

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER
By-law #18-2016

Being a by-law of the Village of South River respecting smoking in public places.

WHEREAS Section 10(2) of the Municipal Act, S.O. 2001 as amended enables councils of local municipalities to pass by-laws and make regulations for the health, safety and well-being of persons within the municipality;

AND WHEREAS it has been determined that second hand tobacco smoke is a health hazard because of its impairment, adverse effect and risk to health, and is a public nuisance because of its irritating and discomforting properties, to the inhabitants of the Village of South River;

AND WHEREAS it is desirable for the health, safety and well-being of the inhabitants of the Village of South River to provide for regulating smoking and second hand smoke for the better protection of persons from conditions injurious to health in accordance with the provisions of this by-law;

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

DEFINITION:

In this by-law:

1.1 Tobacco Product – means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff, but does not apply to products intended for use in nicotine replacement therapy.

1.2 Village of South River – means the Corporation of the Village of South River

2.0 PROHIBITIONS:

2.1 No person shall use any Tobacco Product in any building or on any land owned by the Village of South River;

2.2. No person shall smoke or hold lighted tobacco within a nine (9) meter radius surrounding any entrance, exit, or air intake, of municipal property or on any public beach within the Village of South River;

2.3 No person shall smoke or hold electronic cigarettes or any vapor device, in any building or on any land owned by the Village of South River;

3.0 EXCEPTIONS:

3.1. This By-law does not apply to any portion of a public road allowance or to any private property.

4.0 OFFENCES:

4.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the **Provincial Offences Act**.

4.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule “A” attached to this by-law.

EFFECTIVE DATE:

5. This by-law comes into effect on the 12th day of July, 2016

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF JULY, 2016.

Mayor, Jim Coleman

Clerk Administrator Susan L. Arnold

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SCHEDULE "A"

Part 1 Provincial Offences Act

Item	Short form wording	Provision creating or Defining Offence	Set Fine
1	Use any Tobacco Product in prohibited area	2.1	\$ 250.00
2	Hold lighted tobacco product in prohibited area	2.2	\$ 250.00
3.	Smoke or Hold electronic cigarette or any vapour device in prohibited area	2.3	\$250.00

Note: The general penalty provision for the offences listed above is section 4.0 of the By-law 18-2016, a certified copy of which has been filed.