

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2009-14

Being a By-Law of the Rural Municipality of East St. Paul to regulate Smoking within the Rural Municipality of East St. Paul.

WHEREAS Section 232(1) of *The Municipal Act*, C.C.S.M. Cap. M.225, provides: "A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;"

AND WHEREAS Sections 6(1) and 6(2) of *The Non-Smokers Health Protection Act* C.C.S.M. Cap. N92, provides:

“6(1) Notwithstanding the provisions of this Act, a municipal council may pass a by-law to limit or ban smoking in any enclosed public place in the municipality.

6(2) Where there is a conflict between a provision of this Act or a regulation made thereunder and a provision of a by-law made by The City of Winnipeg or another municipality under subsection (1) or another Act of the Legislature, the provision of this Act or the regulation governs; but the provision of the by-law governs where it is more severe or restrictive, or more extensive in its application, than the provision of this Act or the regulation.”

AND WHEREAS it was been determined that tobacco smoke is injurious or tends to create conditions adversely affecting human health.

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-Law of the Rural Municipality of East St. Paul in Council assembled as follows:

1. DEFINITIONS

That in this By-Law:

“Municipal Passenger Vehicle” means any motor vehicle which display’s a number plate with a validation sticker confirming valid registration of the motor vehicle under the Drivers and Vehicles Act.

“Smoking” means the act of inhaling or exhaling the smoke from a cigarette, cigar or pipe, includes having control of a lighted cigarette, cigar, pipe or other equipment used for smoking tobacco.

2. No person shall smoke in any part of any municipal building or municipal passenger vehicle.
3. A person shall be entitled to smoke in an outside public area on municipal property unless an area is designated as a "Non-smoking area" in a policy adopted by Council.
4. A person who contravenes a by-law of a municipality is guilty of an offence and, liable on summary conviction to a fine of not more than \$500. or to imprisonment for a term of not more than three months, or both.
5. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
6. That on the passing of this By-law, By-law 92-40 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled at East St. Paul, Manitoba this 2nd day of September, 2009.

Originally Signed by Lawrence Morris
Mayor

Originally Signed by Jerome Mauws
Chief Administrative Officer

Read a first time this 12th day of August, A.D., 2009

Read a second time this 2nd day of September, A.D., 2009

Read a third time this 2nd day of September, A.D., 2009