

BY-LAW NO. 25

A BY-LAW OF THE MUNICIPALITY OF MIRAMICHI TO PROHIBIT SMOKING IN MUNICIPAL BUILDINGS

WHEREAS it is desirous for the health, safety and welfare of the inhabitants of the City of Miramichi to prohibit or regulate smoking, or both, in the City of Miramichi as in this by-law, more particularly set out;

AND WHEREAS studies by health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in people;

AND WHEREAS ventilation systems do not removal all of the cancer-causing chemicals and gases in second-hand smoke;

AND WHEREAS City Council wishes to take a leadership role through smoke-cessation programs, encouraging smokers who wish to quit;

THEREFORE the Council of the City of Miramichi, pursuant to the authority given under Section 3.1 of Regulation 81-192 under the Municipalities Act enacts as follows:

1. In this by-law
 - (a) "City" means the City of Miramichi.
 - (b) "Indoor Public Place" means the whole interior of all buildings owned or operated by the City of Miramichi.
 - (c) "smoke or smoking" means the act of burning a tobacco product, weed, filler or plant of any kind directly as in the form of a cigar, or in a cigarette, or a pipe, or in any other device or includes the carrying of a lighted cigarette, cigar, pipe or any other lighted smoking equipment.
 2. No person shall smoke in an Indoor Public Place except for the following exempted areas:
 - a) The basement area, City Hall, Miramichi Place, 141 Henry Street;
 - b) The lounge on the third floor of the Miramichi Civic Centre, 485 King George Highway;
 - c) The upstairs lounge area of the Lord Beaverbrook Arena, 101 University Avenue; and
 - d) a designated smoking area, common area, lobby area or garage area in an Indoor Public Place.
 3.
 - (a) One or more "no smoking" or "non-smoking area" signs with letters of not less than two and one-half centimetres in height shall be conspicuously posted in every Indoor Public Place and shall state that pursuant to By-Law Number 25, a by-law of the City of Miramichi:
 - (b) A "no smoking" or "non-smoking area" sign shall contain the graphic symbol depicted in Schedule "A" on a white background with the circle and the interdictory stroke in red. The diameter of the circle is to be at least 200 millimeters.
- THIS** by-law shall be enforced by the Chief of Police of the Municipality of the City of Miramichi or authorized subordinates or assistants.
4. The designated enforcement agency (or agencies), while engaged in otherwise mandated inspections, shall certify compliance with this ordinance.
 5.
 - (a) Any person who contravenes any provision of this by-law is guilty of an offence and is liable on summary conviction to a fine of not less than \$50.00 and not more

than \$200.00.

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- (b) A person who has committed a violation of any of the provisions of this by-law may, at the discretion of a Miramichi Police Officer or his designate or assistant, pay the minimum fine prescribed and upon such payment the person committing the violation is not to be prosecuted or further prosecuted therefore.
- (c) If any part of this by-law shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this by-law.

THIS BY-LAW shall come into effect on the date of the final reading by title and the enacting thereof.

READ THE FIRST TIME BY TITLE:	August 22, 1996
READ THE SECOND TIME BY TITLE:	September 26, 1996
READ IN ITS ENTIRETY IN COUNCIL:	September 26, 1996
READ THE THIRD TIME BY TITLE AND ENACTED:	January 23, 1997

CLERK

MAYOR