

BYLAW NO. 4053

A BYLAW OF THE CITY OF MEDICINE HAT to protect minors from the harmful effects of second-hand tobacco smoke in vehicles.

WHEREAS pursuant to section 7(a) of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended or replaced from time to time, Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to section 10(2) of the *Tobacco Reduction Act*, SA 2005, Chapter T-3.8, as amended or replaced from time to time, any conflict between the *Tobacco Reduction Act* and a provision of a municipal bylaw that regulates, restricts or prohibits smoking, shall be resolved in favor of the more restrictive provision;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

Bylaw Title

1. This Bylaw may be cited as the "Smoke Free Vehicles for Minors Bylaw".

Definitions

2. In this Bylaw, the following words shall have the following meanings:
 - (a) "**Bylaw Enforcement Officer**" means any police officer, peace officer, or bylaw enforcement officer appointed by the City;
 - (b) "**Minor**" means a person who is under 16 years of age;
 - (c) "**Smoke**" means to smoke, hold or otherwise have control over a lit Tobacco Product;
 - (d) "**Tobacco Product**" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves; and
 - (e) "**Vehicle**" means a car, truck, van, bus or other motor vehicle.

Prohibition

3. No person shall Smoke in a Vehicle while another person who is a Minor is present in the Vehicle, regardless of whether or not a window, sunroof, car top, door or other feature of the Vehicle is open, or whether the Vehicle is moving or stationary.

Enforcement

4. Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer may commence proceedings against such person by issuing the person a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

- 5. Where a Bylaw Enforcement Officer issues a person a violation ticket in accordance with Section 4 of this Bylaw, the Bylaw Enforcement Officer may either:
 - (a) allow the person to pay the specified penalty; or
 - (b) require a court appearance of the person where the Bylaw Enforcement Officer believes that such appearance is in the public interest.

Specified Penalty

- 6. The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$100.

General Penalty

- 7. Any person that violates any provision of this Bylaw is guilty of an offence, and the penalty payable upon conviction in a court of competent jurisdiction shall be:
 - (a) Not less than \$100 nor more than \$1,000 for a first offence by that person; and
 - (b) Not less than \$200 nor more than \$2,000 for any subsequent offence by that person.

Severability

- 8. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Coming into Force

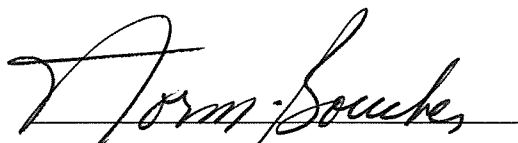
- 9. This Bylaw shall come in to effect at the beginning of the day that it is passed or on September 1, 2011, whichever date is later.

READ A FIRST TIME in open Council on JUN 06 2011.

READ A SECOND TIME in open Council on JUN 20 2011.

READ A THIRD TIME in open Council on JUN 20 2011.

SIGNED AND PASSED on JUN 21 2011.



MAYOR – NORM BOUCHER



CITY CLERK – DAVID S. LEFLAR