

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2011-05

Being a By-Law of The Corporation of the Township of Bonnechere Valley to regulate Smoking in all Municipal Buildings

WHEREAS section 115 of the Municipal Act, 2001, as may be amended from time to time authorizes the Council of a municipality to pass a by-law regulating the smoking of tobacco in workplaces within the municipality.

AND WHEREAS it has been determined that environmental tobacco smoke (exhaled smoke and the smoke from cigarettes, cigars or pipes), also known as second-hand smoke, is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants and workers;

AND WHEREAS it is desirable for the health, safety, and welfare of the inhabitants and workers of the Township to provide for the prohibiting and abating of smoking and second-hand smoke in accordance with the provisions of this By-Law;

NOW THEREFORE the Council of the Township of Bonnechere Valley enacts as follows:

1. DEFINITIONS

In this by-law,

- a. **“Municipal Building”** means any and all municipally owned or controlled buildings including recreational facilities, arenas, libraries, etc.
- b. **“Municipal Law Enforcement Officer”** means a person or persons duly appointed by the Council of the Corporation to enforce the provisions of this by-law, and includes any police officer appointed pursuant to the Police Services Act.
- c. **“Person”** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- d. **“Manager”** means the person who controls, governs or directs the activity carried on within the building and includes the person actually in charge of a premises at any particular time;
- e. **“Smoke”** or **“Smoking”** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not include smoke from a smoke machine or other source used as part of a theatrical performance.
- f. **“Township or Municipality”** means the Corporation of the Township of Bonnechere Valley;

2. GENERAL REGULATIONS

- a. All Municipally owned or operated vehicles shall be 100% smoke free at all times with no exceptions.
- b. No person shall smoke in any Municipal building within the Township of Bonnechere Valley at any time.
- c. Every Municipal building shall have posted signs and notices giving notice to all patrons, visitors or employees that that smoking is prohibited in the building.
- d. Smoking is prohibited within 9 meters of the entrance or exit of all municipal buildings.
- e. Where a designated smoking area has been established every Municipal building shall posted signage in conspicuous locations the location where the designated smoking area is located.
- f. The designated smoking area shall have a conspicuous sign stating that smoking is allowed in that area and shall have such paraphernalia as is required to keep the area safe from unintentional fires and clean.

3. FINES AND ENFORCEMENT

- a. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars as provided for in the Provincial Offences Act, R.S.O. 1990, chapter 33, or any successor thereof.
- b. Any person who hinders or obstructs an Enforcement Officer lawfully carrying out the enforcement of this Bylaw is guilty of an offence,

4. CONFLICTS

If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

5. SEVERABILITY

If any section or sections of the By-Law or parts thereof, are found in any court of law to be illegal or beyond the power of the Town Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the By-law shall be deemed to be separate and independent thereof and to be enacted as such.

6. REPEALS

Bylaw 2003 – 18 is hereby repealed

7. EFFECTIVE DATE

This by-law takes effect and comes into force on immediately upon passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED

THIS 4th, DAY OF JANUARY 2011

Jennifer Murphy, Mayor

Bryan Martin CAO

Township of Bonnechere Valley

Part I Provincial Offences Act

Set fine schedule to Bylaw # 2011-05

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 4 Set fine
1	Smoke in a Municipal Vehicle	2 (a)	\$50.00
2	Smoke in a Municipal building	2(b)	\$100.00
3	Smoke within 9 meters of Entrance or Exit	2(d)	\$100.00
4	Obstruct an Enforcement Officer	3 (b)	\$250.00

NOTE: the general penalty provision for the offences listed above is section 3 of bylaw 2010-36 a certified copy of which has been filed.