

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 296/02

Being a By-law to regulate smoking in Municipal facilities.

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WHEREAS a municipality may pass by-laws for the health, safety and morality of the inhabitants of the municipality pursuant to Section 102 of the Municipal Act, R.S.O. 1990, c.M.45, as amended;

AND WHEREAS a municipality may pass by-laws for the prevention of fires and the spread of fires pursuant to Section 210.(33) of the Municipal Act, R.S.O. 1990, c.M45, as amended;

AND WHEREAS employers are required to regulate and prohibit smoking in the workplace pursuant to Sections 2 and 11 of the Smoking in the Workplace Act, R.S.O. 1990, c.S13, as amended;

AND WHEREAS the Corporation of Haldimand County is the owner of various facilities located within the County;

AND WHEREAS it is considered that it is not in the interest of public safety that smoking be permitted within those facilities save and except in certain designated areas;

AND WHEREAS the Council of the Corporation of Haldimand County deems it expedient to enact a by-law to regulate smoking within its facilities;

NOW THEREFORE the Council of the Corporation of Haldimand County enacts as follows:

1. In this By-law,
  - a. "Designated Areas" shall include those areas where Smoking is permitted as designated by the Corporation of Haldimand County in accordance with the Smoking in the Workplace Act, R.S.O. 1990, c.S.13, as amended and meeting the requirements of the said Act and this By-law;
  - b. "Smoking" shall include carrying a lighted cigar, cigarette or pipe and "Smoke" has a corresponding meaning;
2. THAT all persons are prohibited from Smoking in all buildings, structures, and motor vehicles owned, leased, or otherwise operated by the Corporation of Haldimand County, save and except in those Designated Areas as identified in Schedule "A", attached hereto and forming part of this by-law.

3. THAT all persons are prohibited from Smoking within 9 metres of any entrance to any building or structure owned, leased, or otherwise operated by the Corporation of Haldimand County.
4. THAT the Corporation of Haldimand County shall post and maintain, or cause to be posted and maintained, appropriate signage at all points of access to every building or structure owned, leased, or otherwise operated by the Corporation of Haldimand County indicating that smoking is prohibited in the said facilities.
5. THAT every person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as provided for in, and recoverable pursuant to, the Provincial Offences Act, R.S.O. 1990, c.P33, as amended.
6. THAT should any section, clause or provision of this By-law or the application thereof be held by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this By-law and the application thereof to circumstances other than to those held to be invalid or unenforceable shall not be affected thereby and each section, clause and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
7. THAT where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance, or calculated to mislead, do not vitiate them.
8. THAT By-law No. 1092/94 of the former Town Haldimand, now Haldimand County and By-law No. 21-2000 of the former Town of Dunnville, now Haldimand County and any other by-law or provision of any by-law of the Corporation of Haldimand County inconsistent with this By-law be, and is hereby, repealed.
9. THAT this by-law shall come into force and take effect on the date of passing.

READ a first and second time this 4<sup>th</sup> day of November, 2002.

READ a third time and finally passed this 4<sup>th</sup> day of November, 2002.

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MAYOR

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CLERK

Schedule "A"

Designated Areas  
Where Smoking is Permitted

1. Resident Smoking Areas at Grandview Lodge.