

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2010-31**

**BEING A BY-LAW TO AMEND BY-LAW NO. 2003-05  
(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* authorizes a municipality to pass by-laws respecting health, safety, and well-being of persons;

**AND WHEREAS** section 12 of O. Reg. 48/06 to the *Smoke-Free Ontario Act*, S.O. 1994, c. 10 prohibits smoking within a nine metre radius surrounding any entrance or exit of certain prescribed buildings;

**AND WHEREAS** section 12 of the *Smoke-Free Ontario Act* permits municipalities to enact smoking by-laws that are more restrictive than sections 9 and 10 of the Act;

**AND WHEREAS** clause No. 1 of General Government Committee Report No. 2009-08 was passed by Council at its Regular Meeting held Monday, November 30, 2009 to authorize a smoking perimeter by-law;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACT AS FOLLOWS:**

- 1.(1) That Part I of By-law 2003-05 is amended by inserting the following sections:

“1.11 “*entranceway*” – means the area within a nine metre radius surrounding designated entrances to all municipal buildings and other buildings or properties listed on Schedule “B”, 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.”

“1.12 “*municipal building*” – means any building or portion thereof owned or leased by the Corporation of the City of North Bay.”

“1.13 “*apartment building*” – means a building containing six (6) or more dwelling units.”

- (2) The existing definition of outdoor patio in section 1 of By-law 2003-05 is hereby deleted and the following inserted in lieu thereof:

“*outdoor patio*” means covered and partially covered restaurant and bar patios as prescribed by section 13 of Ontario Regulation 48/06”

2. That By-law 2003-05 is amended by inserting Part IV as follows and renumbering the existing Parts as required.

“PART IV

4. ENTRANCEWAY PROHIBITION

4.1 No person shall smoke in:

- (i) entranceways to municipal buildings designated by Official Signs on display;

- (ii) designated workplace entranceways as set out on Schedule "B";
  - (iii) the main entranceway to an apartment building set out on Schedule "C"
- 4.2 No person shall place or cause to be placed a receptacle for smoking within the 9 metre radius of a designated entranceway"
- 4.3 An entranceway to 4.1(ii) or 4.1(iii) may be designated as a non-smoking entranceway under this by-law, by amendment to Schedule "B" hereof, at the request of the employer or proprietor, respectively. The owner or proprietor of a building may submit a letter to the City Clerk to request a designated entranceway by including the following details:
- (i) the name, mailing address, and phone number of the employer or proprietor requesting the prohibition; and
  - (ii) the address of the property and a description of the location of the entranceway to be designated as non-smoking;
- 3 That Part IV Signage Required by By-law 2003-05 is amended by adding the following subsection and renumbering the existing sections as required:
- "5.2 Where an entranceway has been designated as non-smoking under Part IV of this By-law, the employer or proprietor shall post and maintain in a conspicuous location adjacent to the designated entrance a sign at least 14 centimeters (5.5 inches) by 14 centimeters (5.5 inches) in size that includes:
- (i) a depiction of the international No Smoking symbol at least 7.5 centimeters (3 inches) in height;
  - (ii) lettering at least 0.8 centimetres (5/16 inch) high and at least 0.2 centimetres (1/16 inch) wide at the narrowest point that reads "Smoking is prohibited within 9 metres of this entranceway"; and
  - (iii) with the rest of the letter sized proportionately, which reads "City of North Bay".
- as set out in Schedule "D"
4. That Section 4.2 of By-law 2003-05 is amended by striking out the phrase "as set out in Section 4.1" and inserting in its place "as set out in Section 5.1 or Section 5.2 as required".
5. This amending by-law shall come into force and effect on May 1, 2010.

READ A FIRST TIME IN OPEN COUNCIL THIS 8<sup>TH</sup> DAY OF FEBRUARY, 2010.

READ A SECOND TIME IN OPEN COUNCIL THIS 8<sup>TH</sup> DAY OF FEBRUARY, 2010.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2010.

"original signature of file"  
DEPUTY MAYOR PETER CHIRICO

"original signature of file"  
CITY CLERK CATHERINE CONRAD

SCHEDULE "B" to the Corporation of the City of North Bay By-Law No. 2003-05

Designated **workplaces** with entranceway smoking prohibitions:

Workplace and Address	Entranceway(s)	Date of Designation

SCHEDULE "C" to the Corporation of the City of North Bay By-Law No. 2003-05

Designated **apartment** buildings containing more than six (6) units with  
entranceway smoking prohibitions:

Apartment Address	Main Entranceway	Date of Designation

