

BE IT ENACTED by the Council of the Town of Wolfville as follows:

Short Title

1. This Bylaw shall be know as Bylaw # 89 to Protect Children and Youth from Exposure to Tobacco Smoke in Motor Vehicles and may be cited as "Smoke Free Vehicles By-Law."

Background

2. The *Municipal Government Act*, in Section 172 1(a) authorizes a Council to make Bylaws for municipal purposes respecting the health, well being, safety and protection of persons; and section 172 (c) respecting transport and transport systems.

Interpretation

3. In this Bylaw:
 - (a) "Smoke" or "Smoking" as used in this Bylaw, shall mean inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, weed, plant, regulated narcotic, or other combustible substance;
 - (b) "motor vehicle" as used in this Bylaw, shall mean, car, passenger van, pick-up truck or commercial automobile moving or stationary;
 - (c) "youth" for the purpose of this bylaw, shall mean any child eighteen years of age and under.

General Prohibition

4. It shall be unlawful for the operator or any passenger in a motor vehicle to smoke cigarettes, pipes, or cigars in a motor vehicle, passenger van, pick-up truck or commercial vehicle, when any child eighteen years of age and under is present in the vehicle regardless of whether the motor vehicle's windows or doors are open.

Violations and Penalties

5. The operator or any passenger of any motor vehicle who violates this bylaw is guilty of an offence and, on summary conviction, is liable to a fine of not more than two hundred dollar (\$200.00). In any action in which the Town prevails it shall be entitled to attorneys' fees and all costs of prosecution.

6. Subsection 4 notwithstanding, prior to citing the operator or passenger of a motor vehicle for a violation of this bylaw, the Police may give written notice to said person acting in violation of this Bylaw at the time of the violation informing the person of the use of the motor vehicle in violation of this Bylaw.

Payment in Lieu of Prosecution

7. A person who is alleged to have violated this Bylaw and is given notice of the alleged violation may pay a penalty in the amount of \$50.00 to an official designated by the Chief Administrative Officer, which official and place of payment shall be designated on the notice, provided that said payment is made within a period of fourteen days (14) following the day on which the alleged violation was committed and where the said notice so provides for payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

Coming Into Force

8. This bylaw has effect from and after June 1, 2008

First Reading: October 15, 2007

Second Reading: November 19, 2007

CERTIFICATE

I, Rachel Turner, Town Clerk of the Town of Wolfville do hereby certify that the foregoing is a true copy of a bylaw duly passed at a duly called meeting of the Town Council of the Town of Wolfville duly convened and held on the 19th day of November A.D. 2007

Given under the hand of the Town Clerk and under corporate seal of the said Town this 22nd day of November A.D. 2007



Rachel L. Turner
Town Clerk