

Corporation of the County of Grey

By-Law 4872-14

A By-law to Regulate Smoking in or near Municipal Property in the County of Grey

WHEREAS Section 115(1) of the Municipal Act, 2001, S.O. 2001, (the "Act") authorizes the Council of a municipality to pass a by-law regulating smoking in public places and workplaces;

AND WHEREAS It has been determined that environmental tobacco smoke (exhaled smoke and the smoke from burning cigarettes, cigars or pipes), also known as second-hand smoke, is a public nuisance because of its irritating and discomforting properties and is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants in the County of Grey;

AND WHEREAS smoke-free by-laws are known to contribute to the prevention of youth smoking and may cause cessation among smokers;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. Definitions

- a. "**County**" means the Corporation of the County of Grey;
- b. "**Municipality**" means the County and any lower-tier municipality within the County;
- c. "**Municipal Building**" means any enclosed building or structure that is owned or operated by any Municipality;
- d. "**No-Smoking/Smoke Free Sign**" means a sign having the proportions, characteristics and minimum measurements set out in the *Smoke Free Ontario Act* S.O 1994 c. 10 and the regulations made thereunder;
- e. "**Officer**" means a municipal law enforcement officer appointed by any Municipality, any tobacco enforcement officer and any public health inspector employed by the Grey Bruce Health Unit;

- f. **“Person”** includes an individual, firm, business, corporation or partnership;
- g. **“Smoke” or “Smoking”** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not include smoke or smoking where smoke or smoking is used in a stage production or a theatrical performance;

2. Municipal Building Smoking Restrictions

- a) No person shall Smoke in any Municipal Building whether or not a No Smoking sign is posted.
- b) No person shall Smoke within a nine metre (29.53 feet) radius of any entrance or exit of any Municipal Building whether or not a No Smoking sign is posted.
- c) The prohibited distances described in section 2. b) shall not extend to any private property unless the consent of the owner has been previously granted and does not include a highway within the meaning of the Act.

3. Signage Requirements

A Municipality shall place No-Smoking/Smoke Free Signs at the entrances to Municipal Buildings, citing the relevant distance under Section 2. b) of this by-law.

4. Offence and Obstruction

- a) No person shall hinder or obstruct an Officer lawfully carrying out enforcement of this by-law.
- b) 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 in accordance with the *Provincial Offences Act R.S.O. 1990 C. P 33, as amended* and prescribed in Schedule “A”.

5. Exemption

Notwithstanding Section 2 a) of this by-law, tenants who reside in social housing units owned or operated by the Grey County Housing Authority on the day this by-law comes into force, will be exempted from the requirements contained within Section 2 a) with respect only to the unit they occupy until such time as they move out of or transfer from the unit they occupied on the day this by-law comes into force.

6. Conflicts

If a provision of this by-law conflicts with any legislation, regulation or another by-law, the provision that is most restrictive of smoking shall prevail.

7. Severability

If any section of this by-law or parts thereof, are found in any court of law to be illegal or beyond the power of the County to enact, such section 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.

8. Short Title

This by-law shall be cited as the "Smoke Free Municipal Spaces By-law".

9. Schedules

Schedule "A"- "Fine Structure and Short Form Wording" forms part of this by-law.

10. Effective Date

- a) This by-law shall come into effect upon third and final reading thereof and shall come into force:
 - i. Upon a majority of the councils of all its lower-tier municipalities having passed resolutions giving their consent to the by-law; and
 - ii. the total number of electors in the lower-tier municipalities that pass resolutions under clause 10 a) form a majority of all the electors in the County.

ENACTED AND PASSED this 7th day of October, 2014

WARDEN: Brian Milne

CLERK: Sharon Vokes

Schedule "A" Set Fine Schedule
The Corporation of the County of Grey
Part I Provincial Offences Act
By-law 4872-14: Smoking

ITEM	Short Form Wording	Provision Creating of Defining Offence	SET FINE
1.	Smoke or hold lighted tobacco within a Municipal Building	2. a)	\$250.00
2.	Smoke or hold lighted tobacco within a nine metre radius of any entrance or exit of a Municipal Building	2. b)	\$250.00
3.	Hinder Officer enforcing by-law	4. a)	\$250.00

Note: the general penalty provision for the offences listed above is section 4(b) of bylaw 4872-14, a certified copy of which has been filed.