



## TOWN OF COCHRANE

### Bylaw 09/2017

Being a bylaw of the Town of Cochrane in the Province of Alberta, Canada for the purpose of regulating smoking within the Town of Cochrane, specifically with respect to Public Sports Fields and Recreation Centres.

WHEREAS: The *Municipal Government Act*, Statutes of Alberta, 2000 C.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 further for the purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

WHEREAS: It has been determined that second-hand tobacco smoke is a health hazard or discomfort for many inhabitants of the Town of Cochrane;

WHEREAS: The community desires an environment where the exposure to environmental smoke is the exception as opposed to the norm;

WHEREAS: Council intends to prohibit smoking near all Public Sports Fields and Recreation Centres;

NOW THEREFORE: Council of the Town of Cochrane, duly assembled, enacts as follows:

1. This Bylaw may be cited as "The Smoking Bylaw".

#### **Definitions**

2. In this Bylaw,
  - a) "Electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
  - b) "officer" means a person appointed as a Bylaw Enforcement Officer pursuant to the *Municipal Government Act*, or a Royal Canadian Mounted Police Officer.

- c) "outdoor Pool" means a structure that contains water which is designed and intended for recreational use, and includes a spray park or a wading pool.
- d) "outdoor skating rink" means an outdoor ice surface that is designed for recreational skating, playing hockey or other outdoor ice activities.
- e) "playground" means an outdoor area upon which apparatus such as swings and slides are placed.
- f) "public premises" means any place to which the public may have either express or implied access for the purpose of worship, entertainment, recreation, business, amusement, education, transportation, consumption of food or drink, or for the provision and receipt of services.
- g) "public vehicle" means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- h) "sports field" means an outdoor area which is set apart and used for the playing of sporting activities.

### **Prohibitions**

3. (1) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
  - (b) use an electronic smoking device;
- in public premises or a public vehicle.

(2) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
  - (b) use any electronic smoking device;
- in, on or within 5 metres of a:

- (i) outdoor pool;
- (ii) outdoor skating rink;
- (iii) playground; or
- (iv) sports field;

to which the public has access as of right or by express or implied invitation.

(3) No person shall:

- (a) carry or possess a lit cigarette, cigar or pipe, or burn tobacco in any manner; or
- (b) use an electronic smoking device;

within 5 metres of an entrance or exit to a public premise.

- (4) No person shall permit ashtrays or objects intended to be a receptacle for a cigarette butt to be placed in areas where smoking is prohibited by this Bylaw.

### **RES 76/04/2023 14/2023**

- 3.1 (1) Despite any other provisions of this Bylaw, a person may, inside an enclosed premises where the primary function of the premises is the sale of electronic smoking devices, use an electronic smoking device to sample a product prior to purchase.

### **Penalties**

- 4. (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.00.
- (2) Where an Officer believes that a person has contravened any provisions of this bylaw, the officer may commence proceedings against the person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.
- (3) The specified penalty payable in respect of a violation of a provision of this Bylaw shall be the amount shown as the specified penalty in Schedule "A" of this Bylaw.

## **General Provisions**

5. (1) Each provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- (2) The attached Schedule "A" shall form part of this Bylaw.
- (3) This Bylaw repeals Bylaw 17/2006

This Bylaw shall come into full force and effect upon the date of third and final reading.

Read a first time February 13, 2017  
Read a second time February 27, 2017  
Read a third time February 27, 2017

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Mayor

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Manager, Legislative Services

## Schedule A

Section		Specified Penalty
3(1)	Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device	\$100
3(2)	Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device in, on or within 5 metres of an outdoor pool, outdoor skating rink, playground or sports field.	\$100
3(3)	Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device within 5 metres of an entrance or exit to a public premises	\$100
3(4)	Placing ash trays	\$200
3(5)	Carrying or possessing a lit cigarette, cigar or pipe or using an electronic smoking device on public recreation facility property.	\$100