

**CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW NUMBER 18-077**

Being A Bylaw To Prohibit Smoking Near Doorways, Entrances And Exits Of Municipal Buildings Of The Corporation Of The City Of Quinte West.

WHEREAS Section 10(2) subsection 6 of the Municipal Act, 2001 (S.O, 2001, C25 as amended) provides that a municipality may pass bylaws respecting health, safety and well-being of persons;

AND WHEREAS Section 115 of the Municipal Act, 2001 (S.O, 2001, C25 as amended) authorizes the Council of a local municipality to pass a by-law to prohibit or regulate the smoking of tobacco in public places and workplaces within the municipality;

AND WHEREAS it has been determined that second hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes or other lighted or heated smoking equipment used to smoke any tobacco or non-tobacco substance) is a health hazard or discomfort for many inhabitants and for employees of the Corporation of the City of Quinte West;

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, c.25 as amended provides that the municipality may pass by-laws providing that a person who contravenes a by-law passed under the Act is guilty of an offence;

AND WHEREAS Section 429 of the Municipal Act, 2001, S.O. 2001, c.25 as amended authorizes a municipality to establish a system of fines and offences under a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF QUINTE WEST ENACTS AS FOLLOWS:

1. This By law shall be entitled the "**Smoking Prohibition Near Municipal Buildings By-law**".

2. **DEFINITIONS** - The following definitions shall apply:

"Cannabis" means cannabis as defined in the Smoke Free Ontario Act.

"Doorways, Entrances and Exits" will mean any access point to a building being either to enter or to exit and will include emergency exit.

"Electronic Cigarette" means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapor contains nicotine.

"Municipal Building" includes but not limited to any building owned, operated or leased by the City of Quinte West.

"Municipal Law Enforcement Officer" shall mean a Police Officer, an Enforcement Officer from Hastings Prince Edward Public Health, a Municipal Law Enforcement Officer for the City of Quinte West, or any one working under his/her authority.

"Non-tobacco substance" includes a prescribed substance or cannabis within the meaning of Smoke-Free Ontario Act and regulations thereunder.

“Smoke or smoking” includes the carrying of a lighted cigarette, cigar, pipe, or any other lighted or heated smoking equipment used to smoke any cannabis, tobacco or non-tobacco substance and includes vaping and any / all electronic cigarettes / smoking devices.

3. ADMINISTRATION / ENFORCEMENT

- 3.1 This by-law shall apply to smoking in every municipal building area within the geographic limits of the City of Quinte West.
- 3.2 The City of Quinte West, Quinte West O.P.P, and Hastings Prince Edward Public Health are responsible for the administration and enforcement of this by-law.
- 3.3 The provisions of this by-law respecting the prohibition of smoking will be enforced by Municipal Law Enforcement Officers. An Enforcement Officer may, at any time, enter any municipal building area in which smoking is prohibited to determine whether this by-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary.

4. REGULATIONS

- 4.1 No person shall smoke within a 9.0 metre (29.6 feet) radius surrounding any entrance, doorway or exit of any municipal building.

5. OBSTRUCTION

- 5.1 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the municipality in the exercise of a power or the performance of a duty under this by-law.
- 5.2 Any person who hinders or obstructs a Municipal Law Enforcement Officer in carrying out the enforcement of this by-law is guilty of an offence.

6. OFFENCE AND PENALTY PROVISIONS

- 6.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to such fines and penalties as are prescribed by the Provincial Offences Act, R.S.O. 1990, c P. 33, as amended.
- 6.2 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offences by the person convicted.

7. CONFLICTS

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


8. REPEAL

- 8.1 By-laws 10-44 and 15-005 are hereby repealed in their entirety.

9. COMMENCEMENT

- 9.1 This by-law shall take effect and come into force upon the final passing thereof.

**Read A First, Second And Third Time And Finally Passed This 19th
Day Of November, 2018.**



Jim Harrison, Mayor



Kevin Heath, City Clerk