietor and employer of every Workplace, Public Building or Municipal Building shall ensure that signs are posted:
 - a. At every entrance, window or air intake to the Workplace, Public Building, Municipal Building, public vehicles and Work Vehicles and in the case of a public place or workplace , at a height of not less than 1 meter and not more than 2 .4 meters, as measured from the floor of the entrance;
 - b. Inside each public place, Workplace or Public Vehicle in such numbers and locations as the manager of the Public Place, Workplace or Public Vehicle reasonably considers adequate to ensure that the public and Employees are aware of the prohibition;
 - c. At the entrance to each washroom where said washroom is not fully contained within a Workplace, Public Building or Municipal Building that has been signed in accordance with Section 5.2(a);
 - d. In the vicinity of any seating area where food or beverages are sold or consumed where said seating area is not fully contained within a Workplace, Public Building or Municipal Building that has been signed in accordance with Section 5.2(a);
 - e. Where there is no public entrance to a place or premises mentioned in Section 3, signs prohibiting Smoking shall be posted in a prominent location on or near the premises in such manner as to be readily visible to any member of the public using such place or premises.
3. The signs referred to in this bylaw shall:
 - a. Include a graphic symbol similar to that in Schedule "A" of this Bylaw, to indicate the areas where Smoking or Vaping is prohibited pursuant to this Bylaw: It must depict the symbol in black or red on a contrasting background that makes the symbol clearly legible in whatever lighting is used in the public place, workplace or public vehicle;
 - b. Contain the text "no Smoking or Vaping" in capital letters in English, which must be set out in a style and size that is clearly legible and be set out on a contrasting background that makes the text clearly legible in whatever lighting is used in the public place, workplace or public vehicle;
4. Size of Signs:
 - a. A sign posted under this Bylaw in a Public Place or a Workplace other than a work vehicle must be at least 20 cm by 26 cm and must have a surface area of not less than 520 cm²;
 - b. A sign posted under the Bylaw in a public Vehicle or Work Vehicle must be at least 10 cm by 10 cm and must have a surface area of not less than 100 cm²;
 - c. Notwithstanding that the graphic symbol in Subsection 5.3 is a cigarette, it shall be deemed to include a reference to a lighted cigar, cigarette, pipe or other lighted Smoking equipment;
 - d. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this bylaw.

PART VI - OBSTRUCTION

1. No individual shall interfere with or attempt to interfere with a Peace Officer in the performance of his/her duties under this Bylaw.
2. Failure to identify to a Peace Officer when suspected of an offence under this Bylaw may result in arrest as prescribed by the Criminal Code of Canada under Section 495.

PART VII - PENALTIES

1. Any individual person or corporation who/which fails or neglects to perform the duties or requirements imposed upon them/it under the provisions of this Bylaw, is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000).
2. The specified fine(s) for an offence committed pursuant to this Bylaw are listed in Schedule "B".
3. In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

PART VIII – VIOLATION TICKET

1. In those cases where a Municipal Tag has been issued and if the penalty specified on a municipal tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 as amended.
2. Notwithstanding Section 7 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately lay an information or issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

PART IX – SEVERABILITY

1. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Town Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

PART X – ENFORCEMENT

1. For the enforcement of this bylaw, a Peace Officer, upon producing proper identification, may at any hour of operation, enter any Designated Public Place and may make examinations, investigations and inquiries.
2. A Peace Officer is a Designated Officer for the purposes of ss. 542 - 545 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended.

PART XI – EFFECTIVE DATE

1. This Bylaw shall come into force and have effect upon the third and final reading.



Bylaw #2026-10
Smoking

READ A FIRST TIME this 23rd day of June, 2026

READ A SECOND TIME this 28th day of July, 2026

READ A THIRD AND FINAL TIME this 28th day of July, 2026

Darryl Hostyn, Mayor

Donna Tona, CAO

SCHEDULE A – SIGNS





Bylaw #2026-10
Smoking

SCHEDULE B – PENALTIES

SPECIFIED PENALTIES				
Part	Offence Description	1 st Offence	2 nd Offence	3 rd or Subsequent Offence
3(2)	Smoke/Vape in a Designated Public Place	\$100.00	\$150.00	\$200.00
3(3)	Proprietor/Employer permit Smoking/Vaping in DPP	\$100.00	\$150.00	\$200.00
3(4)	Smoke/Vape Cannabis in a Designated Public Place/Vehicle	\$100.00	\$150.00	\$200.00
3(5)	Smoke/Vape Tobacco/Cannabis in MV with minor present	\$150.00	\$300.00	\$450.00
3(6)	Dispose of butts on the ground or improper disposal	\$50.00	\$100.00	\$150.00
4(2)	Ashtray < 5 m away from entrance/exit of Designated Pub Place	\$50.00	\$100.00	\$150.00
5(1)	Signs not in accordance with Bylaw requirements	\$50.00	\$100.00	\$150.00
5	All of section 5 excluding 5(4)(d)	\$50.00	\$100.00	\$150.00
5(4)(d)	Destroy/remove/deface/alter no Smoking/Vaping signs	\$150.00	\$250.00	\$350.00
6(1)	Obstructing a Peace Officer	\$250.00	\$500.00	\$750.00
6(2)	Fail to Identify when required to a Peace Officer	\$250.00	\$500.00	\$750.00