



COUNTY OF HURON

BY-LAW NO. 2018-002

**A BY-LAW OF THE CORPORATION OF THE COUNTY OF HURON TO PROHIBIT
SMOKING ON A PROPERTY OWNED BY THE COUNTY OF HURON**

WHEREAS Section 115 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides municipalities the authority to pass by-laws prohibiting or regulating smoking in public places;

AND WHEREAS it has been determined that smoking and the inhalation of second hand smoke is a health hazard for persons;

AND WHEREAS it has been determined that smoke-free areas create supportive environments for people who are attempting to quit smoking;

AND WHEREAS it is desirable for the health, safety, and well-being of the inhabitants and visitors to the County of Huron to provide for the prohibiting and abating of smoking in accordance with the provisions of this by-law, and the *Smoke-Free Ontario Act*;

NOW THEREFORE be it resolved that the Council of Corporation of the County of Huron enacts as follows:

PART I

1. DEFINITIONS

In this by-law,

- 1.1 "Council" means the elected Council for the Corporation of the County of Huron;
- 1.2 "County" means the Corporation of the County of Huron;
- 1.3 "Designated Smoking Area" means an outdoor space located on County owned property which has been designated by the Chief Administrative Officer of the County of Huron with signage and smoking disposal equipment to permit smoking away from areas where persons, particularly youth, congregate or travel;
- 1.4 "Officer" means a Provincial Offences Officer designated under the *Smoke-Free Ontario Act* from the Huron County Health Unit, a By-Law Enforcement Officer, Police Officer, or any other person appointed by Council to enforce the By-Laws of the County;
- 1.5 "Smoke or Smoking" means smoking or holding lighted products, such as but not limited to tobacco, marijuana, herbal products;
- 1.6 "Temporary Designated Smoking Area" means an outdoor space located on county-owned property which has been temporarily designated by the Chief Administrative Officer of County of Huron with signage and smoking disposal equipment to permit smoking during a special event, fair, community gathering, etc.

PART II

2. Prohibition

- 2.1 No person shall smoke on any property owned by the County of Huron, excluding:
a) County roads;
b) County roadside sidewalks; and
c) Designated Smoking Areas and Temporary Designated Smoking Areas.
- 2.2 No person who operates within a property owned by the County of Huron shall permit smoking.
- 2.3 No person who operates within a property owned by the County of Huron shall place or set out an ashtray or allow an ashtray to remain on such property, unless it is within a permitted Designated/Temporary Smoking Area.

PART III

3. Exemptions

- 3.1 The prohibition mentioned under section 2.1 does not include residents of the Homes for the Aged (Huronview and Huronlea) subject to the *Smoke-Free Ontario Act* and its Regulations.
- 3.2 The prohibition mentioned under section 2.1 does not include Social Housing and Affordable Housing properties owned by the County of Huron, subject to Huron County Housing Corporation Policy No. 11, Smoke-Free Policy and subject to Affordable Housing Policy No. 6, Smoke Free Policy, and subject to the *Smoke-Free Ontario Act* and its Regulations.

PART IV

4. Obstruction

- 4.1 No person shall hinder or obstruct an Officer in the enforcement of this By-Law.

PART V

5. Signage Requirements

- 5.1 The County of Huron shall provide each property that is owned by the County of Huron signage to post at conspicuous locations.
- 5.2 The signs referred to in Section 5.1 shall:
a) Be at least 10 centimetres in height and at least 10 centimetres in width;
b) Have a white background and have a graphic of the international no smoking symbol;
c) Have wording that indicates the County of Huron and the By-law reference (i.e. number and year of By-law)

PART VI

6. Offences, Fines, and Enforcement

- 6.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence, and upon conviction, shall be liable to a fine pursuant to Part 1 of the Provincial Offences Act and Schedule "A" of this By-Law.

6.2 This By-Law shall be enforced by Provincial Offences Officer designated under the *Smoke-Free Ontario Act* from the Huron County Health Unit, By-Law Enforcement Officer, Police Officer, or any other person appointed by Council to enforce the By-Laws of the County.

PART VII

7. Conflicts

7.1 If a provision of this By-Law conflicts with an Act or a Regulation, the provision that is most restrictive shall prevail.

PART VIII

8. Severability

8.1 If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the By-Law shall be valid and shall remain in force.

PART IX

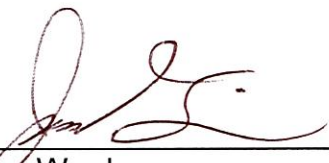
9. Effective Date

9.1 This by-law shall come into effect upon its passing.


READ a first time this 6th day of December 2017.

READ a second time this 6th day of December 2017.

READ a third time this 6th day December 2017.



Jim Ginn, Warden



Susan Cronin, County Clerk

SCHEDULE "A"
The Corporation of the County of Huron

By-law No. 2018-002: To prohibit smoking on a property owned by the County of Huron.

Set Fine Schedule – Part I Provincial Offences Act

| Item | Short form wording | Provisions Creating or Defining Offence | Set Fine |
|-------------|---|--|-----------------|
| 1. | Smoking in prohibited place or area | Section 2.1 | \$105.00 |
| 2. | Permit smoking in prohibited place or area | Section 2.2 | \$105.00 |
| 3. | Allow ashtray to remain in prohibited place or area | Section 2.3 | \$105.00 |
| 4. | Hinder or obstruct Officer from enforcing by-law | Section 4.1 | \$105.00 |

Note: The general penalty provision for the offences listed above is Section VI of By-law No. 2018-002, a certified copy of which has been filed.

SCHEDULE "B"
International no smoking symbol

