



TOWN OF CANMORE
BYLAW NUMBER 19-2010
PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING SMOKING IN HOTEL ROOMS.

WHEREAS Health officials have 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 persons;

AND WHEREAS The Council of the Town of Canmore deems it appropriate to limit the effects of second hand tobacco smoke for residents and visitors to the Town of Canmore;

AND WHEREAS The *Tobacco Reduction Act*, 2005 Chapter T-3.8, does not affect a municipality's powers to make bylaws to regulate, restrict or prohibit smoking;

AND WHEREAS In accordance with the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 as amended, Council has the authority to pass bylaws 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;

NOW THEREFORE The Municipal Council for the Town of Canmore in the Province of Alberta, duly assembled; hereby enacts as follows:

TITLE

1. This Bylaw shall be known as the "Smoking Control Bylaw"

DEFINITIONS

2. In this Bylaw:
 - a) "**Hotel**" includes an inn, a guesthouse, a hostel and a bed-and-breakfast facility;
 - b) "**Manager**" mean an employer or other person who, directly or indirectly, controls, directs or is responsible for a Hotel or who controls activities in the

Hotel;

- c) “**Peace Officer**” means any member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Community Peace Officer of the Town;
- d) “**Smoke**” means to smoke, hold or otherwise have control over a lit tobacco product;
- e) “**Tobacco Product**” means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include nicotine replacement therapy;
- f) “**Town**” means the Town of Canmore.
- g) “**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedures Act*

SMOKING PROHIBITED

- 3. No person shall smoke in a Hotel.

DUTIES OF MANAGERS

- 4. The Manager of a Hotel must not permit a person to smoke in a Hotel.

OFFENCES AND ENFORCEMENT

- 5. A person who contravenes Section 3 of this bylaw is guilty of an offence and is liable to a minimum specified fine of \$250.00.
- 6. A person who contravenes Section 4 of this bylaw is guilty of an offence and is liable to a minimum specified fine of \$500.00.
- 7. A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section and not exceeding \$2500.00.
- 8. Where a contravention of this Bylaw is of a continuing nature, further violation tickets may be issued by a Peace Officer provided however, that no more than one violation ticket shall be issued for each day that the contravention continues.
- 9. Notwithstanding anything contained herein to the contrary, a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

REPEAL

10. Bylaw 23-2006 and Bylaw 26-2007 are hereby repealed.

EFFECTIVE DATE

11. This Bylaw comes in to force and takes effect upon third and final reading of the bylaw.

FIRST READING: May 25, 2010

SECOND READING: May 25, 2010

THIRD READING: May 25, 2010

Original signed
MAYOR

Original signed
MUNICIPAL CLERK