

BYLAW 40-18

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO AMEND SMOKING BYLAW 34-18

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, authorizes a Council to pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property, people activities and things in, on or near a public place or place that is open to the public, and persons engaged in business, business activities and businesses in the municipality; and

WHEREAS Council of the Town of Okotoks wishes to amend the Smoking Bylaw to provide for a permitting or approval process for designated smoking areas in the Town;

NOW THEREFORE the Council of the Town of Okotoks enacts that Smoking Bylaw 34-18 is amended as follows:

1. Adding a new Section 4 as follows and renumbering the subsequent Sections and Provisions accordingly:
 - 4. DESIGNATED SMOKING AREAS**
 - 4.1 The CAO may designate a portion of any designated public place as a designated smoking area where;
 - a) the restrictions of this bylaw reasonably create an undue hardship for any designated public place;
 - b) the presence of multiple public sidewalks or public pathways leading to a municipal building, public building, or workplace create an unreasonable restriction;
 - c) there are no reasonable alternatives to establishing a designated smoking area;
 - d) the presence of a designated smoking area would not reasonably create a risk to the health and wellbeing of the general public;
 - e) the designated smoking area does not exceed a 6-metre diameter.
 - 4.2 An owner or operator of a designated public place may apply for a permit to designate an area of the premises as a designated smoking area.

2. Amend Section **5. SIGNS**, by:

Adding Provision 5.3 as follows and renumbering the subsequent Provisions accordingly:

5.3 A sign must be posted at or near every designated smoking area that:

- a) clearly identifies that smoking is permitted within a 6 metre diameter of that area,
- b) is clearly visible to persons at or near a designated smoking area,
- c) is at least 20cm by 26cm and must have a surface area of not less than 520cm² when posted in a designated public place;
- d) contains the graphic symbol set out in Schedule “C” of this Bylaw, which must:
 - i. depict the symbol in green or black on a contrasting background that makes the symbol clearly legible in whatever lighting is used in the designated smoking area; and
 - ii. be of a size that makes it clearly discernible to the persons to whom it is directed, and
- e) contains the text “smoking permitted” in capital or lower case letters, which must:
 - i. be set out in a style and size that is clearly legible; and
 - ii. be set out on a contrasting background that makes the text clearly legible in whatever lighting is used in the designated smoking area.

And

Amending Provision 5.4 as follows:

5.4 Notwithstanding that the graphic symbol as per section 5.2 c) and 5.3 d) is a cigarette, it shall be deemed to also include a reference to a lit:

- f) cigar;
- g) cigarette;
- h) pipe; or
- i) any other smoking or vaping equipment.

4. That Schedule “B” be amended by adding the title “Examples of Smoking Not Permitted Signs”.

5. That Schedule "C" titled "Examples of Smoking Permitted Signs" be added to illustrate examples of designated smoking area signage.

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

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME AND PASSED this day of , 2018.

Mayor

Chief Administrative Officer