

**BYLAW NO. 19-08**  
BEING A BYLAW OF  
THE TOWN OF OKOTOKS  
IN THE PROVINCE OF ALBERTA  
FOR SMOKE FREE VEHICLES FOR CHILDREN

WHEREAS by virtue of the power conferred on it by the *Municipal Government Act*, S.A. 2000, c.M-26, and amendments thereto. The Council of the Town of Okotoks in the Province of Alberta duly assembled, enacts as follows:

**SECTION 1 - SHORT TITLE**

This Bylaw may be cited as the Town of Okotoks "Smoke Free Vehicles For Children Bylaw".

**SECTION 2 - DEFINITIONS**

1. In this Bylaw, the following words shall have the following meanings:
  - a) "Officer" means any member of the RCMP, or any Peace Officer, or Bylaw Enforcement Officer appointed by the Town of Okotoks.
  - b) "Smoke" as used in this Bylaw, shall mean inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or other combustible substance.
  - c) "Motor Vehicle" as used in this Bylaw, shall mean car, passenger van or bus, pick-up truck or commercial automobile moving or stationary in any public place.
  - d) "Child" for the purpose of this Bylaw shall mean any child under sixteen (16) years of age

**PROHIBITIONS**

- 2.1 No person shall Smoke tobacco products within the Town of Okotoks while in a Motor Vehicle, whether it be as an operator or a passenger, when any Child is present in the vehicle regardless of whether or not the Motor Vehicle's windows or doors are open; or whether it is moving or stationary, while on public property.

**ENFORCEMENT**

- 3.1 Where an Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the 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*, or

3.2 Where an Officer issues a person a Violation Ticket in accordance with section 3.1 of this Bylaw, the Officer may either:

- a) Allow the person to pay the specified penalty as provided for in sections 5.1 and 5.2 of this Bylaw by indicating such specified penalty on the Violation Ticket; or
- b) Require a Court appearance of the person where the Peace Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

3.3 Notwithstanding the foregoing, where an Officer sees a vehicle being operated on a public roadway or in a public place, and the Officer has reasonable grounds to believe that a person in the vehicle has contravened any provision of this Bylaw, the Officer may stop the vehicle for the purposes of enforcement of this Bylaw

#### **4. GENERAL PENALTY PROVISION**

4.1 Any person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of TWO THOUSAND DOLLARS (\$2,000.00) or in default of payment of the fine to imprisonment for a period not exceeding six (6) months, or to both fine and imprisonment in such amounts.

#### **5. MINIMUM AND SPECIFIED PENALTIES**

5.1 The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of FIVE HUNDRED DOLLARS (\$500), and the minimum fine allowable for any such violation is TWO HUNDRED DOLLARS (\$200).

5.2 Notwithstanding section 5.1 of this Bylaw, if a person violates the same provision of this Bylaw twice (or more) within a one-year period, the minimum penalty allowable for the second (and subsequent) such violation(s) shall be a fine in the amount of THREE HUNDRED DOLLARS (\$300.00).

#### **6. GENERAL**

6.1 It is the intention of the Town Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

6.2 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

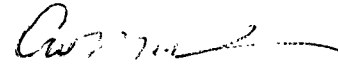
**7. FULL FORCE AND EFFECT**

7.1 Upon third and final reading, this Bylaw comes into full force and effect on September 1, 2008.

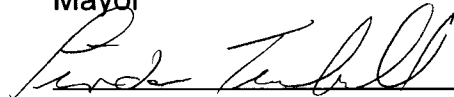
BYLAW READ A FIRST TIME THIS 9<sup>th</sup> DAY OF JUNE, 2008.

BYLAW READ A SECOND TIME THIS 14<sup>th</sup> DAY OF JULY, 2008.

BYLAW READ THIRD TIME AND PASSED THIS 14<sup>TH</sup> DAY OF JULY, 2008.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Municipal Secretary