

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2011-106

**BEING A BY-LAW TO AMEND BY-LAW 2003-05
(BEING A BY-LAW TO REGULATE SMOKING IN PUBLIC PLACES
AND WORKPLACES)
(NORTH BAY REGIONAL HEALTH CENTRE)**

WHEREAS section 115 of the *Municipal Act, 2001*, 2001, S.O. 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 the Council has been asked by the North Bay Parry Sound District Health Unit ("NBPSDHU") and the Medical Officer of Health, as well as the Board of the North Bay Regional Health Centre ("NBRHC") to pass this By-law;

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 General Government Committee Report No. 2011-10 at its Regular Meeting on Monday, April 4, 2011, authorizing that a by-law be enacted to allow only patients to smoke on owned and solely leased NBRHC property using the two (2) designated smoking areas until June 30, 2011; as of July 1, 2011, all owned and solely leased NBRHC property will be 100% smoke-free.

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. That By-law 2003-05 is hereby amended to insert the following at the end of section 1.4:

", or security staff designated by the North Bay Regional Health Centre and authorized by the City to act as agents of the City for the purpose of enforcing this By-law;"
2. That By-law 2003-05 is hereby amended to add the following:

"1.14 North Bay Regional Health Centre ("NBRHC") means all owned and solely leased properties occupied by the North Bay General Hospital and the Northeast Mental Health Centre, being the lands set out in Schedule "G";"
3. That By-law 2003-05 is hereby amended to add the following:

"3.4 No person may smoke on the NBRHC property, except on the lands designated in Schedule "F" as temporary smoking areas."

3.5 Patients shall only be permitted to smoke in the designated areas at the NBRHC, as identified in Schedule "F" of this By-law, until June 30, 2011.

3.6 Effective July 1, 2011, no person shall be permitted to smoke at the NBRHC."
4. That By-law 2003-05 is hereby amended to add the following:

"10.2 Section 3.5 is effective until 11:59 p.m. on June 30, 2011, whereupon it shall be deemed to be repealed.

10.3 Section 3.6 shall come into force and effect as of July 1, 2011."

5. This By-law comes into force on the day it is enacted by Council.

READ FOR THE FIRST TIME IN OPEN COUNCIL THIS 18TH DAY OF APRIL, 2011

READ FOR THE SECOND TIME IN OPEN COUNCIL THIS 18TH DAY OF APRIL, 2011

READ A THIRD TIME IN OPEN COUNCIL AND PASSED ON THIS 18TH DAY OF
APRIL, 2011

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MAYOR ALLAN MCDONALD

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CITY CLERK CATHERINE CONRAD

**SCHEDULE "G" TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW 2011-106**

The North Bay Regional Health Centre includes the following properties:

- FIRSTLY:** Parcel 19012 Widdifield & Ferris:
Part of Lot 23, Concession B, former Township of Widdifield, now City of North Bay, District of Nipissing, Parts 1 to 5 on Plan 36R-10957 & Parts 9 & 10, on Plan 36R-11367;
Part of Lot 24, Concession B, former Township of Widdifield, now City of North Bay, Parts 6 to 15 on Plan 36R-10957 and Parts 1, 2, 3 & 5 on Plan 36R-11367;
Save and except parts 1 & 2 on Plan 36R-11522;
Subject to LT77541 partially released by LT406505;
Subject to LT405939, City of North Bay, in the District of Nipissing.
- SECONDLY:** Parcel 19063 Widdifield & Ferris;
Part of Lot 23, Concession B, former Township of Widdifield, now City of North Bay, Parts 11, 12, 13, 14, 15, 16 & 17 on Plan 36R-11367;
Subject to LT405939, LT77541, North Bay, District of Nipissing
- THIRDLY:** Part of Lot 1, Concession B, of the Township of Commanda, Parts 16 to 25 on Plan 36R-10957;
Subject to CD118, CD120 and NB162482, City of North Bay, in the District of Nipissing