

## CORPORATION OF THE NATION MUNICIPALITY

### BY-LAW NO. 74-2017

---

BEING A BY-LAW TO PROHIBIT THE USE OF TOBACCO INDUSTRY PRODUCTS ON MUNICIPAL PROPERTIES, WITH THE EXCEPTION OF DESIGNATED SMOKING AREAS.

---

**WHEREAS** Section 115 (1) of the *Municipal Act, 2001* authorizes Council to pass by-laws regulating or prohibiting tobacco industry product use within the municipality for the health, safety and wellbeing of persons;

**AND WHEREAS** it is deemed desirable for the health, safety and wellbeing of the inhabitants of the Nation Municipality to reduce exposure to tobacco industry product use on municipal property.

**AND WHEREAS** it has been determined that tobacco-free municipal properties align with their intended use and the Nation Municipality's mission as it strives to foster healthy, active life styles;

**AND WHEREAS** the Nation Municipality wishes to adopt a by-law to prohibit the use of tobacco industry products on all municipal properties, with the exception of designated smoking areas.

**NOW THEREFORE** be it resolved the Council of the Corporation of the Nation Municipality enacts as follows:

**Title:**

1. This Bylaw maybe cited as "Tobacco-Free By-Law."

**Definitions/Interpretations:**

2. For the purpose of this by-Law, the following definitions shall apply.
  - a) "tobacco industry product" means
    - I. chew, snus, snuff, dissolvable tobacco, shisha, e-juice, a cigarette, cigar, or any other similar or related product;
    - II. pipe, waterpipe, electronic cigarette or any other similar or related apparatus for the consumption of tobacco industry or related products
  - b) "use of tobacco industry product" means
    - I. inhaling, exhaling, burning, vaping, chewing, dissolving or spitting any form of tobacco or other related or similar product;
    - II. carrying a lit cigarette, cigar, pipe, waterpipe, electronic cigarette and any other related or similar apparatus
  - c) "exposure to tobacco use" means
    - I. Physical exposure to second-hand smoke and third-hand smoke which occurs when a person who is not actively engaged in using a tobacco industry or related product is involuntarily exposed to pollutants from this product
    - II. Social exposure to tobacco use which includes visual and sensory cues associated with the use of tobacco industry or related products
  - d) "designated smoking area" means
    - I. Area which is no larger than 5 metres wide by 5 metres long
    - II. Area which is no closer than 20 metres from any building entrance, exit or operable window
    - III. Area which is no closer than 20 metres from any park, sporting field or spectator area, whether or not it is being used as such

- IV. Area with a butt receptacle within its parameters
  - V. Area without any shelter, wall barriers or seating
  - VI. Area where tobacco use is permitted
- e) "property" means
- I. any land and any indoor or outdoor facilities or installations located on this land which is owned, leased or operated by the corporation of the Nation Municipality

**Prohibitions:**

- 3. No person shall use any tobacco industry product on any municipal property, whether or not a sign is posted, with the exception of designated smoking areas.

**Exemptions:**

- 4. Notwithstanding section 3, above such prohibition shall not apply to a highway.
- 5. Notwithstanding section 3, above such prohibition shall not apply to those areas identified by the Nation Municipality as designated smoking areas.

**Duties:**

- 6. Signs shall be prominently posted at all municipal properties.
  - a. Where publicly used facilities are present on municipal properties, signs shall be prominently posted at main entrances and exits.
- 7. Smoking receptacles shall be removed from any space not within the parameters of a designated smoking area.

**Enforcement:**

- 8. The provisions of this by-law may be enforced by a Municipal Law Enforcement Officer of the Nation Municipality or a Tobacco Enforcement Officer of the Eastern Ontario Health Unit.

**Obstruction:**

- 9. No person shall hinder or obstruct an officer in the enforcement of this by-law.

**Offence/Penalties:**

- 10. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 11. Any person found guilty of an offence under the provision of this by-law shall be subject to a fine and such fine shall be recoverable under the provincial offences act..

**Conflicts:**

- 12. If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of tobacco use shall prevail.

**Severability and validity**

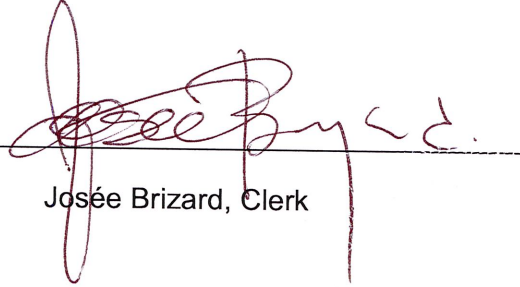
- 13. Notwithstanding that any section, Subsection, clause, paragraph or provision of this by-law, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal, or beyond the powers of council to enact, such section or sections or part of this by-law sections or parts of this by-law are separate and independent therefrom and enacted as such as a whole and shall not affect the validity or enforceability of any other provisions of this by-law of this by-law or of the by-law as a whole.

**Effective date:**

READ a first , second and third time this 24<sup>th</sup> day of July 2017.



François St-Amour, Mayor



Josée Brizard, Clerk