

**COUNTY OF TWO HILLS NO. 21
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 5-2005**

A BY-LAW OF THE COUNTY OF TWO HILLS NO. 21 IN THE PROVINCE OF ALBERTA, PURSUANT TO PROVISIONS OF THE SMOKE FREE PLACES ACT, BEING CHAPTER S-9.5 OF THE REVISED STATUTES OF ALBERTA 2000 AND AMENDMENTS THERETO, TO REGULATE, RESTRICT OR PROHIBIT SMOKING.

WHEREAS, the Council of the County of Two Hills No. 21 has the authority to make By-Laws to regulate, restrict or prohibit smoking.

AND WHEREAS, it has been 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, Council deems it expedient and appropriate to limit the effects of second hand tobacco smoke for their employees and the general public;

THEREFORE, the Council of the County of Two Hills No. 21, duly assembled, enacts as follows:

Section 1 - Short Title

1.1 This By-Law shall be cited as the Smoking By-Law.

Section 2 - Definitions

2.1 In this By-Law

- a) "Workplace" means all or any part of a building, structure or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitations and includes work vehicles;
- b) "Work Vehicle" means a vehicle owned or leased by an employer and used by employees during the course of their employment.
- c) "By Law Enforcement Officer" means a By Law Enforcement Officer appointed by the C.A.O. to do any act or perform any duties under this By-Law and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- d) "C.A.O." means the Administrator of the County of Two Hills No. 21.
- e) "County" means the County of Two Hills No. 21.
- f) "County Building" means any of the buildings owned, leased, operated or occupied by the County as set out in Schedule "A" attached to and forming part of the By-Law.
- g) "Council" means the Council of the County of Two Hills No. 21.
- h) "Employee" includes a person who:
 - (1) performs any work for or supplies any services to the County of Two Hills No. 21.

Section 3 - Signs

- 3.1 The C.A.O. shall ensure that signs are posted conspicuously and continuously displayed where smoking is prohibited under the By-Law.
- 3.2 No person other than the C.A.O. or person acting under the C.A.O.'s instructions shall remove, alter, deface, conceal or destroy a sign that is posted or displayed.

Section 4 - Fines

- 4.1 The specified penalty payable in respect of a contravention of the Smoke Free Places Act shown in Column 1 is the amount shown in Column 2 in respect of that provision.
- 4.2 Proceedings with respect to a contravention of any provision of the Smoke Free Places Act shown in Column 1 may be commenced by a violation ticket issued under either Part 2 or Part 3 of the Provincial Offences Procedures Act.

Item No. Number	Column 1 (Section Number of Regulation)	Column 2 (Specified Penalty in Dollars)
1 (a)	3	\$250.00
2 (b)	5(4)	\$500.00
3 (c)	7	\$250.00

4.3 - Ticketed Offences

- 1 (a) Smoking in a Non Smoking Area
- 2 (b) Allowing minors where smoking is permitted
- 3 (a) Incorrect Signage and Removing or Defacing Signs

Section 5 - Effective Date

- 5.1 In the interest of promoting the health, safety and welfare of County employees and to provide a healthy work environment, smoking shall be prohibited in all County owned, rented, leased, operated or occupied offices, buildings and motor vehicles, effective January 1, 2006.

MOVED BY COUNCIL - That By-Law No. 5-2005 be given first reading this 14th day of December, 2005.

MOVED BY COUNCIL - That By-Law No. 5-2005 be given second reading this 14th day of December 2005.

MOVED BY COUNCIL - That By-Law No. 5-2005 be given third and final reading and finally passed this 14th day of December 2005.

REEVE

ADMINISTRATOR