

**THE CORPORATION OF THE CITY OF CORNWALL**  
Bylaw # 112- 2007

Being a Bylaw of the Corporation of the City of Cornwall  
respecting smoking in public places nine (9) meters of entrances  
and exits for Municipal Buildings and Facilities.

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**WHEREAS** Section 115 of the *Municipal Act, 2001* authorizes Council to pass Bylaws regulating or prohibiting the smoking of tobacco in public places or workplaces; and

**WHEREAS** it is deemed desirable by the Council of the City of Cornwall to restrict smoking in public places in an area within a nine (9) meter radius from any entrance or exit of any Municipal Building and Municipal Facility.

**NOW THEREFORE** be it resolved the Council of the Corporation of the City of Cornwall enacts as follows:

**SHORT TITLE**

1. This Bylaw maybe cited as "Prohibition to Smoke Within 9 Meters of Entrances and Exits".

**DEFINITIONS AND INTERPRETATIONS**

2. For the purpose of this bylaw:
  - (a) "city" means The Corporation of the City of Cornwall;
  - (b) "city clerk" means the City Clerk of The Corporation of the City of Cornwall;
  - (c) "council" means the Council of The Corporation of the City of Cornwall;
  - (d) "entrance" means a main entry or entry to any building as well as an entry being used as an exit;
  - (e) "employee" means employee of The Corporation of the City of Cornwall;
  - (f) "exit" means that part of a means of access including doorways that lead from the floor area it serves to a separate building, an open public thoroughfare or an exterior open space;
  - (g) "inspector" means a person appointed by Council as a Municipal Bylaw Enforcement Officer to enforce this Bylaw;
  - (h) "municipal building" means any enclosed building or group of buildings owned or leased by The Corporation of the City of Cornwall;
  - (i) "municipal facility" means any hall, room or banquet facility that is owned or leased by The Corporation of the City of Cornwall;
  - (j) "person" includes a corporation;

- (k) **"smoke or smoking"** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

### **GENERAL PROHIBITIONS**

3. (1) No person shall smoke within nine meters (9m) of the entrance or exits of a Municipal Building or Municipal Facility so designated by signage according to this Bylaw.
- (a) The distance shall be measured by a nine meter (9m) centre line radius from either outer edge of each entrance and/or exit door so designated.

### **SIGNS**

4. (1) Signs referred to subsection 3(1) shall be as per schedule "A" of this Bylaw.
- (2) The signs referred to in this Bylaw shall consist of graphic symbols that comply with the provisions of this section.
- (3) The following graphic symbol shall be used to indicate the areas when smoking is prohibited pursuant to this Bylaw.



On a white background with the circle and the interdictory stroke in red.

- (5) The graphic symbol referred to in subsection (3) shall include the text "City of Cornwall Bylaw/Règlement de la Ville de Cornwall" in letters and figures at least five percent (5%) of the diameter of the circle in the symbol.
- (6) To the symbols referred to in subsection (3) there may be added additional appropriate symbols such as directional arrows.
- (7) Despite the fact that the symbol referred to in subsection (3) is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking instrument.
- (8) With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in subsection (3) shall be no less than the number of centimetres prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:
- (a) three meters (3m) or less - ten centimetres (10cm)
- (b) six meters (6m) or less - fifteen centimetres (15cm)

- (c) twelve meters (12m) or less - twenty centimetres (20cm)
  - (d) twenty-four metres (24m) or less - thirty centimetres (30cm)
  - (e) forty-eight metres (48m) or less - forty centimetres (40cm)
  - (f) seventy-two metres (72m) or less - sixty centimetres (60cm)
- (9) Despite subsection (8), the diameter of the circle in the symbol referred to in subsection (3) used pursuant to section (3) to be erected at the entrance or exits of every Municipal Building and Municipal Facility shall be a minimum of ten centimetres (10cm).
- (10) Deviations from the colour to content of the signs prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the signs.

#### **DUTIES**

5. (1) No manager or supervisor or person in charge of the Municipal Building and Municipal Facilities shall permit any person to smoke where smoking is prohibited under this Bylaw and The Smoke Free Ontario Act.
- (2) Managers, supervisors and persons in charge of the Municipal Building or Municipal Facility shall distribute and post signs in accordance to this Bylaw at entrances/exits designated by the provisions of Section (3) of this Bylaw.

#### **OFFENCES**

6. (1) Any person who contravenes any of the provisions of this Bylaw is guilty of an offence.
- (2) Any person who hinders or obstructs a person lawfully carrying out the enforcement of this Bylaw is guilty of an offence.

#### **FINES**

7. Every person who is convicted of an offence is liable to a fine of not more than five thousand dollars (\$5000.00) as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33 as amended.

#### **ENFORCEMENT**

8. (1) The provisions of this Bylaw respecting non-smoking as per this Bylaw, shall be enforced by inspectors.
- (2) An inspector may, at any reasonable time enter any designated entrance/exit of Municipal Buildings or Municipal Facilities.
- (3) The provisions for employees of the City shall also be enforced by the appropriate manager or supervisor of the employee.

#### **CONFLICTS**

9. If a provision of this Bylaw conflicts with an Act or a Regulation or another Bylaw, the provision that is the most restrictive of smoking shall prevail.

**SEVERABILITY**

10. If any section or sections of this Bylaw 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 Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

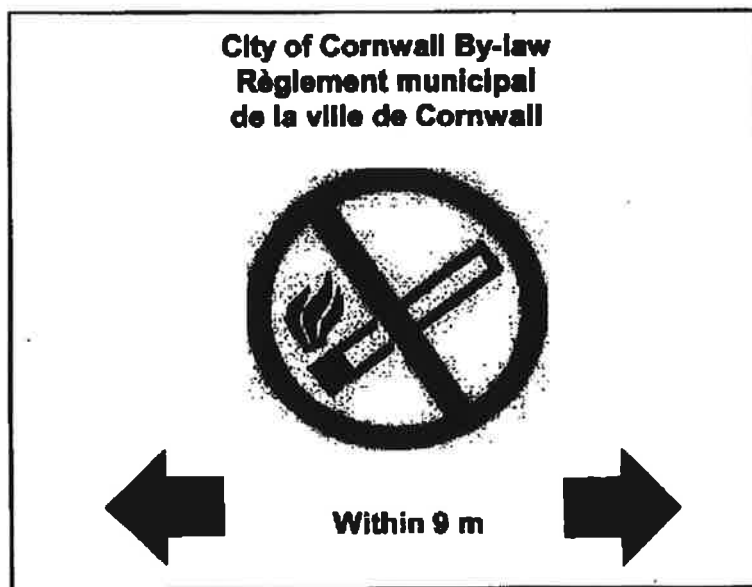
That the effective date of this Bylaw be September 4<sup>th</sup>, 2007.

Read a first, second and third time, signed and sealed, in open Council, this 9<sup>th</sup> day of July, 2007.

  
**DENISE LABELLE-GÉLINAS**  
**CITY CLERK**

  
**MAYOR BOB KILGER**

SCHEDULE "A"



THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2015-015

**A Bylaw to rescind By-law 2009-104, an amendment to By-law 112-2007 respecting smoking within 9 metres of a Municipal Park Facility.**

Whereas, Section 115 of the Municipal Act, 2001 authorizes Council to pass Bylaws regulating or prohibiting the smoking of tobacco in public places and workplaces; and

Whereas, Council passed By-law 2009-104, an amendment to By-law 112-2007 respecting smoking in public places within nine metres (9 m.) of a Municipal Park Facility; and

Whereas, Ontario's Smoke Free Ontario Act, by way of a January 01, 2015 amendment, introduced more restrictive standards than By-law 2009-104 concerning smoking in proximity to Municipal Park Facilities; and

Whereas, Council, at its' meeting of Monday, January 12, 2015 endorsed the recommendation in Staff Report 2014-54 PPR-BL to rescind By-law 104-2009, smoking in Public Places within nine metres of a Municipal Park Facility.

Now therefore be it resolved that the Council of the City of Cornwall hereby enacts as follows:

That By-law 2009-104 be rescinded/repealed.

Read, signed and sealed in Open Council this 26th day of January, 2015.

  
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Helen Finn  
City Clerk

  
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Leslie O'Shaughnessy  
Mayor