

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NO. 2004-41

BEING A BY-LAW RESPECTING SMOKING IN MUNICIPALITY OWNED BUILDINGS AND VEHICLES.

WHEREAS Section 115 of the Municipal Act, RSO 2001 authorizes Council to prohibit or regulate smoking of tobacco in public places and workplaces.

AND WHEREAS Section 128 of the Municipal Act, RSO 2001 authorizes Council to prohibit and regulate matters with respect to Public nuisances,

AND WHEREAS it has been determined that second-hand tobacco smoke is a serious health hazard because of its adverse effects and risk to the health of all inhabitants and workers and is a public nuisance because of its irritating and discomforting properties and is a health hazard because of its impairment, adverse effect and risk to health.

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of the Township of McGarry and provide for regulating smoking and second hand smoke for protection of persons from conditions injurious to health and to ensure that all Municipally owned public places and workplaces will be free from second hand smoke.

NOW THEREFORE, Council of the Corporation of the Township of McGarry enacts as follows:

- 1) No person shall smoke tobacco or tobacco products in any Municipally owned building or equipment.
- 2) For the purposes of this By-Law, Municipally owned also applies to any building or piece of equipment which is rented leased or borrowed.
- 3) Every person who contravenes any provision 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 for in the Provincial Offences Act.
- 4) If this By-Law is contravened and a conviction entered, the Court in which the conviction has been entered and any court of competent jurisdiction thereafter, may in addition to any other remedy and to any penalty that is imposed make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 5) If a provision of this By-Law conflicts with any Act or Regulations, the provision that is most restrictive of smoking shall prevail.
- 6) That any and all By-Laws or policies dealing with smoking be and are hereby repealed.
- 7) That this By-Law shall come into effect on January 1, 2005.

Read a first, second and third time this 5th day of October, 2004.


REEVE


CLERK/TREASURER