

# Bylaw No. 754-2010

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## A BYLAW OF THE CITY OF LEDUC, IN THE PROVINCE OF ALBERTA, TO PROTECT MINORS FROM THE HARMFUL EFFECTS OF SECOND-HAND TOBACCO SMOKE IN PRIVATE VEHICLES

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WHEREAS, pursuant to section 7(a) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of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AND WHEREAS, pursuant to section 10(2) of the *Tobacco Reduction Act*, S.A. 2005, c. T-3.8, as amended or repealed and replaced from time to time, any conflict between the *Tobacco Reduction Act* and a provision of a municipal bylaw that regulates, restricts or prohibits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 favour of the more restrictive provision;

NOW THEREFORE the Council of the City of Leduc in the Province of Alberta, duly assembled, enacts as follows:

### BYLAW TITLE

- 1 This Bylaw shall be known as the "Smoke-free Vehicles for Minors Bylaw".

### DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires:
  - (a) "**Minor**" means a person who is under 18 years of age;
  - (b) "**Peace Officer**" means a bylaw enforcement officer appointed by the City of Leduc, a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time;
  - (c) "**Private Vehicle**" means a car, truck, van, bus or other passenger motor vehicle having four wheels, but does not include a "public vehicle" or "work vehicle" as those terms are defined in the *Tobacco Reduction Act*;
  - (d) "**Smoke**" means to smoke, hold or otherwise have control over a lit Tobacco Product;
  - (e) "**Tobacco Product**" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;
  - (f) "**Violation Ticket**" has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.

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## PROHIBITION

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

## ENFORCEMENT

- 4 A Peace Officer may issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to any person who the Peace Officer has reasonable and probable grounds to believe has contravened section 3 of this Bylaw.
- 5 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 if the Peace Officer believes that such appearance is in the public interest.

## SPECIFIED PENALTY

- 6 The specified penalty established for use on a Violation Ticket if a voluntary payment option is offered is:
  - (a) \$100.00 for a first offence; and
  - (b) \$200.00 for a second or subsequent offence.

## VOLUNTARY PAYMENT

- 7 If a Violation Ticket is issued with a specified penalty a person who commits an offence may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

## SEVERABILITY

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

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## ENACTMENT

9 This Bylaw shall come into force and effect on July 2, 2011 and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 8<sup>th</sup> DAY OF NOVEMBER, 2010.

READ A SECOND TIME AS AMENDED IN COUNCIL THIS 13<sup>th</sup> DAY OF DECEMBER, 2010.

READ A THIRD TIME AS AMENDED IN COUNCIL AND FINALLY PASSED THIS 13<sup>th</sup> DAY OF DECEMBER, 2010.

*"original signed"*

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**Greg Krischke**  
**MAYOR**

*"original signed"*

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**Laura Knoblock**  
**CITY CLERK**

December 14, 2010

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Date Signed