

## TOWN OF FORT FRANCES

### BY-LAW NO. 38/15

#### **A BY-LAW TO REGULATE SMOKING IN PUBLIC PLACES AND WORKPLACES IN THE TOWN OF FORT FRANCES**

**WHEREAS** section 115 of the Municipal Act, 2001, S.O. 2001, Chap. 25 as amended authorizes the Councils of local municipalities to pass by-laws regulating or prohibiting the smoking of tobacco in public places and workplaces within the municipality;

**AND WHEREAS** the Medical Officer of Health for the Northwestern Health Unit has declared that second-hand smoke is a serious health hazard;

**AND WHEREAS** on November 24<sup>th</sup>, 2008, Council enacted By-Law No. 61/08 providing for smoking to be prohibited in buildings, vehicles and within a specified distance of public entrances to municipally owned buildings;

**AND WHEREAS** on June 8, 2015, Council approved a recommendation from the Planning & Development Executive Committee to update and incorporate the new legislative changes to the Smoke-Free Ontario Act into our Smoking By-Law;

**AND WHEREAS** it is expedient to replace By-Law No. 61/08 with this new by-law.

**NOW THEREFORE** Council for the Corporation of The Town of Fort Frances  
HEREBY ENACTS as follows:

#### **1. DEFINITIONS**

In this by-law:

- 1.1 “person” shall include a natural person, a body corporate, an association, organization, group, team, or business.
- 1.2 “public entrance” shall include, in addition to the entrance opening itself including the threshold and doorframe, any area covered by a canopy through which persons must pass when entering the building of any building owned or leased or controlled by the Corporation of The Town of Fort Frances.
- 1.3 “smoke” and “smoking” shall include the carrying or holding of a lighted cigar, Cigarette, pipe, or similar substances and any other lighted smoking equipment.
- 1.4 “park” means any land, owned or leased or controlled by the Corporation of The Town of Fort Frances designed or used for public recreation including but not limited to gardens, beach areas, playgrounds, sports fields, playing fields, which include adjacent spectator stands/seating areas.
- 1.5 “vehicle” means any vehicle that is owned or leased or in control of the Corporation of The Town of Fort Frances.

## 2. SMOKING PROHIBITED

- 2.1 No person shall smoke or permit the smoking of tobacco products or similar substances while in municipal buildings or vehicles owned or leased or controlled by the Corporation of The Town of Fort Frances.
- 2.2 No person shall smoke or permit the smoking of tobacco products or similar substances within 9 meters (30 Feet) of any entrance and exit to all buildings that are owned or leased or in the control of the Corporation of The Town of Fort Frances.
- 2.3 No person shall smoke or permit the smoking of tobacco products or similar substances within 20 meters (66 Feet) of any park that is owned or leased or controlled by the Corporation of The Town of Fort Frances.

## 3. OFFENCE

- 3.1 Every person who contravenes the provisions of this by-law is guilty of an offence and on conviction may be subject to a fine or not more than one thousand dollars (\$1000.00) exclusive of costs.

## 4. BY-LAW NOT TO APPLY

- 4.1 The provisions of this by-law do not apply to a highway as “highway” is defined in section 115 (3) of the Municipal Act, 2001.

## 5. ENFORCEMENT

- 5.1 The provisions of this by-law are enforceable under the Provincial Offences Act, R.S.O. 1990 as amended from time to time. The Town of Fort Frances By-Law Enforcement Officers, the Ontario Provincial Police, Northwestern Health Unit Smoking Enforcement Officers, and any other Provincial Offences Officers shall do enforcement of this by-law with authority under the Provincial Offences Act.

## 6. REPEAL

- 6.1 By-Law No. 61/08, as amended, is hereby repealed.

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 13th day of July 2015.

*Original signed by R. Avis*

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R. Avis, Mayor

*Original signed by E. Slomke*

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E. Slomke, Clerk