

**TOWN OF COALHURST
BYLAW NO. 374-14**

**A BYLAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA,
TO ESTABLISH SMOKE FREE PLAYGROUNDS AND ATHLETIC FIELDS**

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, provides municipalities with the power to pass bylaws for the purpose of:

- 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. Nuisances;
- d. Services provided by or on behalf of the municipality;
- e. Domestic animals and activities in relation to them; and for
- f. The enforcement of bylaws.

AND WHEREAS pursuant to Section 10 of the Tobacco Reduction Act, RSA 2005, Chapter T-3.8, municipalities are authorized to pass bylaws to regulate, restrict or prohibit smoking;

AND WHEREAS the Council of the Town of Coalhurst has decided that it is necessary for the protection of the public health, safety and welfare to provide smoke free playgrounds and athletic fields within the municipal boundaries of the Town of Coalhurst.

NOW THEREFORE, the Council of the Town of Coalhurst, in the Province of Alberta duly assembled, **HEREBY ENACTS AS FOLLOWS:**

PART 1 – INTERPRETATION: This Bylaw may be cited as the “*Smoke Free Playgrounds and Athletic Fields Bylaw*”.

PART 2 - DEFINITIONS: The following definitions will apply for the purposes of this Bylaw.

- a. “***Athletic Field***” means any field and/or land of natural and/or man-made composition that is used for athletic purposes to conduct organized or unorganized sporting activities which includes but is not limited to a baseball field, soccer pitch, player or spectator bench and lawn bowling field. A golf course shall not be included as an athletic field.
- b. “***Council***” means the Municipal Council of the Town of Coalhurst.
- c. “***Minor***” means a person who is under eighteen (18) years of age
- d. “***Peace Officer***” means a bylaw enforcement officer appointed by the Town of Coalhurst, a Peace Officer, or a member of the Royal Canadian Mounted Police.
- e. “***Playground Equipment***” means any kind of structure or apparatus which is customarily found in a park-like setting and which a person may engage in play-like

activities such as climbing, swinging, hanging, crawling, jumping, stepping, whether over, across, under, through or upon for enjoyment, exercise and/or as part of relating to others of any age. Without restricting the generality thereof, playground equipment includes swings, slides, climbing apparatus, and municipally-owned swimming pools, outdoor water parks, and outdoor ice skating surfaces. Playground equipment does not include facilities for walking and biking trails, park fences, trees, a picnic table, bridge, or gazebo.

- f. **“Residence”** means a place used by a person as a permanent private dwelling or a temporary residence, including any structure or land adjacent to the private dwelling or temporary residence that is used for the convenience or enjoyment of the occupants of the dwelling.
- g. **“Smoke”** means to smoke, hold, or otherwise have control over a lit Tobacco Product.
- h. **“Temporary Residence”** means:
 - i. A place that is used by a traveller in respect of which the traveller pays a fee;
 - ii. A tent that is set up in an area where overnight camping is legally permitted; and
 - iii. A motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is legally permitted.
- i. **“Tobacco Product”** means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy.
- j. **“Town”** means the Town of Coalhurst.
- h. **“Violation Ticket”** has the same meaning as the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended or repealed and replaced from time to time.

PART 3 - PROHIBITION

- a. Notwithstanding Section (b), no person shall smoke within a fifteen (15) metre, approximately fifty (50) foot, radius of any playground equipment or athletic field.
- b. Nothing in this Bylaw shall prohibit a person from smoking in a residence.

PART 4 – ENFORCEMENT

- a. A Peace Officer may issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act to any person who the Peace Officer has reasonable and probable grounds to believe has contravened Part 3, Section (a) of this Bylaw.
- b. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- i. Specify the fine amount established by this Bylaw for the offence; or
- ii. Require a person to appear in court without the alternative of making a voluntary payment if the Peace Officer believes that such appearance is in the public interest.

PART 5 – SPECIFIED PENALTY

- a. The specified penalty established for use on a Violation Ticket if a voluntary payment option is offered is \$250.00.

PART 6 – VOLUNTARY PAYMENT

- a. If a Violation Ticket is issued with a specified penalty, a person who commits an offence may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

PART 7 – GENERAL

- a. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.
- b. Should any provision of this Bylaw be illegal or unenforceable for any reason whatsoever, it shall be considered separate and severable from the remaining provisions of this Bylaw, which shall remain in force as though such provision was not included.

Read a first time this 5th day of August, 2014

Read a second time this 5th day of August, 2014

Read a third time and finally passed this 5th day of August, 2014

MAYOR

CHIEF ADMINISTRATIVE OFFICER