

**TOWN OF HANNA  
PROVINCE OF ALBERTA  
BY-LAW 920-2005**

A BYLAW OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING SMOKING IN PUBLIC FACILITIES OWNED AND OPERATED BY THE TOWN OF HANNA.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, 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 including exhaled smoke and the smoke from idling tobacco products poses a health hazard or causes physical discomfort to many persons,

NOW THEREFORE THE COUNCIL OF THE TOWN OF HANNA ENACTS AS FOLLOWS:

**PART 1 BYLAW TITLE**

1. This bylaw shall be known as "The Town of Hanna Public Use Facilities Non-Smoking Bylaw."

**PART 2 ENACTMENT**

- 2.1 That the Town of Hanna will adopt a Non-Smoking Bylaw for the following Town of Hanna owned facilities which are for public use:
  - a. Hanna & District Community Swimming Pool
  - b. Hanna Arena
  - c. Hanna Community Centre
  - d. Hanna Community Services Building – Youth Club
  - e. Town of Hanna Municipal Office
  - f. Town of Hanna Curling Arena – main floor only
  - g. Town of Hanna Airport Terminal – main floor
- 2.2 Smoking within Town of Hanna Public Use Facilities listed in PART 2-1 shall be strictly prohibited. For the purposes of this Bylaw a Public Use Facility shall include the outdoor area enclosed within a five (5) Meter radius of an entrance to a Town of Hanna Public Use Facility.

*Handwritten initials*

- 2.3 "Public Use Facility" means the whole or part of an enclosed place which the public have access of as by right or by invitation express or implied for the purposes of worship, entertainment, recreation, business or amusement and includes but is not limited to theatres, conventions centers, walkways and food courts of arenas, recreation centers, concert halls, auditoriums, movie houses, lecture halls, libraries, but does not include a Private Club.
- 2.4 "Smoke" or "Smoking" includes the carrying or custody and control of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- 2.5 "Town Facility" shall mean all buildings either owned, leased or rented by the Town of Hanna which are used for the conduct of Town business, and are considered a "Public Use Facility" as defined in this bylaw, but does not include leased facilities which may be designated as a "Private Club".
- 2.6 "Violation Tag" means a tag whereby the person alleged to have committed a breach of a provision of this bylaw is given the opportunity to pay a voluntary penalty to the Town in lieu of prosecution for the offense.

### **PART 3 PROHIBITIONS**

- 3.1 Smoking is not permitted in any Town of Hanna Public Use Facility whether or not the activity is a Private Function.
- 3.2 Anyone who smokes in an area where smoking is not permitted is guilty of an offence.
- 3.3 All ashtrays or other receptacles designed or intended to be used as ashtrays must be removed from any public place.

### **PART 4 ENFORCEMENT**

- 4.1 This Bylaw may be enforced by members of the RCMP or Town of Hanna Enforcement Services.
- 4.2 For the enforcement of this Bylaw a member of the RCMP or a Town Of Hanna Enforcement Officer, upon presentation of proper identification, may at all reasonable hours, enter any Public Use Facility and make investigations and enquiries.
- 4.3 In those cases where a Violation Tag has been issued and if the prescribed penalty has not been paid within the allotted time, then the member of the RCMP or Enforcement Officer will issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA, 2000,c P-34.

*PA*

**PART 5 ENACTMENT**

5.1 This bylaw shall come in to force and effect September 1, 2005

READ A FIRST TIME THIS 12<sup>th</sup> DAY OF APRIL 2005.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

READ A SECOND TIME THIS 12<sup>th</sup> DAY OF APRIL 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 12<sup>th</sup> DAY OF APRIL 2005.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE 1**

<u>Offence</u>	<u>Penalty Section(s)</u>	
<b>First Offence</b>		
Person Smoking in a Public Use Facility Which includes within 5 metres of the Doorway to a public place	\$250.00	4.1
Person Smoking in a Town Public Use Facility	\$250.00	4.3
<b>Second and Subsequent Offences</b>	\$500.00	All
<b>Voluntary Payment</b>	\$100.00	All

In all of the offences listed above, if within seven (7) days of service of a violation tag, the voluntary penalty is paid to the Town, it will be accepted in lieu of prosecution.

*Handwritten initials/signature*