

THE CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 55-2004

A by-law to prohibit smoking in municipal buildings and municipal vehicles in the Town of Hawkesbury

WHEREAS subsection 115(1) of the Municipal Act, 2001 authorizes that a municipality may prohibit or regulate the smoking in public places and workplaces;

AND WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and smoke from idling cigarettes, cigars and pipes) 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 the health of the inhabitants of the Town of Hawkesbury;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of the Town of Hawkesbury to ensure that all municipal buildings and municipal vehicles will be free from second hand smoke.

NOW THEREFORE the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. DEFINITIONS

In this by-law:

- 1.1 "Municipal buildings" means the buildings and facilities owned, operated or leased by the Corporation of the Town of Hawkesbury
- 1.2 "Municipal vehicles" means all vehicles owned, operated or leased by the Corporation of the Town of Hawkesbury
- 1.3 "Smoke or smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking instrument and a person shall be deemed to be smoking while such cigar, cigarette or pipe is idling in an ashtray or other similar receptacle within access by such person
- 1.4 "Town" means the Town of Hawkesbury

2. MUNICIPAL BUILDINGS AND VECHILES

- 2.1 No person or persons shall smoke in any municipal buildings or area thereof as set out in Schedule "A" to this by-law.
- 2.2 No person or persons shall smoke in any municipal vehicles.
- 2.3 The Town shall post or cause to be posted, signs in accordance with Section 3.

3. NO SMOKING SIGNS

- 3.1 Every sign that prohibits smoking shall comply with the following requirements:
- 3.1.1 Carry the text "NO SMOKING" in upper case or lower case letters, or a combination of both.
 - 3.1.2 Consist of two contrasting colours, or consist of lettering contrasting to the background colour where the letter is applied directly to a surface or is mounted on a clear panel.
 - 3.1.3 Include in the text at the bottom of each sign, "Town of Hawkesbury By-law N° 55-2004 Maximum Fine \$5,000."
- 3.2 Notwithstanding subsection 3.1, a graphic symbol in accordance with subsection 3.3 may be used to indicate no smoking areas.
- 3.3 Every graphical symbol to indicate no smoking shall comply to the following requirements:
- 3.3.1 Include the text "Town of Hawkesbury By-law N° 55-2004 Maximum Fine \$5,000".
 - 3.3.2 Consist of a white background having a circle and interdictory stroke in red upon the background, and a cigarette, letters and figures in black.
- 3.4 Notwithstanding that the content of a graphic symbol contains a cigarette, the prohibition shall include a cigar, pipe or any other lighted smoking equipment.

4. OFFENCE

Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to the penalty provided for under the Provincial Offences Act, R.S.O. 1990, C. 33, as amended.

5. TITLE

This by-law may be cited and known as "The No-Smoking By-law".

6. EFFECTIVE DATE

This by-law comes into effect on January 1, 2005.

7. REPEALED BY-LAW

By-law N° 45-97 is repealed effective December 31, 2004.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 27th DAY OF September 2004.**

Clerk or Deputy Clerk

Mayor or Reeve

Schedule "A"
of
By-law N° 55- 2004

All of the interior areas of the following buildings and facilities are "municipal buildings" for the purposes of this by-law:

The Town Hall
The Fire Hall
The Robert Hartley Sports Complex
The Municipal Garage
The Water Filtration Plant
The Sewage Treatment Plant
The Pumphouse
The Hawkesbury Public Library
The Jacqueline-Lafrenière Daycare Center
The Christ-Roi Building
The Old Mill Park Chalet
The Albert Larocque Park Chalet
The Albert Cadieux Park Chalet
The Confederation Park Washrooms