

THE CORPORATION OF THE TOWN OF HEARST

BY-LAW NO. 44-16 as amended by By-law No. 64-19

Being a by-law to prohibit smoking
within 9 metres of entranceways
of municipal buildings

WHEREAS Section 10 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes a municipality to adopt by-laws respecting the health, safety and well-being of persons, and

WHEREAS Section 115 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes a municipality to adopt a by-law regulating smoking of tobacco in public places and workplaces,

WHEREAS smoking at entranceways of public buildings exposes the general public to second-hand smoke which is known to be a health hazard,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HEARST HEREBY ENACTS THAT:

1. DEFINITIONS

1.0 In this by-law,

"entranceway" means areas within a nine meter radius of any door through which access is gained to a municipally-owned building;

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1.1 **"No Smoking/No Vaping Sign"** shall mean a sign of at least 10 centimeters in diameter showing an illustration of a black e-cigarette and of a lit cigarette on a white circle surrounded by a red border, and a red diagonal stroke of the same width crossing over the e-cigarette and the lit cigarette from the upper left to the lower portion of the circle, or as designed and/or prescribed by the Smoke Free Ontario Act;

1.2 **"municipally-owned building"** means any building owned by the Corporation of the Town of Hearst;

1.3 **"person"** includes a corporation;

1.3 **"smoke"** or **"smoking"** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

1.4 **"Town"** means the Corporation of the Town of Hearst;

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1.5 **"vape"** or **"vaping"** include any of the following:

- a) Inhaling or exhaling vapor from an electronic cigarette; or
- b) Holding or otherwise having control of an activated electronic cigarette.

2. SMOKING/VAPING IN ENTRANCE WAYS OF MUNICIPAL BUILDINGS

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2.1 No person shall smoke or vape within nine (9) meters of an entranceway to a municipally-owned building, being the buildings described in Schedule A appended hereto.

3. SIGNAGE

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3.1 The Town shall post No Smoking/No Vaping Signs as necessary in a conspicuous manner at each entranceway to any municipally-owned building to indicate that smoking or vaping within nine (9) meters of that entranceway is prohibited.

4. ENFORCEMENT

- 4.1 This by-law may be enforced by a By-law Enforcement Officer, an Ontario Provincial Police Officer or an Officer of Health.
- 4.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

5. PENALTY

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, exclusive of costs, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

6. CANCELLATION OF FORMER BY-LAWS

- 6.1 That By-laws No. 1153, 29-82b, 56-83, 89-87, 59-95, 18-96b, 22-97, 14-97, 19-02, 16-03, 35-03 and 26-08 be hereby repealed.

READ AND PASSED IN OPEN COUNCIL

THIS 10TH DAY OF MAY, 2016.

Signed Roger Sigouin
MAYOR

Signed Janine Lecours
CLERK

MUNICIPALLY OWNED PROPERTIES

1. Claude Larose Recreation Centre – 1008 Edward Street
2. Child Care Centre – 1100 Edward Street
3. Water Filtration Plant – 1215 Edward Street
4. Town Hall – 925 Alexandra Street
5. Public Works Garage – 416 George Street
6. Gilles Gagnon Welcome Centre – 523 Highway 11 East
7. Hearst Power Distribution – 603 Kitchener Street
8. Fire Hall – 1100 Front Street
9. René Fontaine Municipal Airport – John`s Lake Road
10. Heritage Sawmill Marketplace – 830 Front Street
11. Foyer des pionniers – 67 Fifteen Street