

## BYLAW 04 – 04

### OF THE TOWN OF RAINBOW LAKE

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**A Bylaw of the Town of Rainbow Lake, in the Province of Alberta To Prohibit and Regulate Smoking in Municipal Buildings and in or on Municipal owned equipment.**

**WHEREAS**, pursuant to *section 7(a) of the Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS**, pursuant to *section 7(b) of the Municipal Government Act*, a council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

**WHEREAS**, pursuant to *section 7(l) of the Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein.

**NOW THEREFORE**, the Council of the Town of Rainbow Lake, duly assembled, enacts as follows:

#### PART I – PURPOSE, DEFINITIONS AND INTERPRETATIONS

<b>Purpose</b>	The purpose of this bylaw is to regulate in Town owned facilities and equipment, smoking in certain locations so as to reduce the exposure of others to second hand smoke.
<b>Definitions</b>	<p>"Council" – means the Council for the Town of Rainbow Lake</p> <p>"Designated smoking area" – means an area of premises which has been declared to be an area in which a person may smoke as set by resolution of Council from time to time.</p> <p>"Graphic Symbol" – means the international 'No Smoking' symbol on a white background with the circle and interdictory stroke in red and the cigarette in black. The diameter of the circle in a graphic symbol shall be not less than 15 centimeters.</p> <p>"No Smoking Area" – means an area in which smoking is prohibited.</p> <p>"Peace Officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or a Special Constable appointed pursuant to the provisions of the Police Act, a Statue of Alberta.</p> <p>"Person" – includes an individual, corporation, partnership, firm, society and board of trustees or a combination of any of them.</p> <p>"Physical barrier" – means a wall constructed from floor to ceiling of impervious material which may include a door or doors constructed of impervious material.</p>

"Place of public assembly" – means any building where persons may gather for such purposes as entertainment, recreation, deliberation, business or amusement, but does not include:

- i) a place where a private social function is being held.

"Private social function" – means a specific social event for which an entire room or hall has been exclusively reserved and at which attendance is limited to people who have been specifically invited or designated by the sponsor of the function.

"Sign" – means that it should carry the text "NO SMOKING" in capital or lower letters, or a combination of them; have a white or clear background; show lettering in a conspicuous contrasting color; and include, at the bottom of it, the text "TOWN OF RAINBOW LAKE BYLAW 04-04. The letters on a printed sign shall be not less than 2.5 centimeters in height.

"Smoke" or "Smoking" – means to smoke, hold or otherwise have control over an ignited tobacco product including, but not limited to, cigarettes, cigars and pipes.

"Town" – means the Town of Rainbow Lake.

"Town owned facilities and equipment" – means all buildings owned by the Town of Rainbow Lake and all Town owned equipment.

"Violation Ticket" – means the same as in the Provincial Offences Procedure Act.

## **PART II – REGULATIONS OF SMOKING**

**Where Smoking is Prohibited** Except where permitted pursuant to Part III, no person shall smoke:

- a) Inside a Town owned building; or
- b) Inside or on a Town owned piece of motorized equipment.

## **PART III - EXCEPTIONS**

Specific areas of the Multi Use Building shall be from time to time designated smoking areas, mainly the Curling Lounge and the RecPlex while being used as a place of public assembly or for a private social function, and has been rented or leased from the Town and the sponsor, renter, or lessee has written consent from the Town and the sponsor, renter or lessee shall be responsible.

All designated smoking areas prevent smoke, by ventilation or physical barriers, from entering any place where smoking is prohibited.

**PART IV - SIGNS**

Signs shall bear the appropriate graphic symbol and be placed in a manner which is readily observed and at all entrances to that area.

Designated "Smoking Prohibited" and "Smoking Permitted" areas shall be appropriately signed and signs shall be placed at all entrances to that area.

**PART V - ENFORCEMENT**

**Offences & Penalties** A person who contravenes this bylaw is guilty of an offence.

In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

A person who is guilty of an offence is liable upon summary conviction to a fine not less than one hundred dollars (\$100.00) and not more than (\$500.00) and in default of payment to imprisonment not exceeding one (1) month; and

A Peace Officer may commence a summons in the form of a Violation Ticket or long information for the contravention thereof.

If a violation ticket is issued in respect of an offence, the violation ticket shall specify the fine amount as established by this bylaw;

First Offence \$100.00  
Second Offence \$200.00, and  
\$200.00 for each subsequent offence.

**EFFECTIVE DATE**

This bylaw shall take effect upon the third and final reading.

READ A FIRST TIME this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

READ FOR THE SECOND TIME this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

READ FOR THE THIRD TIME AND FINALLY PASSED this \_\_\_\_\_ day of March, 2004.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER