

BYLAW NO. 4136

A BYLAW OF THE CITY OF MEDICINE HAT to prohibit smoking in outdoor public places.

WHEREAS pursuant to section 7(a) of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended from time to time, Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

Bylaw Title

1. This Bylaw may be cited as the "Smoke Free Outdoor Public Places Bylaw".

Interpretation

2. In this Bylaw:
 - (a) "**City**" means the City of Medicine Hat;
 - (b) "**Bylaw Enforcement Officer**" means any police officer, peace officer, or bylaw enforcement officer employed by the City;
 - (c) "**Outdoor Public Place**" means an outdoor
 - (i) beach;
 - (ii) Pool;
 - (iii) Park;
 - (iv) Playground;
 - (v) Seasonal Multipurpose Pad;
 - (vi) Skate or BMX Park;
 - (vii) Sports Field; or
 - (viii) Water Playground,open to the public from time to time.
 - (d) "**Park**" means public space controlled by the City and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes the City's Heritage Trail system;
 - (e) "**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;

- (f) **"Pool"** includes the swim lake at Echo Dale Regional Park;
- (g) **"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;
- (h) **"Skate or BMX 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
 - (iv) similar devices;
- (i) **"Smoke"** or **"Smoking"** means to smoke, hold or otherwise have control over an ignited Tobacco Product;
- (j) **"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, but does not include the grandstand at the Medicine Hat Exhibition and Stampede grounds;
- (k) **"Tobacco Product"** means a product manufactured from tobacco and intended to be smoked including but not limited to a cigarette or a cigar; and
- (l) **"Water Playground"** means a structure or collection of structures that spray or release water which is designed and intended for recreational use.

Prohibition and Exceptions

3. No person shall Smoke within ten (10) metres of an Outdoor Public Place.
4. Notwithstanding Section 3, and subject to the *Tobacco Reduction Act* (Alberta) and regulations thereunder, Smoking is permitted on a roadway, sidewalk, parking lot, campground, golf course, or private residential property but is not permitted on the City's Heritage Trail System.

Enforcement

5. Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened Section 3 of this Bylaw, the Bylaw Enforcement Officer may commence proceedings against such person by issuing the person a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
6. Where a Bylaw Enforcement Officer issues a person a violation ticket in accordance with Section 5 of this Bylaw, the Bylaw Enforcement Officer may either:

- (a) allow the person to pay the specified penalty; or
- (b) require a court appearance of the person where the Bylaw Enforcement Officer believes that such appearance is in the public interest.

Specified Penalty

7. The specified penalty for a violation of Section 3 of this Bylaw is a fine in the amount of \$100.

General Penalty

8. Any person that violates Section 3 of this Bylaw is guilty of an offence, and the penalty payable upon conviction in a court of competent jurisdiction shall be:
- (a) Not less than \$100 nor more than \$1,000 for a first offence by that person; and
 - (b) Not less than \$200 nor more than \$2,000 for any subsequent offence by that person.

Coming into Force

9. This Bylaw shall come into force at the beginning of the date it is passed.

READ A FIRST TIME in open Council on **March 18 2013**.

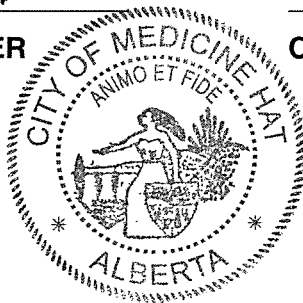
READ A SECOND TIME in open Council on **April 1 2013**.

READ A THIRD TIME in open Council on **April 1 2013**.

SIGNED AND PASSED on **April 2 2013**.



MAYOR – NORM BOUCHER





CITY CLERK – A. CRUICKSHANK