



By-law No. 193/2017

Being a By-law of the Town of Bentley, in the Province of Alberta, respecting smoke free public places.

WHEREAS, the Council of the Town of Bentley has the authority to pass by-laws respecting:

- a) The safety, health and welfare of people and the protection of people and property
- b) People, activities and things in, on or near a public place or place that is open to the public
- c) Businesses, business activities and persons engaged in business

AND WHEREAS, Council of the Town of Bentley deems it expedient to reduce the harms of tobacco, tobacco-like products, smokeless tobacco, electronic cigarettes and second hand smoke,

AND WHEREAS, Council of the Town of Bentley deems it appropriate to limit the exposure that children and youth have to smoking in public places,

AND WHEREAS, Council of the Town of Bentley supports Alberta's Strategy to Prevent and Reduce Tobacco Use and the 2006 Tobacco and Smoking Reduction Act, 2006 Smoke-free Places Act and the 2008 Tobacco Reduction Act and amendments thereto;

AND WHEREAS, Council of the Town of Bentley wishes to expand smoke free areas to include outdoor places or areas to which members of the public have access as of right or by express or implied invitation.

AND WHEREAS, Council of the Town of Bentley wishes to regulate smoking in outdoor public places or events in order to promote the safe, enjoyable and reasonable use of such property for the benefit of children and all people,

NOW THEREFORE, Council of the Town of Bentley enacts as follows:

1. This By-law may be cited as the "Smoke Free By-law".
2. Definitions:

In this By-law, the following terms shall have the meanings shown:

- a. "Outdoor Public Place or Event" means an outdoor market, festival, concert or parade, seasonal skating rink, ball diamonds, soccer fields, park, green space or use of a street that has been permitted by the Town, to which the public is invited or permitted to attend
- b. "Spectator Stands" means an open air seating facility primarily but not exclusively limited to use in watching sporting events or parades.
- c. "Playground" means a structure or collection of structures designated and intended for recreational use by children and where mounted in a distinct material such as sand or gravel.
- d. "Smoke" or "Smoking" means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hooka pipe, electronic cigarette or other lighted smoking implement designed to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its smoke or emissions.


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- e. "Violation Tag" means a violation tag issued by the Peace Officer allowing for the voluntary payment of a specified fine established by this By-law
- f. "Violation Ticket" means a violation ticket as defined in the provincial Offences Procedure Act.

3. Regulations of Smoking:

- A. No person shall smoke in any outdoor public place or event to which the public is ordinarily invited or permitted to attend including the spectator stands that are in place for the public to use to watch the outdoor event.
- B. No person shall smoke within 10 meters of any playground.

4. Penalties:

- A. A person who has contravenes any part of this By-law or who hinders or obstructs a Peace Officer carrying out the enforcement of the By-law is guilty of an offence and is liable to a fine in an amount not less than that established in the By-law and not exceeding Two Thousand Five Hundred (\$2,500.00) dollars and to imprisonment for not more than six months for non-payment of the fine.
- B. Without restricting the generality of the forgoing, specified fine amount are established for use on Violation Tags or on Violation Tickets if a voluntary payment option is offered:
 - a) \$250.00 for first offence
 - b) \$500.00 for second offence
 - c) \$1,000.00 for a third or subsequent offence
- C. In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day or part of a day on which that offence continues.

5. Violation Tags & Tickets:

- A. If a Peace Officer believes that an offence has been committed under this By-law, he may issue:
 - a) A Violation Tag in a form as approved by the Chief Administrative Officer, referencing the section of the By-law contravened, to any person who he has reasonable and probable grounds to believe has contravened any provision of this By-law, or
 - b) A summons under the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, as amended, by means of a Violation Ticket.
 - c) Service of a Violation Tag or a Violation Ticket shall be sufficient if it is
 - i. Personally served
 - ii. Served by regular mail to the person's last know mailing address
- B. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may;
 - a) Specify the fine amount established under this By-law for the offence, or
 - b) Require a person to appear in court without the alternative of making a voluntary payment.


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C. A person who commits an offence under this By-law may:

- a) If a Violation Tag is issued in respect of the offence, or
- b) If a Violation Ticket is issued in respect of the offence and if the Violation Ticket specifies the fine amount established by this By-law for the offence,

make a voluntary payment equal to the fine specified.

6. Severability:

- A. Should any provision of this By-law be found to be invalid it is the intention of the Council of the Town of Bentley that such invalid portion be severed and that the remainder of the By-law be given full force and effect.

7. Effective Date:

- A. This By-law shall come into effect on the date of the final reading.

Read a first time this 23rd day of May, 2017.

Read a second time this 23rd day of May, 2017.

Read a third and final time and passed this 23rd day of May, 2017.



Mayor Lynda Haarstad Petten



Chief Administrative Officer Elizabeth Smart