



**CITY OF BROOKS**

**BYLAW NO. 18/05**

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING SMOKING WITHIN THE CITY OF BROOKS AT THE JBS CANADA CENTRE AND CENTENNIAL REGIONAL ARENA.

**WHEREAS** the Municipal Government Act R.S.A. 2000, c. M-26 and regulations as amended, 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 is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the City of Brooks to prohibit or regulate Smoking or both in the City of Brooks as hereinafter set out;

**NOW THEREFORE**, the Council of the City of Brooks, in the Province of Alberta, hereby enacts as follows:

**TITLE:**

1. This Bylaw may hereinafter be referred to as the "City of Brooks JBS Canada Centre and Centennial Regional Arena Smoking Bylaw".

**DEFINITIONS:**

2. In this Bylaw;
  - (a) **"Bylaw"** means the City of Brooks JBS Canada Centre and Centennial Regional Arena Smoking Bylaw No.18/05 as amended from time to time;
  - (b) **"Centennial Regional Arena"** means the lands legally referred to as Plan NW 20-18-14-4 and commonly known as Centennial Regional Arena;
  - (c) **"Chief Administrative Officer"** means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or his designate;
  - (d) **"City"** means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
  - (e) **"Council"** means the Municipal Council of the City of Brooks;

- (f) **"JBS Canada Centre"** means the lands legally referred to as Plan:3230AM Block: D and commonly known as JBS Canada Centre;
- (g) **"Municipal Government Act"** means the Municipal Government Act R.S.A. 2000 c.M-26, as amended or repealed and replaced from time to time;
- (h) **"Peace Officer"** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the Municipal Government Act and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
- (i) **"Person"** includes an individual, corporation, partnership, firm and society;
- (j) **"Smoke or Smoking"** means inhaling, exhaling, burning or carrying a lit cigarette, cigar or pipe, or burn tobacco or any other lighted Smoking equipment or material, including any type of electronic smoking device;
- (k) **"Violation Tag"** means a tag or similar document issued by the City Pursuant to the Act;
- (l) **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended and any Regulations thereto;

**PROHIBITIONS:**

- 3. Subject to Section 4 of this Bylaw, no person shall Smoke at the JBS Canada Centre and at the Centennial Regional Arena.

**DESIGNATED SMOKING AREAS:**

- 4. Notwithstanding Section 3 of this Bylaw, a Person may Smoke:
  - (a) In an area designated for Smoking in accordance with the requirements of the Tobacco Reduction Act, S.A. 2005 c. T-3.8, as amended or repealed or replaced from time to time; and,
  - (b) In an area designated for Smoking bordering the Centennial Regional Arena, as indicated in Schedule "B", as amended or repealed by Council from time to time.

**PENALTIES AND ENFORCEMENT:**

- 5. A Peace Officer is for the purposes of inspections and enforcement of this Bylaw, a Designated Officer of the City.

6. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule "A" to this Bylaw.
7. Notwithstanding Section 6 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, is liable on summary conviction to an increased fine as set out in Schedule "A" to this Bylaw, for that offence.
8. A Peace Officer is hereby authorized and empowered to issue Violation Tags to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
9. A Violation Tag may be issued to such Person;
  - (a) either personally; or
  - (b) by mailing a copy of such Person at his or her last-known post office address.
10. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and shall state:
  - (a) the name of the Person;
  - (b) the offence;
  - (c) the appropriate penalty for the offence and specified in Schedule "A" of this Bylaw;
  - (d) the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
  - (e) any other information as may be required by the Chief Administrative Officer.
11. Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the City, the penalty specified on the Violation Tag.
12. In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
13. Notwithstanding Section 8 of this Bylaw, the Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.

14. A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
15. The Person to whom the Violation Ticket may, in the case of a Violation Ticket Issued pursuant to Part II of the Provincial Offences Procedure Act, plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw.
16. When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 15 of this Bylaw and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and imposition of a fine in the amount of the specified penalty.

**SEVERABILITY:**

17. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

**EFFECTIVE DATE:**

18. This Bylaw shall come into force and take effect on the date of final passing thereof.

Read a first time this 5<sup>th</sup> day of March, 2018.

Read a second time this 5<sup>th</sup> day of March, 2018.

Read a third time and finally passed this 5<sup>th</sup> day of March, 2018.



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Mayor



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Chief Administrative Officer

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SCHEDULE "A"

<u>Section</u>	<u>Offence</u>	<u>Fine</u>
3	Smoking in prohibited area	
	First Offence	250.00
	Second or Subsequent Offence	500.00

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SCHEDULE "B"

