

TOWN OF HIGH RIVER

ALBERTA

BYLAW NO. 4057/2003

A BYLAW OF THE TOWN OF HIGH RIVER, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING SMOKING WITHIN THE TOWN OF HIGH RIVER.

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 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 High River.

AND WHEREAS The community desires an environment where the exposure to environmental smoke is the exception as opposed to the norm.

AND WHEREAS It is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the Town of High River that Council develop a plan and Bylaw to prohibit or regulate smoking or both in the Town of High River as hereinafter set out.

AND WHEREAS Town Council intends to prohibit smoking in public places where minors are allowed commencing January 1, 2004.

NOW
THEREFORE Council of the Town of High River, duly assembled, enacts as follows:

THAT SMOKING WITHIN THE TOWN IN PUBLIC PLACES WHERE MINORS ARE ALLOWED WILL BE PROHIBITED COMMENCING JANUARY 1, 2004.

- DEFINITIONS
1. In this Bylaw:
 - a) TOWN means the Town of High River;
 - b) PUBLIC PLACE means any enclosed space that is used by the general public for the gathering together of persons for such purposes as employment, meetings, worship, commerce or business, to which the public is ordinarily able to enter without explicit invitation;
 - c) MINORS means anyone under the age of eighteen (18) years;
 - d) PROPRIETOR means the person who controls, governs or directs the activity carried on within the premises referred to in this Bylaw and includes the person actually in charge thereof;
 - e) SMOKE or SMOKING includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
 2. PUBLIC PLACE
 - a) No person shall smoke in a public place where minors are allowed;
 - b) The proprietor of a public place shall ensure that a sign or signs as prescribed in Section 3 or otherwise permitted by this Bylaw, shall be conspicuously posted so as to be clearly visible from all parts of the public place.

3. SIGNS

- a) For the purpose of Subsection (b), the letter height means the actual height of the letter regardless of whether it is a capital or lowercase letter;
- b) Where, under a Section of this Bylaw, a sign is to be in accordance with this Section, such sign shall:
 - i. Carry the text "NO SMOKING" in capital or lowercase letters, or a combination thereof;
 - ii. Consist of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;
 - iii. With respect to size of lettering, be not less than the following height based upon the maximum viewing distance in direct line of sight for:
 - o Ten (10') feet or less letter height of one (1") inch;
 - o Twenty (20') feet or less letter height of two (2") inches;
 - o Forty (40') feet or less letter height of three (3") inches;
 - o Eighty (80') feet or less letter height of four (4") inches;
 - o One hundred and sixty (160') feet or less letter height of six (6") inches;
 - o Two hundred and forty (240') feet or less letter height of eight (8") inches;
 - iv. Include in the text at the bottom of each sign "TOWN OF HIGH RIVER BYLAW 4057/2003", in letters not less than one-half (1/2") of an inch in height for signs with letter size of one (1 ") inch, and not less than one-quarter (1/4) of the height of the letters on all other sizes of signs.

- 4. a) Notwithstanding the provisions of Section 3, one of the following graphic symbols may be used to indicate "NO SMOKING AREA". Each symbol may include the text, "TOWN OF HIGH RIVER BY-LAW 4057/2003 in letters and figures at least five (5) per centum of the diameter of the circle in the symbol and there may be added appropriate symbols such as directional arrows. Any such symbol shall be on a white background with the circle and the interdictory stroke in red with a cigarette, letters and figures in black, provided such symbol complies with the other provision of the Section.
- b) Notwithstanding that the symbol in Subsection (a) is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

5. a) Notwithstanding anything contained herein to the contrary, no person after 12:01 A.M., JANUARY 1, 2004 shall smoke in a public place where minors are allowed. There shall be no exemptions to the above smoking ban based upon seating capacity, or for any other reason.
- b) Smoking may be permitted in a public place by the Bylaw, only within a room designated specifically as such and only when the smoking room is:
 - i) Physically separated from the rest of the premises and sealed with four walls, a ceiling and tight-fitting door; and
 - ii) Separately heated, cooled and ventilated from the rest of the premises; and
 - iii) Exhausted or ventilated to the exterior or outside of the building so as to provide a negative pressure within the room; and
 - iv) Marked clearly with a sign or signs visible from outside of the smoking room that warn or identify to those entering the smoking room that smoking is permitted within the smoking room; and
 - v) No minors shall be permitted to enter the smoking room; and
 - vi) A sign or signs shall be conspicuously posted outside of the smoking room, indicating that minors are prohibited from entering the smoking room.

6. PENALTY

Any person who contravenes any provision of this Bylaw is guilty of an offence and on summary conviction is liable to a fine of not more than one thousand dollars (\$1,000.00).

7.
 - a) Where any Peace Officer believes that any person has committed a breach of any of the provisions of this Bylaw hereto he/she may serve upon such person a notice as provided herein.
 - b) Services of any such notice shall be sufficient if it is:
 - i. Personally served;
 - ii. Served by double registered mail;
 - iii. Upon production of any such notice within fourteen (14) days from the date of service of such notice, together with the payment of the sum specified in Schedule "A" of Bylaw 3754/93 hereto to a person authorized by the Town of High River to receive such payment, an official receipt of such payment shall be issued, and subject to the provisions of Section 7(b)(v) and (b) below, such payment shall be accepted in lieu of prosecution;
 - iv. If the person upon whom any such notice is served fails to pay the said sum within the time allotted, the provisions of Section 7(b)(iii) shall no longer apply;
 - v. Nothing in this Bylaw shall:
 - (a) Prevent any person from exercising his/her right to defend any charge of committing a breach of any Section this Bylaw,
 - (b) Prevent any person from laying an information or complaint against any other person (whether such other person has made a payment under the provisions of Section 7(b)(iii) or not) for committing a breach of any Section of this Bylaw set out.
8. Where any person has made a payment pursuant to Section 7(b)(iii) and is prosecuted for the offence In respect of which such payment has been made, such payment shall be refunded.

9. It is the Intention of Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Town Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

BY-LAW #3788/95 IS HEREBY REPEALED.

THIS BY-LAW COMES INTO EFFECT UPON THIRD AND FINAL READING.

Read a First Time this _____ day of _____, A.D., 200_.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF CORPORATE SERVICES

Read a Second Time this _____ day of _____, A.D., 200_.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF CORPORATE SERVICES

Read a Third Time this _____ day of _____, A.D., 200_.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF CORPORATE SERVICES