

THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN



BY-LAW # 2004-17

BEING A BY-LAW TO AMEND BY-LAW 2001-33 BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF NAIRN AND HYMAN TO REGULATE SMOKING IN PUBLIC PLACES

WHEREAS it has been determined that environmental tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes), also known as second hand smoke, is a health hazard because of its adverse effects and risk to the health of the inhabitants and workers of the Township of Nairn and Hyman;

AND WHEREAS it is desirable for the health, safety, and welfare of the inhabitants and workers of the Township of Nairn and Hyman to provide for the prohibiting and abating of smoking and second-hand smoke in accordance with the provisions of this By-law;

AND WHEREAS Section 115 of the *Municipal Act, 2001, S.O., c.25 as amended*, authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and work places within the municipality and designating public places or work places or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco is prohibited;

NOW THEREFORE the Council of the Corporation of the Township of Nairn and Hyman hereby enacts as follows:

1. That Section 2, Sub-section (2) of By-law 2001-33 be amended to read as follows:

Despite Section 2 (1) where a permitted area for **Smoking** has been designated under this By-law, **Smoking** shall be permitted in the area so designated with the exception of all municipal facilities. There shall be no **Smoking** permitted in all municipal facilities at any time.

2. That Section 2 of By-law 2001-33 be amended to include the following new sub-section 3:

That there shall be no smoking allowed from within 9 meters outside of an entrance to any municipal facility. The municipality shall post and maintain signs at each entrance to their facility in conspicuous locations that are visible to all persons.

3. That Section 9 of By-law 2001-33 be amended to include the following new sub-section c):

Section 9 a) and 9 b) does not apply to any municipal facility.

4. If any section or sections of this By-law, or parts thereof are found by any Court of Law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and independent therefrom and to be enacted as such.

5. This By-law shall take effect on the date it receives the third and final reading.

READ, SECOND AND THIRD TIME
THIS 7TH DAY OF JUNE, 2004.

REEVE

CLERK