

Town of Olds

Bylaw 01-22

(hereinafter referred to the "Municipality")

IN THE PROVINCE OF ALBERTA

A Bylaw in the Town of Olds, in the Province of Alberta, for the purpose of Establishing a Smoking Bylaw.

WHEREAS, it is desirable for the health, safety and welfare of the inhabitants of the Town of Olds to prohibit smoking in all indoor areas accessible to persons under the age of 18 years, in the Town of Olds; 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 or discomfort for many inhabitants of the Town of Olds.

NOWHEREFORE, the Council of the Town of Olds, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

This Bylaw may be cited as "The Town of Olds Smoking Bylaw.

2. DEFINITIONS

IN THIS BYLAW:

a.) Building includes all buildings in the Town of Olds, but does not include private residences;

b.) Indoor Area means:

- i. All indoor areas of a Building including without limitation all entrance-ways, hallways, stairwells, escalators, elevators, concourses, food courts, reception areas, waiting areas, service lines and washrooms, and all premises within a Building accessible to persons under the age of 18 years; and
- ii. Any vehicle used for public transportation, including buses, school buses and taxicabs operating within the Town of Olds;

c.) Municipal Tag means a tag which allows a person alleged to have committed an offence under this Bylaw to pay a voluntary penalty to the Town in lieu of being prosecuted for the alleged offence;

d.) Owner includes a lessee, a person in charge, a person who has care and control and a person who holds himself out as having powers and authority of ownership or who for the time being exercises the powers and authority of ownership;

2. DEFINITIONS ...con't

- e.) *Peace Officer*** means a Town of Olds Bylaw Enforcement Officer, a Town of Olds Special Constable, a member of the Royal Canadian Mounted Police, or an auxiliary member of the Royal Canadian Mounted Police;
- f.) *Private Residence*** means a building or portion thereof used by persons as a dwelling whether permanently or temporarily, but does not include a hospital or a place of involuntary detention;
- g.) *Private Social Function*** means a specific social event for which an entire room or hall within a Building has been reserved, at which attendance is limited to people who have been specifically invited or designated by the sponsor, and at which the seating arrangements are under the control of the sponsor of the event and not the Owner of the room or hall;
- h.) *Smoke* and *Smoking*** means the use of lighted tobacco or the carrying of a lighted cigarette, cigar, pipe, or any other lighted tobacco smoking equipment;
- i.) *Violation Ticket*** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, S. A. 1988, c.P-21.5, as amended;
- j.) *Voluntary Penalty*** means a monetary penalty specified in this Bylaw for contravention of a provision of this Bylaw, which amount may be paid by a Person to whom a Municipal Tag has been issued.

3. APPLICATION OF BYLAW

This Bylaw does not apply to a Private Social Function.

4. OLDS SPORTS COMPLEX

For purposes of Bylaw No. 1489-95, the rental of the Olds Sports Complex under Bylaw No. 1489-95 is deemed to be a Private Social Function under this Bylaw.

5. SMOKING PROHIBITED

No person shall Smoke in an Indoor Area.

6. OBLIGATIONS OF OWNERS

Every Owner of a Building or Indoor Area to which this Bylaw applies shall:

- a.) Post No Smoking signs prescribed by this Bylaw in conspicuous locations which will be visible to the public; and
- b.) Take all reasonable steps to ensure that no person Smokes in an Indoor Area within the Owners Building.

7. SIGNS

- a.) The following graphic symbol may be used to designate No Smoking.

The graphic symbol shall be on a white background with the circle and interdictory stroke in red and the cigarette in black.

- b.) Notwithstanding that a cigarette is depicted in the graphic symbol, it shall be deemed to include the Smoking of any cigar, cigarette, pipe or other Smoking equipment in that area where the sign is posted.
- c.) With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in subsections (a) or (b) hereof shall be not less than the 15cm in diameter.
- d.) In place of the graphic symbol referred to subsection (a), an Owner may use a printed sign carrying the text "No Smoking" in capital and lower case letters or a combination thereof, such letters to be not-less-than 2.54cm in height.
- e.) The lettering shall be in a conspicuous contrasting colour, or if the lettering is to be applied directly to a wall surface or mounted on a clear panel, the lettering shall contrast to the background colour.
- f.) The text TOWN OF OLDS BYLAW NUMBER 01-22 shall be included at the bottom of all signs, with letters not-less-than 0.635cm in height.

8. PENALTIES

- a.) Any person who breaches Section 5 of this Bylaw is guilty of an offence and liable to a specified Voluntary Penalty listed in Schedule "A" 'or, upon the issuance of a Violation Ticket, a fine of not-less-than \$100.00 and not-more-than \$2,500.00, exclusive of costs.
- b.) Any Owner who breaches Section 6 of this Bylaw is guilty of an offence and liable to a specified Voluntary Penalty listed in Schedule "B" or, upon the issuance of a Violation Ticket, a fine of not-less-than \$100.00 and not-more-than \$2,500.00, exclusive of costs.
- c.) A Municipal Tag in the amount of the Voluntary Penalty may be issued for any offence under this Bylaw.
- d.) Where a contravention of this Bylaw is of a continuing nature, a Peace Officer may issue further Municipal tags for the same offence, but no more than one Municipal tag shall be issued for each day the offence continues
- e.) In the event that a Municipal Tag remains unpaid seven days from the date of its issuance or where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of the Bylaw, a Peace Officer may issue a Violation Ticket to such a Person.

f.) No Person who contravenes any provision of this Bylaw is subject to a penalty of imprisonment.

9. IN FORCE

This Bylaw shall come into force on January 1, 2002.

Read the first time the 27th day of August 2001.

Read a second time the 12th day of November 2001.

Read a third and final time the 12th day of November 2001.

Mayor Norma Duncan

Dale Withage, Chief Administrative Officer

Date of Signature(s): February 13, 2002

SCHEDULE "A"

Offence

Fine

Smoking in an Indoor Area

\$100.00

SCHEDULE "B"

Offence

Fine

Failing to post signs

\$100.00

Failing to take steps necessary to prevent smoking in an Indoor Area

\$100.00