



BYLAW

Bylaw Number: 1266 / 16

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO LIMIT THE USE OF SMOKING PRODUCTS WITHIN NANTON

1. PURPOSE:

WHEREAS The Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, Section 7 (a) provides that a Municipal Council may pass a bylaw for purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Tobacco and Smoking Reduction Act, Statutes of Alberta 2005, being Chapter T-3.8 and Regulation, legislates smoking for the protection of public health ; and

WHEREAS the Tobacco and Smoking Reduction Act, Section 10, states:

"(1) Nothing in the Act affects a municipality's power to make bylaws to regulate, restrict or prohibit smoking.

(2) Where there is a conflict between a provision of this Act and a provision of a municipal bylaw that regulates, restricts or prohibits smoking, the more restrictive provision prevails", and

WHEREAS the Council of the Town of Nanton wishes to further enforce areas where smoking is prohibited within the Town of Nanton, and

WHEREAS the Council of the Town of Nanton wishes to further restrict smoking of products, and

FURTHER that the Council wishes to respect the rights of its employees with respect to the act of smoking to designate an appropriate area within their place of employment;

NOW THEREFORE the Town of Nanton hereby enacts the following:

2. ENACTMENT

- 2.1 This Bylaw will be designated as the Town of Nanton Smoking Reduction bylaw
- 2.2 In addition to any places where smoking is prohibited as per the ACT, the Town of Nanton also prohibits Smoking by any person in any Outdoor Place or Area (owned, operated or leased by the Town of Nanton).
- 2.3 In addition to those tobacco products prohibited, the Town of Nanton prohibits the smoking of any Smoking Products in those places where smoking is prohibited.
- 2.4 The Manager of a Town owned, operated or leased premises may designate an area outside of the prescribed distance of the primary workplace where smoking is permitted for employees, as

long as that area has at the minimum, floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent areas in which smoking is prohibited under the ACT.

- 2.5 The Manager of a private business may designate an area outside of the prescribed distance of the primary workplace where smoking is permitted for employees, as long as that area has at the minimum, floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent areas in which smoking is prohibited under the ACT.

3. INTERPRETATION

- 3.1 **Alberta Tobacco and Smoking Reduction Act and Regulations** means the Act and Regulations legislated by the Government of Alberta regarding smoking, and is referred to in this bylaw as the "ACT" and "REGULATIONS".
- 3.2 **Chief Administrative Officer or CAO** means the person appointed to the position by the Council of the Town of Nanton to perform the duties and functions assigned under the Municipal Government Act of Alberta.
- 3.3 **Electronic Smoking Device** means a handheld device containing a liquid or smoking product that is vapourized and inhaled, and includes but is not limited to electronic cigarettes, e-cigarettes, vaporizer cigarettes, personal vapourizers, and electronic nicotine delivery systems.
- 3.4 **Manager** means an employer or other person who, directly or indirectly, controls, directs or is responsible for a place or who controls the activities in the place, as designated by the Chief Administrative Officer.
- 3.5 **Minor** means a person who is under 18 years of age.
- 3.6 **Outdoor Place or Area** includes any park or green space, playground, sports field or recreational area to which members of the public have access as of right or by express or implied invitation, including any directly adjacent to or contained within, the place or area, highway within the meaning of the *Traffic Safety Act*.
- 3.7 **Peace Officer** means a peace officer as defined in the Provincial Offences Procedure Act.
- 3.8 **Prescribed Distance** is the distance referred to in the REGULATIONS, being the distance of 5 metres.
- 3.9 **Public Place** means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation, including all other places as defined under the Tobacco and Smoking Reduction Act.
- 3.10 **Smoke or Smoking** means to smoke, hold or otherwise have control over a lit smoking product.
- 3.11 **Smoking Product** means a product intended to be smoked including but not limited to a cigarette or a cigar, electronic cigarette, or any product of a legal or illicit nature intended to be smoked.
- 3.12 **Workplace** 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.

4. GENERAL PROVISIONS

4.1 Duties of Managers:

- 4.1.1 The manager of a place where smoking is prohibited under the ACT must not permit a person to smoke in that place.
- 4.1.2 The Manager of a place where smoking is prohibited under the ACT and this Bylaw, must ensure that signs indicating that smoking is prohibited are posted and continuously displayed in accordance with the REGULATIONS.
- 4.1.3 The Manager of a place where smoking is permitted under the ACT and this Bylaw, must ensure that signs indicating that smoking is permitted are posted and continuously displayed in accordance with the REGULATIONS.

4.2 Signs:

- 4.2.1 For the purpose of this Bylaw and in accordance with the ACT, a sign prohibiting smoking must be displayed at any place where smoking is prohibited, as per the graphic symbol set out in the REGULATIONS.
- 4.2.1 For the purpose of this Bylaw and in accordance with the ACT, a sign permitting smoking must be displayed at any place where smoking is permitted, as per the graphic symbol set out in the REGULATIONS.

5. PENALTIES & ENFORCEMENT

- 5.1 Where a Peace Officer believes that any person has contravened any provision of this bylaw, he may serve upon such person a violation ticket, as per the ACT, Sections 8(1) and 8(2).
- 5.2 A violation ticket will be deemed to have been sufficiently served
 - if served personally on the accused; or
 - if sent by registered mail; or
 - if left at the accused's usual place of abode with a person therein who appeared to be at least eighteen (18) years of age or over.
- 5.3 All violation tickets issued must contain the section of the bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this bylaw, and/or provide for a date, time and location for an appearance in Court should an accused exercise his/her right to defend any charge(s) pursuant to the provisions of this bylaw.
- 5.4 Any person who violates any provision of this Bylaw is guilty of an offence and is liable on conviction to a fine of not more than \$125.00.

5.5 The Tobacco and Smoking Reduction Act regulates the contraventions of the provisions contained within the ACT. In accordance with the ACT, any person who violates Sections 2.2, 2.3 and 2.4 of this Bylaw, is guilty of an offense.

6. EFFECTIVE DATE AND READINGS

6.1 Bylaw #1158/04 is hereby repealed.

6.2 This bylaw comes into effect upon the date of final reading and signing thereof.

6.3 Read a **first** time this 7th day of March, 2016.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

6.4 Read a **second** time this _____ day of _____, 2016.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

6.5 Read a **third** time this _____ day of _____, 2016.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER



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