

# The Corporation of the City of North Bay

## By-law No. 2014-89

### Being a By-law to Amend By-law No. 2012-97 (Being a By-law to Regulate Smoking In Public Places and Workplaces)

**Whereas** Section 115 of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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** section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws respecting health, safety, and well-being of persons;

**And Whereas** section 12 of the *Smoke-Free Ontario Act*, S.O. 1994, c. 10, as amended, permits municipalities to enact smoking by-laws that are more restrictive than sections 9 and 10 of the Act;

**And Whereas** Council passed Resolution No. 2014-247 at its Regular Meeting held Monday, June 2nd, 2014 to authorize an amendment to the Smoking By-law 2012-97 to allow smoking prohibitions for entranceways located at Canadore College and Nipissing University,

**And Whereas** Council passed Resolution No. 2014-247 at its Regular Meeting held Monday, June 2nd, 2014 to authorize an amendment to the Smoking By-law 2012-97 to amend the definition of "*inspector*"

### **Now therefore be it resolved that the Council of the Corporation of the City of North Bay enact as follows:**

1. That Section 1.6 of By-law 2012-97 is hereby deleted and the following inserted in lieu of:

1.6 "**entranceway**" means the area within a nine metre radius surrounding designated entrances to all municipal buildings, Canadore College and Nipissing University buildings, and other buildings or properties listed on Schedule "A" or "D", but does not include an outdoor patio as defined in the *Smoke-Free Ontario Act*, S.O. 1994, c. 10 or a street, road or highway;

2. That Section 1.7 of By-law 2012-97 is hereby deleted and the following inserted in lieu of:

1.7 "**inspector**" means:

- (i) any employee or class of employee of the North Bay Parry Sound District Health Unit authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this by-law; or

- (ii) a person or class of person appointed by Council of the City as a by-law enforcement officer to enforce this by-law; or
  - (iii) a security guard designated by the North Bay Regional Health Centre (NBRHC), and authorized by the City, to act as an agent of the City for the purpose of enforcing the Smoking By-law 2012-97 on NBRHC property, as listed in Schedule "B"; or
  - (iv) a security guard designated by Canadore College or Nipissing University, and authorized by the City, to act as an agent of the City for the purpose of enforcing the Smoking By-law 2012-97 on Canadore College and Nipissing University property;
3. That Section 4.1 of By-law 2012-97 is hereby deleted and the following inserted in lieu of:
- 4.1 No person shall smoke in:
- (i) an entranceway to a municipal building designated by Official Signs on display; or
  - (ii) a designated workplace entranceway as set out in Schedule "A"; or
  - (iii) the entranceway to an apartment building as set out in Schedule "D"; or
  - (iv) any entranceway to a building on property owned or operated by Canadore College and/or Nipissing University that is designated as a smoke-free entranceway by a sign as in Schedule "F".
4. This By-law comes into force and effect upon being passed.

Read a first time in open council this 16th day of June, 2014.

Read a second time in open council this 16th day of June, 2014.

Read a third time in open council and passed this 16th day of June, 2014.

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Mayor Allan McDonald

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City Clerk Catherine Conrad