

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8221-2009

A BY-LAW TO RESTRICT SMOKING WITHIN 9 METRES (30 FEET) OF ALL PUBLIC ENTRANCES TO MUNICIPALLY OWNED FACILITIES

WHEREAS Section 8 of the Municipal Act, SO 2001, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 9 of the Municipal Act, SO 2001, as amended, provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS pursuant to Section 115 of the Municipal Act, SO 2001, as amended, the council of a local municipality may pass a by-law regulating the smoking of tobacco in public places and workplaces within the municipality; and

AND WHEREAS By-law No. 7694-02 restricts smoking in municipally owned facilities;

WHEREAS it has been determined that second hand smoke, being exhaled smoke and the smoke from idling cigarettes, cigars and pipes, is a health hazard or a discomfort for many inhabitants of the Town of Smiths Falls.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. Smoking within 9 metres (30 feet) of all public entrances to Municipally Owned Facilities is prohibited.
2. For the purpose of this by-law

“municipally owned facility” shall include but not be limited to

- the Municipal Complex (77-79 Beckwith Street North)
- the Public Works Building/Storage Sheds (191 Beckwith Street North)
- the Public Works Office/Yard/Garage (11 Air Care Drive)
- the Wastewater Treatment Facility (Queen Street)
- the Water Treatment Plant
- the Youth Centre (150 Elmsley Street North)
- the Memorial Community Centre (160 Elmsley Street North)
- the Smiths Falls Public Library (81 Beckwith Street North)
- the Heritage House Museum (Old Slys Road)
- the Child Development Centre (Thurber Street)
- the Clark Building (William Street West)
- the Cemetery Chapel (Highway #43)
- the Seniors Activity Building
- the Lawnbowling Club House
- the Tennis Club House
- the Victoria Park Information Centre
- the VIA Station/Community Theatre
- any new municipal facility shall automatically be deemed to have been added to this list

“public entrances” are defined as entrances to which the public is ordinarily invited or permitted access or ingress or egress, either expressly or by implication, excluding emergency exits.

“smoking” includes carrying a lighted cigar, cigarette, pipe or any other smoking device and “smoke” shall have a corresponding meaning.

3. The Municipal Health and Safety Committee shall ensure that appropriate and sufficient signage is conspicuously posted stating that smoking within 9 metres (30 feet) of all public entrances to municipally owned facilities is prohibited.
 - (i) so as to be clearly visible by the general public
 - (ii) so as to clearly identify the areas in which smoking is not permitted.
4. The provisions of this by-law may be enforced by Municipal Law Enforcement Officers and/or the Smiths Falls Police Service.
5. Any person found to be in contravention of this by-law either by doing any act forbidden or by failing to do any act required by this by-law is guilty of an offence. Where any person is found to be in contravention of this by-law, the Officer may issue and deliver to that person a serially numbered Offence Notice in the form prescribed by the Provincial Offences Act.
6. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
7. Should any sections of this by-law, including attachments hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.
8. The provisions of this by-law shall come into force and take effect upon the passing thereof.

Read a first and second time this 20th day of April, 2009

Read a third time and passed this 20th day of April, 2009

Mayor

Clerk