

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: BY-LAW DEPARTMENT**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: AMENDMENT TO SMOKE FREE HOSPITAL BY-LAW**

**Draft By-Law**       **Item**       **Policy Recommendation**

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**Mayor D. Backer and Members of Council:**

The North Bay Parry Sound District Health Unit has requested an amendment to the Mattawa Smoke Free Hospital By-law 08-25 to change the set fine from \$305.00 to \$250.00 which would align the fine with the Smoke Free Ontario Act's set fine for smoking or holding lighted tobacco in a prohibited place or area.

The following is therefore recommended:

**Recommendation:**

That the Town of Mattawa adopts By-law 09-20 which will amend the Smoke Free Hospital By-law to conform with the Smoke Free Ontario Act.

Respectfully submitted

Councillor L. Mick

**THE CORPORATION OF THE TOWN OF MATTAWA**

**BY-LAW NO. 09-20**

**BEING** a By-Law to amend By-Law No 08-25, which prohibits and regulates the smoking of tobacco and the carrying of lighted tobacco products in workplaces within the Town.

**WHEREAS** the Municipal Council was requested by the North Bay Parry Sound District Health Unit on June 1, 2009 to change the set fine in the Smoke-Free Hospital By-Law No. 08-25 from \$305 to \$250. The change to \$250 would align the By-Law with the Smoke-Free Ontario Act's set fine for smoking or holding lighted tobacco in a prohibited place or area.


**AND WHEREAS** Section 115 of the Municipal Act, 2001, S.O. 2001, c 25, as amended provides for Municipal Council of the Town of Mattawa to pass By-Laws prohibiting and regulating the smoking of tobacco and the carrying of lighted tobacco products in workplaces within the Town.

**NOW THEREFORE** the Corporation of the Town of Mattawa enacts as follows:

That By-Law 08-25 be amended as follows:

1. That column 3 of the Set Fine Schedule of By-Law 08-25 be changed from \$305 to \$250.
2. That the effective date of the passing of this By-Law shall be June 22, 2009.

READ, PASSED AND ADOPTED this 22<sup>nd</sup> day of June, 2009

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

WARRANT OF HABEAS CORPUS

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Know all men by these presents, that I, the undersigned, Judge of the District Court of the United States for the District of Columbia, do hereby certify that the within and foregoing writ of Habeas Corpus is a true and correct copy of the original as the same appears in the files and records of the Court.

Witness my hand and the seal of the Court at Washington, D.C., this 15th day of June, 1942.

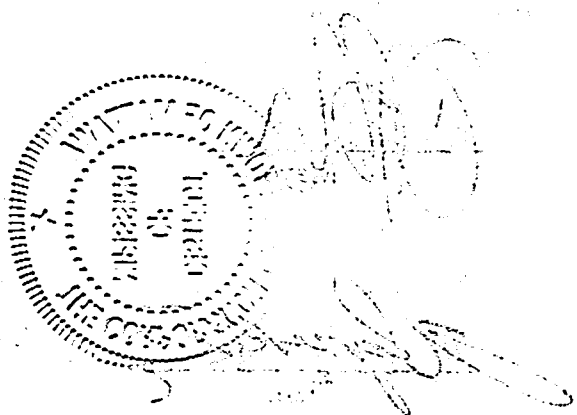
JOHN W. WALKER, Judge of the District Court of the United States for the District of Columbia.

Attest: My hand and the seal of the Court at Washington, D.C., this 15th day of June, 1942.

WALTER W. WALKER, Clerk of the District Court of the United States for the District of Columbia.

Approved: \_\_\_\_\_

WALTER W. WALKER, Clerk of the District Court of the United States for the District of Columbia.



THE CORPORATION OF THE TOWN OF MATTAWA - SET FINES  
PART 1 - PROVINCIAL OFFENCES ACT

SMOKE FREE HOSPITAL BY-LAW NO 08-25, AS AMENDED

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Smoking or holding lighted tobacco in a prohibited place or area	Section 2	\$250.00

**Note: The penalty provision for the offence indicated above is section 8 of By-Law No. 08-25, as amended, a copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33”.**

Date: MONDAY, NOVEMBER 10, 2008

Page No:

## THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR L. MICK

TITLE: HOSPITAL SMOKE FREE BY-LAW

DEPT. HEAD: WAYNE P. BELTER

08-25 Draft By-Law      \_\_\_\_\_ Item      \_\_\_\_\_ Policy Recommendation

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### Mayor D. Backer and Members of Council:

North Bay Parry Sound District Health Unit officials made a presentation to Council at their regular meeting of October 27, 2008 requesting the municipality enact a Smoke-Free Hospital By-law.

Council discussed this matter further and deemed it a feasible request and for that reason the following is recommended:

### Recommendation:

That the Town of Mattawa adopts By-Law 08-25 which is a new Smoke Free Hospital By-law pursuant to Section 115 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

Respectfully submitted

Councillor L. Mick

## THE CORPORATION OF THE TOWN OF MATTAWA

### BYLAW NUMBER 08-25

**WHEREAS** it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard for inhabitants of the Town of Mattawa; and

**WHEREAS** it is desirable for the health, safety, and welfare of the inhabitants of the Town of Mattawa to provide for a smoke-free environment in workplaces; and

**WHEREAS** the Municipal Council of The Corporation of the Town of Mattawa has the authority to pass by-laws prohibiting and regulating the smoking of tobacco and the carrying of lighted tobacco products in workplaces within the Town pursuant to Section 115 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**THEREFORE** the Municipal Council of The Corporation of the Town of Mattawa enacts as follows:

### SMOKE-FREE HOSPITAL BY-LAW

#### 1. Definitions

In this by-law:

**"Town"** means the Corporation of the Town of Mattawa or the municipality of the Town of Mattawa, as the context requires.

**"Council"** means the Municipal Council of the Town of Mattawa.

**"Hospital"** means the Mattawa Hospital; including but is not limited to any building, structure, vessel, vehicle, conveyance, property or parking lot.

**"Person"** includes an individual, firm, business, corporation or partnership.

**"Enforcement Officer"** means a Municipal Law Enforcement Officer appointed by Town of Mattawa municipal Council for the enforcement of this by-law, a Police Officer for the policing agency having jurisdiction in the Town of Mattawa for the enforcement of Municipal by-laws, and any Public Health Enforcement Officer employed by the North Bay Parry Sound District Health Unit who is also duly appointed by the Minister of Health for the enforcement of the Smoke-Free Ontario Act and Regulations thereto.

**"Smoking"** includes carrying a lighted cigar, cigarette, pipe or any other lighted smoking instrument and "smoke" has a corresponding meaning.

**2 Smoking Prohibited**

No person shall smoke or hold lighted tobacco at anytime in any area at the Mattawa Hospital.

**3. Exception**

This by-law shall not apply to the area of hospital property that is designated by the Mattawa Hospital Board of Directors as the Designated Smoking Outdoor Area.

**4. Inspection**

An Enforcement Officer may, at any reasonable time, enter the hospital or its grounds for the purpose of determining compliance with this by-law.

**5. Identification**

An Enforcement Officer conducting an inspection shall produce, on request, proper identification.

**6. Obstruction**

No person shall hinder, obstruct or interfere with an Enforcement Officer conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the officer with information, on matters relevant to the inspection that the person knows to be false or misleading.

**7. Offences**

(1) Every person who smokes in any area at the Mattawa Hospital is in contravention of this by-law and is guilty of an offence.

(2) Every person who contravenes any provision of this by-law is guilty of an offence.

**8. Penalty**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, C. P. 33.

**9. Conflict**

If a provision in this by-law conflicts with any other Act or a regulation, the provision that is the most restrictive of smoking prevails.


**10. Severability**

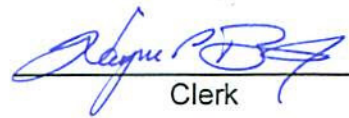
If any section or sections of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

11. Commencement

This by-law shall come into force and take effect upon the date of the final passing thereof.

READ PASSED AND ADOPTED this 10<sup>th</sup> day of November 2008

  
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Mayor

  
\_\_\_\_\_  
Clerk

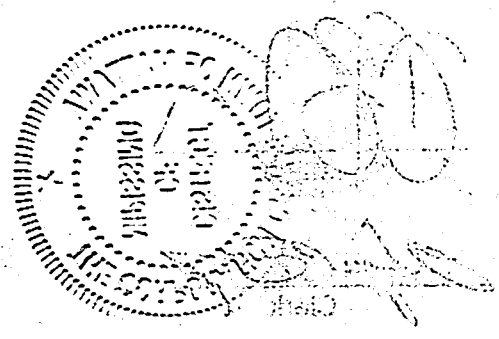


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CONFIDENTIAL

It is the policy of the Department of Defense to release information to the public on a continuing basis.

CONFIDENTIAL AND NOT FOR PUBLICATION



**THE CORPORATION OF THE TOWN OF MATTAWA - SET FINES**  
**PART 1 – PROVINCIAL OFFENCES ACT**

**SMOKE FREE HOSPITAL BY-LAW NO 08-25**

<b>ITEM</b>	<b>COLUMN 1</b> Short Form Wording	<b>COLUMN 2</b> Provision creating or defining offence	<b>COLUMN 3</b> Set Fine
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<b>1</b>	Smoking or holding lighted tobacco In a prohibited place or area	Section 2	<b>\$305.00</b>
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**Note: The penalty provision for the offence indicated above is section 8 of By-Law No. 08-25, a copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33”.**