

THE CORPORATION OF THE TOWNSHIP OF COCKBURN ISLAND

BY LAW N0 03-04

BEING A BY LAW TO REGULATE SMOKING IN MUNICIPAL BUILDINGS

WHEREAS continued exposure to environmental tobacco smoke in public places is an unacceptable health risk; and

WHEREAS it is desirable to promote the health and well being of persons in the municipality; and

WHEREAS it is expedient and in the best interests of the health of the inhabitants of the municipality to regulate smoking in municipal buildings; and

WHEREAS section 115 of the Municipal Act 2001.C25, as amended, authorizes the council of a local municipality to pass a by law regulating the smoking of tobacco in public places within the municipality and designating public places in which no smoking tobacco or holding lighted tobacco is prohibited.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF COCKBURN ISLAND ENACTS AS FOLLOWS:

1. DEFINITIONS

“Municipality” means the Municipal Corporation of the Township of Cockburn Island

“smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

“public place” means any building, to which the public, or employees or contractors of the municipality, as of right or by invitation, expressed or implied, whether or not a fee is charged for entry but does not include a street or roadway.

“inspector” means any employee or class of employee of the Sudbury & District Health Unit authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this by law, or a person or class of person appointed by Council of the Township of Cockburn Island as a by law enforcement officer to enforce this by law.

2. PROHIBITION

No person shall smoke in any public place within the Township of Cockburn Island, whether or not a No Smoking sign is posted.

“Public places” within the municipality, include but may not be limited to the following buildings or structures.

- The Community Hall
- The Church
- The School House
- The Public Works Garages
- The Phone Booth
- All Municipal Storage Buildings
- The Gerald McLeod Building
- The Dock Building

3. INSPECTIONS

An inspector may at any reasonable time enter any public place for the purpose of determining compliance with this by law.

No inspector may enter a public place, when used as a residence without the consent of the occupant, or without first obtaining and producing a warrant.

4. OFFENCES AND ENFORCEMENT

Any person who contravenes any of the provisions of this by law, or who hinders or obstructs an inspector lawfully carrying out the enforcement of this by law, is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000.00) as provided by the Provincial offences Act R.S.O. 1990, chapter 33, or any successor thereof.

If this by law is contravened and a conviction entered, the court in which the conviction has been entered and any court with competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuance or repetition of the offence by the person convicted.

5. CONFLICTS

If a provision of this by law conflicts with an Act or another by law, the provision that is the most restrictive of smoking shall prevail.

6. SEVERABILITY

If any sections or sections of this by law or part thereof, is found in any court of law to be illegal or beyond the power of the municipality to enact, such section or sections or part thereof shall be deemed to be severable and all other sections or parts of this by law shall be deemed to be separate and independent thereof and to be enacted as such.

7. EFFECTIVE DATE

This by law comes into effect on the passing thereof.

READ A FIRST AND SECOND TIME THIS 15th DAY OF MAY 2003

Reeve David Haight

Clerk Austin Clipperton

READ A THIRD TIME AND PASSED IN OPEN COUNCIL THIS 15TH DAY OF MAY 2003

Reeve David Haight

Clerk Austin Clipperton