

Bylaw #1626

A Bylaw of the Town of Cardston to regulate Smoking and Vapourizing hereafter known as the Smoking Bylaw.

WHEREAS, the Council of the Town of Cardston has the authority to pass Bylaws prohibiting and regulating the smoking and vapourizing in the Town of Cardston under the provision of section 7 (a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000; and

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

AND WHEREAS it is in the interest of promoting the health, safety, and welfare of the inhabitants of the Town of Cardston to prohibit smoking and vapourizing in the Town of Cardston as hereinafter set out;

NOW THEREFORE the Council of the Town of Cardston, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. DEFINITIONS:

- a) "Bylaw Enforcement Officer" means a Peace Officer, Police Officer or Bylaw Officer;
- b) "Outdoor Pool" means a structure that contains water which is designed and intended for recreational use, and includes a spray park or a wading pool;
- c) "Playground" means an outdoor area upon which apparatus such as swings and slides are placed;
- d) "Public Facility" means any place to which the public may have either express or implied access for the purpose of worship, entertainment, recreation, business, amusement, education, transportation, consumption of food or drink, or for the provision and receipt of services;
- e) "Skate Park" means an outdoor area which is designed and intended specifically for the use of skateboards, in-line skates, or other similar devices;
- f) "Smoke or Smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;
- g) "Sports Field" means an outdoor area which is set apart and used for the playing of sporting activities.
- h) "Vapourize or Vapourizing" means to inhale or exhale vapour produced by an electronic cigarette, electronic pipe, electronic hookah or other similar device that can be used to deliver nicotine or other substances.

2. PROHIBITION

- a) No person shall carry or possess a lit cigarette, cigar or pipe, burn tobacco, or vapourize in any manner in a public facility.
- b) No person shall carry or possess a lit cigarette, cigar or pipe, burn tobacco, or vapourize in any manner in, on or within 5 metres of a public facility, including:
 - i) an outdoor pool;
 - ii) a playground;
 - iii) a skatepark; or

iv) a sports field

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

3. SIGNAGE

- a) All public facilities must conspicuously post a no smoking sign.

4. PENALTY

- a) Any person who contravenes any provision of the Bylaw is guilty of an offence and on summary conviction is liable to a fine of not more than One Thousand (\$1,000) dollars.
- b) The minimum penalty which may be imposed for:
 - i) a first offence in respect of a violation of any provision of this Bylaw shall be \$50.00;
 - ii) a second offence of the same provision of this Bylaw within a twenty-four (24) month period shall be \$100.00;
 - iii) a third or subsequent offence of the same provision of this Bylaw within a twenty four (24) month period shall be \$200.00.
- c) Where any Bylaw Enforcement Officer believes that a person has contravened any provision of this Bylaw, the Officer may commence proceedings against the person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.

This Bylaw shall come into force upon Third and Final Reading, at which time, Bylaw 1499A and all amendments thereto shall be rescinded.

Received First Reading this 14th day of October 2014.

Received Second Reading this 28th day of October 2014.

Received Third and Final Reading this 28th day of October 2014.

Signed by the Mayor and the Chief Administrative Officer this ____ day of _____, 2014.

Mayor

Chief Administrative Officer