

**BY-LAW NO. 764-05**

**TOWN OF OYEN**

**PROVINCE OF ALBERTA**

Being a By-Law of the Town of Oyen to regulate smoking within the Town of Oyen.

**WHEREAS**, pursuant to Section 7 of the Municipal Government Act being Chapter M-26.1, Statutes of Alberta 2000 and amendments thereto Council may pass a by-law for municipal 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 people of the Town of Oyen;

**AND WHEREAS** the community desires an environment where the exposure to second hand smoke by minors is the exception as opposed to the norm;

**AND WHEREAS** it is in the interest of promoting the health, safety and welfare of the inhabitants of the Town of Oyen to prohibit or regulate smoking, or both, in the Town of Oyen as hereinafter set out;

**NOW THEREFORE** the Council of the Town of Oyen, duly assembled hereby enacts as follows:

**DEFINITIONS**

1. In this By-Law:
  - a) **"Town"** means the Town of Oyen;
  - b) **"Licensed Gaming Event"** means a lottery scheme as defined under the Criminal Code of Canada which takes place inside a building or part thereof, and includes a bingo;
  - c) **"Minor"** means anyone under the age of eighteen (18) years;
  - d) **"Patient Care Facility"** means a facility designated by the Minister of Health as a hospital, auxiliary hospital or general hospital and includes a nursing home or extended care facility;
  - e) **"Private Social Function"** means a specific social event for which an entire room or hall has been reserved, at which attendance is limited to people who have been specifically invited and designated by the sponsor, and at which seating arrangements are under the control of the sponsor of the event and not of the proprietor of the room or hall, but does not include events which are held primarily for the purpose of business, sales or education;
  - f) **"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;
  - g) **"Smoke or Smoking"** includes the carrying of a lighted cigar

cigarette, pipe or any other lighted smoking equipment.

- h) **"Proprietor"** means the owner, or his agent or representatives, of the premises referred to in this By-Law and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein;
- l) **"Designated Officer"** means any person appointed to carry out the provisions of this By-Law.

**PROHIBITION IN PUBLIC PLACES**

- 2. Smoking within the Town in all enclosed public places where minors are permitted is prohibited, effective the 1st day of August, 2005.

**SIGNAGE**

- 3. Each public place where minors are permitted shall conspicuously post on the entrance to the public place, a sign, advising all patrons that smoking is not permitted in the said public place.
- 4. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this By-Law.

**EXEMPTIONS**

- 5. No Person shall smoke in any patient care facility except as permitted by the written policy of the proprietor, and where:
  - a) the proprietor of a patient care facility has clearly designated an area where smoking is permitted; and
  - b) the proprietor of a patient care facility has ensured that a sign or signs, shall be conspicuously posted so as to be clearly visible in patient care area or area to which members of the public have access where smoking is permitted.
- 6. Smoking may be permitted at a private social function provided that the sponsor of the function permits smoking, and the owner of the facility or building and the owner or owners of any adjacent rooms, suites, businesses or units that share a common interior corridor as the subject facility have provided their consent in writing prior to the function.
- 7. Smoking may be permitted in a public place by the By-Law, only within a room designated specifically as such and only when the smoking room is;
  - a) physically separated from the rest of the premises and scaled with four walls, a ceiling and a tight-fasting door; and
  - b) separately ventilated from the rest of the premises and exhausted or ventilated to the exterior or outside of the building so as to provide a negative pressure within the room; and
  - c) 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.
- 8. The proprietor of any licensed gaming event may designate a portion of the premises as a "smoking" area. When the proprietor of any

licensed gaming event has designated a portion of the premises therefore as a "smoking" area and non-smoking area, he or she shall

- a) post signs in conspicuous locations that warn or identify to those entering the licensed gaming event; that smoking is permitted within the room;
- b) post signs in conspicuous locations that clearly identify in which areas of the room smoking is permitted, and in which areas of the room smoking is not permitted or are "non-smoking";
- c) request people to desist from smoking in the premises or portion thereof which has been designated a "non-smoking" area;
- d) no person shall smoke in any licenses gaming event or portion of the room thereof which has been designated a "non-smoking" area by the proprietor.

**PENALTIES FOR SMOKING IN PUBLIC PLACES**

- 9. Any person who contravenes Clause 2, 3, 4, 5, 6, 7, and 8 of the By-Law is guilty of an offence and on summary conviction is liable to a find of \$100.00 for the first offence and \$250.00 for each subsequent offence.
- 10. Where Violation Ticket is issued pursuant to this By-Law, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence; pay to the Town the penalty specified on the Violation Ticket that being not less than \$50.00.
- 11. A Designated Officer is hereby authorized and empowered to issue a Violation Ticket to any person, whom the Designated Officer and reasonable and probable grounds to believe has contravened any provision of this By-Law.
- 12. Where a contravention of this By-Law is of a continuing nature, further Violation Tickets may be issued by the Designated Officer, provided, however, that no more than one Violations Ticket shall be issued for each day that the contravention continues.

**EFFECTIVE DATE OF THIS BY-LAW**

13. This By-Law shall take effect on the 1st day of August, 2005

**READ A FIRST TIME THIS 10TH DAY OF MAY, 2005**

**READ A SECOND TIME THIS 24TH DAY OF MAY, 2005**

**READ A THIRD AND FINAL TIME THIS 28th, DAY OF JUNE, 2005.**

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Mayor

*Rebbie Korten*  
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Municipal Administrator