

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

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- 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:

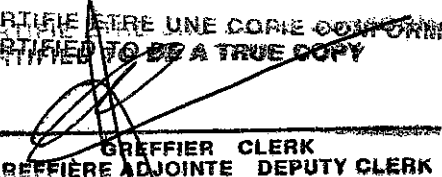
- 12. If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of tobacco use shall prevail.

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 bylaw 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:

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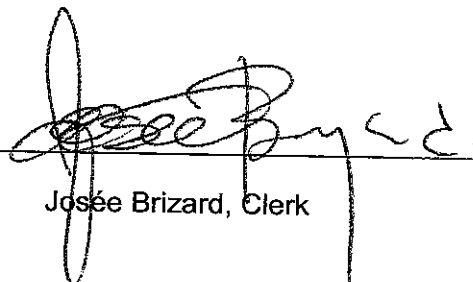


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READ a first , second and third time this 24th day of July 2017.



François St-Amour, Mayor



Josée Brizard, Clerk

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