

**CONSOLIDATION OF A BY-LAW OF THE CITY OF LETHBRIDGE  
TO REGULATE SMOKING WITHIN THE CITY OF LETHBRIDGE**

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***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 inhabitants of the City of Lethbridge;***

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

***AND WHEREAS it is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the City of Lethbridge to prohibit or regulate smoking, or both, in the City of Lethbridge as hereinafter set out;***

***NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF LETHBRIDGE,  
DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:***

1. ***The purpose of this Bylaw is to regulate smoking in certain locations so as to reduce the exposure of others to second-hand smoke.***

**PART I DEFINITIONS**

2. ***In this By-law, unless the context otherwise requires:***

- (a) ***“building” means an enclosed or substantially enclosed building or structure;***
- (b) ***“City” means the City of Lethbridge;***
- (c) ***“City Manager” means the chief administrative officer of the City or his delegate;***
- (d) ***“municipal tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;***
- (e) ***“patio” means an area outside of a building intended for the consumption of food or beverages by patrons of a business providing such food or beverages;***

- (f) ***“private living accommodation” means an area of a building used as a residence, but does not include any portion of such area used as a workplace;***
- (g) ***“proprietor” means the owner, or any other person in charge or in control of a place;***
- (h) ***“public transportation vehicle” means any vehicle used for the transportation of people upon the payment of a fee;***
- (i) ***“smoke” means to smoke, hold or otherwise have control over an ignited tobacco product including, but not limited to, cigarettes, cigars and pipes;***
- (j) ***“violation ticket” has the same meaning as in the Provincial Offences Procedure Act; and***
- (k) ***“workplace” means an area of a building in which a person works as an employee or in a capacity similar to an employee***

**3. Rules for Interpretation**

***The marginal notes and headings in this bylaw are for reference purposes only.***

**PART II – REGULATION OF SMOKING**

**4. Where Smoking is permitted**

***Except where permitted pursuant to Part III, no person shall smoke:***

- (a) inside a building;***
- (b) inside a public transportation vehicle.***

**5. Responsibilities of Proprietor**

- (1) No proprietor of a place where smoking is prohibited by this bylaw shall permit smoking in that place.***
- (2) No proprietor of a place where smoking is prohibited by this bylaw shall permit ashtrays to be placed or to remain in that place.***
- (3) A proprietor of a place where smoking is prohibited shall post a sign as prescribed in Schedule “A” so as to be clearly visible at each entrance.***

**6. Living Accommodations Exempt**

*The provisions of this Part do not apply to an area of a building used exclusively as a private living accommodation.*

**Part III – EXCEPTIONS**

**7. Workplace Exception**

**7. (1)** *Subject to the provisions of this section, the proprietor of a place where smoking is otherwise prohibited by this bylaw may permit smoking in an area of that place being used as a workplace but only by workers in a designated smoking area.*

**(2)** *If smoking is permitted pursuant to this section the proprietor shall ensure that:*

**(a)** *all designated smoking areas prevent smoke, by ventilation or physical barriers, from entering any place where smoking is prohibited;*

**(b)** *the combined area of all designated smoking areas does not exceed 20% of the total floor area of the workplace;*

**(c)** *designated smoking areas do not include any common areas of the workplace including, but not limited to, waiting rooms, meeting rooms, eating areas, cloak rooms, hallways and other such areas;*

**(d)** *designated smoking areas do not include any area which a worker must use for work purposes;*

**(e)** *signage is clearly and prominently posted at each entrance to a designated smoking area indicating that smoking is permitted inside, such signage to conform to Schedule "B"; and*

**(f)** *no person under 18 years is allowed to enter, or remain in, a designated smoking area.*

**8. Patio Exception**

**8. (1)** *Subject to the provisions of this section, the proprietor of a place may permit smoking in an area of that place being used as a patio.*

- (2) *If smoking is permitted pursuant to this section the proprietor shall ensure that:*
- (a) *smoke does not enter any place where smoking is prohibited;*
  - (b) *signage is clearly and prominently posted at each entrance to the patio indicating that smoking is permitted and the hours during which smoking is permitted; and*
  - (c) *no person under 18 years of age is allowed to enter, or remain in, the patio.*
8. (3) *The proprietor of the place where smoking is permitted in the patio area shall ensure that no worker is required to work in the patio area during the time that smoking is permitted.*

#### **PART IV – ENFORCEMENT**

##### **9. Offence**

*A person who contravenes this bylaw is guilty of an offence.*

10. *In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.*

##### **Fines and Penalties**

11. (1) *A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$2,500.00, and to imprisonment for not more than six months for non-payment of a fine.*
- (2) *The specified fine for an offence committed pursuant to this bylaw is established at \$250.00.*

##### **Municipal Tag**

12. *If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.*

***Payment in Lieu of Prosecution***

- 13. A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.***

***Violation Ticket***

- 14. If a violation ticket is issued in respect of an offence, the violation ticket may:***
- (a) specify the fine amount established by this bylaw for the offence; or***
  - (b) require a person to appear in court without the alternative of making a voluntary payment.***

***Voluntary Payment***

- 15. A person who commits an offence may:***
- (a) if a violation ticket is issued in respect of the offence; and***
  - (b) if the violation ticket specifies the fine amount established by this bylaw for the offence;***
- make a voluntary payment equal to the specified fine.***

***Part V – GENERAL:***

***17. City Manager***

***Without restricting any other power, duty or function granted by this bylaw, the City Manager may:***

- (a) carry out whatever inspections are reasonably required to determine compliance with this bylaw; and***
- (b) delegate any powers, duties or functions under this bylaw to an employee of the City.***

***18. Certified Copy of Record***

***A copy of a record of the City, certified by the City Clerk as a true copy of the original, shall be admitted in evidence as prima facie proof of the***

***facts stated in the record without proof of the appointment or signature of the person signing it.***

**19. Proof of Exception**

***The burden of proving that a workplace or patio exception applies in a particular case is on the person alleging such exception on a balance of probabilities***

***This Bylaw shall come into force and effect on the 1<sup>st</sup> day of January, 2007.***

**Schedule "A"**

- I**        **Signs in accordance with Section 5 shall carry the text "NO SMOKING" in capital letters or a combination thereof at least one inch (1") in height and include at the bottom City of Lethbridge Bylaw No. 3896 in letters not less than one-half (½") inch in height.**
- II**        **In the alternative one of the following graphic symbols may be used to indicate a no smoking area.**



SCHEDULE "B"



# Warning!

This area contains tobacco smoke which is known to cause **cancer, heart disease, lung disease,** and may harm your **baby.**

City of Lethbridge By-Law



***For further information regarding this or any By-law  
of the  
City of Lethbridge***

***Contact 320-3903***

***or***

***320-3822***