

BYLAW NO. 1433-15
OF THE
TOWN OF BONNYVILLE

**A BYLAW OF THE TOWN OF BONNYVILLE IN THE PROVINCE OF ALBERTA
RESPECTING SMOKE FREE PUBLIC PLACES AND WORKPLACES**

WHEREAS, under the provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000, Part 2, Division 1, Section 7, the Town of Bonnyville deems it necessary to pass such a Bylaw;

WHEREAS the Council of The Town of Bonnyville 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;

AND WHEREAS it has been determined that second hand smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for many persons;

AND WHEREAS Council deems it expedient and appropriate to limit the effects of second hand smoke for residents of and visitors to the Town of Bonnyville;

AND WHEREAS Council deems it appropriate to limit the exposure that children and youth have to smoking in public places;

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF
BONNYVILLE DULY ASSEMBLED ENACTS AS FOLLOWS:**

1. SHORT TITLE

- 1.1 This bylaw may be cited as the "Smoke Free Bylaw."

2. DEFINITIONS

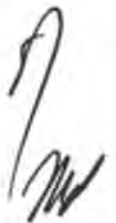
In this Bylaw, the following terms shall have the meanings shown:

- 2.1 "Bingo Establishment" means any premises for which the Province of Alberta has issued a bingo license under the *Gaming and Liquor Act*.
- 2.2 "Casino" means any premises for which the Province of Alberta has issued a



casino license under the Gaming and Liquor Act.

- 2.3 "Town" means the Town of Bonnyville.
- 2.4 "Drinking Establishment" means a business the primary purpose of which 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.
- 2.5 "Grandstand" means an open air seating facility primarily but not exclusively limited to use in watching sporting events.
- 2.6 "Offence Ticket" means a municipal ticket issued by the Town allowing for the voluntary payment of a specified fine established by this Bylaw.
- 2.7 "Outdoor Public Event" means an outdoor market, festival, concert or parade requiring a Town of Bonnyville Special Event or Use of Streets Permit, and to which the public is invited or permitted to attend.
- 2.8 "Patio" means an outdoor area also known as a deck, terrace or rooftop, whether enclosed or not, that is open to the public or to which the public is customarily admitted or invited that is operated as part of a Restaurant or Drinking Establishment, but does not include an outdoor area or structure made available by a Restaurant or Drinking Establishment if:
- (a) there is no seating of any kind provided in the area or on the structure,
 - (b) there is no service of any kind provided in the area or on the structure; and
 - (c) there is no food or drink permitted in the area or on the structure at any time;
- 2.9 "Playground" means a structure or collection of structures designated 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.
- 2.10 "Private Club" means an enclosed place or premises that operates primarily for the benefit and pleasure of the members of a non-profit corporation, service club or branch of the Royal Canadian Legion.
- 2.11 "Private Living Accommodation" means an area of a building used as a residence and includes a hotel or motel room while it is occupied by a guest.



- 2.12 "Proprietor" means the owner, operator, manager or any other person in charge or in control of a place or premises and includes:
- (a) a person who is in charge of the place or premises at any particular time;
 - (b) the owner or driver of a taxi-cab;
 - (c) the owner or driver of a public bus or other form of public transportation;
 - (d) the owner or driver of a school bus; and
 - (e) the Board of Trustees of a school, college or hospital;
- 2.13 "Public Building" means an enclosed or substantially enclosed building or structure to which the public is customarily admitted or invited. Without limiting the generality of the forgoing, public building includes bus shelters.
- 2.14 "Public Transportation Vehicle" means any vehicle used for the transportation of people upon the payment of a fee.
- 2.15 "Restaurant" means an enclosed place or premises the primary purpose of which is the preparation and sale of food for consumption on the premises, and the secondary purpose of which may include the sale of alcohol or non-alcohol beverages, take-out food services and catering. A Restaurant does not include a Drinking Establishment, but does include any premises in respect of which a "Class A" Liquor License has been issued and where minors are not prohibited by the terms of the license.
- 2.16 "Sidewalk Café" means an outdoor area, located on a public sidewalk, to which the public is invited or permitted access and which abuts and is operated as part of a Restaurant.
- 2.17 "Seasonal Skating Rink" means an outdoor ice surface on which members of the public are permitted to skate, whether on payment of any fee or not, and includes public lakes, ponds and outdoor rinks with boards or other ice support infrastructure.
- 2.18 "Skate Park" means an area designated and intended specifically for the use of skateboards, in-line skates or similar devices.
- 2.19 "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.
- 2.20 "Smoke" or "Smoking" means to inhale, exhale, burn or have control over a lighted cigarette, cigar, pipe, hooka pipe, or other lighted smoking implement designed to burn or heat tobacco or any other weed



or substance for the purpose of inhaling or tasting of its smoke or emissions.

- 2.21 "Toboggan Hill" means an outdoor area signed or used as a toboggan site.
- 2.22 "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act.
- 2.23 "Water Spray Park" means a structure or collection of structures that spray or release water which is designed and intended for recreation use.
- 2.24 "Work Place" means all or any part of a building, structure or other enclosed area in which employees perform 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, and includes reception areas, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages and work vehicles.

3. PURPOSE

- 3.1 The purpose of this bylaw is to regulate smoking in public places in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens.

4. REGULATION OF SMOKING

- 4.1 No person shall smoke in any indoor place to which the public is ordinarily invited or permitted to attend or in any work place or public place in accordance with Section 3 of the Tobacco Reduction Act, Statutes of Alberta, 2005, Chapter T-3.8.
- 4.2 Notwithstanding anything contained in this bylaw, the prohibitions set out in Section 4 do not apply to any Private Living Accommodation.
- 4.3 No person shall smoke within ten metres of a playground, seasonal skating rink, skate park, sports field, water spray park or toboggan hill.
- 5. No Proprietor of a place where smoking is prohibited by Section 4 shall permit smoking in that place.
- 5.1 A Proprietor who takes the following steps or ensures that the following steps are taken shall be deemed to have complied with the obligation described in Section 4.1:
 - (a) advise a smoker that smoking is not allowed and request the smoker to put out any lit substance;



- (b) ask any smoker who refuses to comply with such a request to leave the premises;
 - (c) refuse to provide any further service to such person; and
 - (d) immediately report to the RCMP any smoker who refuses to put out any lit substance or refuses to leave the premises when requested to do so.
- 5.2 No Proprietor of a place where smoking is prohibited by this bylaw shall permit ashtrays to be placed or to remain in that place.
- 5.3 Nothing in this bylaw affects the rights of people respecting traditional spiritual practices or ceremonies.

6. SIGNS REQUIRED

- 6.1 Every Proprietor of a place or premises mentioned in Section 4 shall ensure that signs prohibiting smoking are posted in proximity to all of the public entrances to such place. Such signs shall be in general conformity with the form specified in Schedule "A".
- 6.2 Where there is no public entrance to a place or premises mentioned in Section 4, 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.
- 6.3 No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this bylaw.

7. INSPECTIONS

- 7.1 For the purpose of determining if the provisions of this Bylaw are being complied with, a Town Peace Officer or a member of the RCMP is a designated officer for the purposes of Section 542 of the *Municipal Government Act* of Alberta and may inspect such places or premises at all reasonable times.

8. ENFORCEMENT

- 8.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon conviction:
- (a) for a first offence, to a fine of \$200.00; and
 - (b) for a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$2,500.00.
- 8.2 An individual who is convicted of an offence shall also be liable, in default of payment of any fine, to imprisonment for up to six months.



- 8.3 Each day that an offence continues shall constitute a separate offence.
- 8.4 Where a Town Peace Officer or a member of the RCMP has reason to believe that a person has contravened any provision of this Bylaw, he or she may serve upon such person:
- (a) an Offence Ticket allowing payment to the Town of the specified fine set out in Section 8.1 (a), which payment shall be accepted by the Town in lieu of prosecution for the offence; or
 - (b) for a first offence, a Violation Ticket requiring a person to appear in Court with the alternative of making a voluntary payment; or
 - (c) for a second or subsequent offence, a Violation Ticket requiring a person to appear in Court without the alternative of making a voluntary payment.
- 8.5 If a Violation Ticket containing a specified penalty is issued to a person for a breach of this bylaw, the person may make a voluntary payment equal to the specified fine by delivering the Violation Ticket and the specified fine to the Provincial Court Office specified on the Violation Ticket within the required time. In that event, the voluntary payment will be accepted as a guilty plea and no court appearance is required.

9. SEVERABILITY

- 9.1 Should any provision of this bylaw be found to be invalid it is the intention of Council for the Town that such invalid portion be severed and that the remainder of the bylaw be given full force and effect.

10. SCHEDULE

Attached to and forming a part of this Bylaw is the following schedule:

- a) Schedule A – No Smoking Sign

11. TRANSISTIONAL AND COMING INTO FORCE

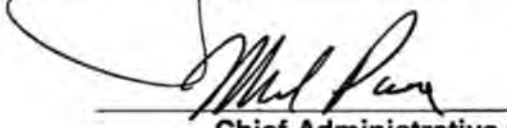
- 11.1 This Bylaw shall come into force and effect upon the date of the passing of the third and final reading and signed thereof;
- 11.2 Upon the coming into force of this Bylaw, Bylaw No. 1113-96, The Health Bylaw of the Town of Bonnyville, is hereby repealed.



INTRODUCED AND GIVEN FIRST READING this 27th day of January, A.D., 2015.



Mayor



Chief Administrative Officer

GIVEN SECOND READING this 10th day of February A.D., 2015.

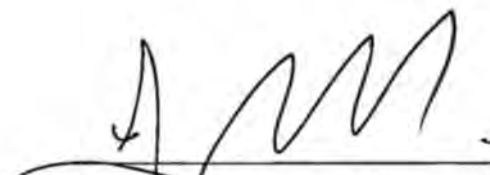


Mayor



Chief Administrative Officer

GIVEN THIRD AND FINAL READING this 10th day of February A.D., 2015.



Mayor



Chief Administrative Officer

SCHEDULE "A"



**NO SMOKING
TOWN OF BONNYVILLE
BYLAW NO. 1433-15
MAXIMUM FINE \$2,500**