

The Corporation of the City of North Bay

By-Law No. 2019-58

**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 the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3, as amended, regulates the smoking of tobacco, cannabis, vapour products and prescribed products and substances;

And Whereas section 18 of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3, as amended, permits municipalities to enact smoking by-laws that are more restrictive than found in the Act, subject to sections 19 of the Act;

And Whereas Council passed Resolution No. 2019-261 at its Regular Meeting held Tuesday, June 18th, 2019 to authorize smoking prohibitions for all City property and City Parks, and to allow for permanent and temporary designated smoking areas, as well as to include vaping and water pipes in the definition of smoking.

Now Therefore the Council of The Corporation of the City of North Bay Hereby Enacts as Follows:

1. That PART I - DEFINITIONS be amended as follows:
 - (a) remove s. 1.6 "entranceway" in its entirety;
 - (b) add s. 1.6 as follows: "'entranceway" means the area within a nine metre radius surrounding designated entrances to all Canadore College and Nipissing University buildings, and other buildings or properties listed in Schedule "A" or "D", but does not include a street, road or highway";
 - (c) remove s. 1.8 "municipal building" in its entirety;
 - (d) remove s. 1.10 "outdoor patio" in its entirety;
 - (e) remove s. 1.14 "smoke" or "smoking" in its entirety;
 - (f) add s. 1.14: " "smoke or "smoking" includes the holding, inhaling or exhaling from a lighted cigar, cigarette, pipe, water pipe or hookah, or activated electronic cigarette, regardless of whether the device contains nicotine, tobacco, or medical or recreational cannabis, but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance;"

- (g) add s. 1.16: "Designated Smoking Area" (DSA) is an authorized area that smoking is permitted. Any DSA must follow all of the conditions for the DSA as listed in Schedule "G";"
- 2. That s. 3.5 be amended to add as follows: "unless within a Designated Smoking Area (DSA);"
- 3. That s. 4.1 (i) be removed in its entirety;
- 4. That Schedule "C" be amended as follows:
 - (a) Section 1, to be deleted and replaced with: "1. All City Parks as listed in the City of North Bay Parks By-law 35-96, as amended, and any successor by-law thereto;"
 - (b) Section 3 to be added as follows: "3. All City owned properties, but does not include a street, road or highway;"
 - (c) Section 4 to be added as follows: "4. The entire length of the Kate Pace Way and Kinsmen Trail systems"
- 5. That Schedule "G" attached hereto be added;
- 6. This amending By-Law shall come into force and effect on June 18, 2019.

Read a first time in open council this 18th day of June, 2019.

Read a second time in open council this 18th day of June, 2019.

Read a third time in open council and passed this 18th day of June, 2019

Mayor Allan McDonald

City Clerk Karen McIsaac

**Schedule "G" – Designated Smoking Areas to
The Corporation of the City of North Bay
By-Law No. 2019-58**

Conditions required for all Designated Smoking Areas (DSA) are as follows:

1. All DSA's must follow all the requirements of the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Sched. 3, and any amendments thereto, and any Regulations thereto;
2. All DSA's must be approved by the City Engineer – Infrastructure & Operations of the City of North Bay, or his or her delegate(s);
3. All permanent DSA's must have clearly visible signs indicating the following: "Designated Smoking Area" that are permanently affixed at the entrance to the DSA, and all sides that people would approach from;
4. All temporary DSA's must have clearly visible signs indicating the following: "Designated Smoking Area" that are temporarily fixed to all sides of the DSA;
5. All DSA's must have the area of the DSA clearly marked by either fencing or pavement markings that are clearly visible from outside of the DSA;
6. All DSA's must have a garbage collection device in order to contain litter including butts. All butt cans must be within the DSA.