

**TOWN OF WINNIPEG BEACH
BY-LAW NO. 17/2015**

Being a By-Law of the Town of Winnipeg Beach to regulate smoking within the Town of Winnipeg Beach.

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 has 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 Town of Winnipeg Beach in Council assembled as follows:

1. DEFINITIONS

That in this By-Law:

"**Vehicle**" means any motorized equipment, such as, but not limited to, trucks, cars, loaders, ride-on movers, etc.

"**Smoking**" means the act of inhaling or exhaling the smoke from a cigarette, cigar, pipe, electronic device, or the like, includes having control of a lighted cigarette, cigar, pipe or other equipment used for smoking tobacco or similar products.

2. No person shall smoke in any part of any municipal building or municipal vehicle.

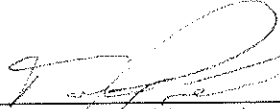
3. A person shall be entitled to smoke in an outside public area on municipal property unless an area is designated as a "Non-smoking area" as identified in Schedule "A" of this by-law and by the placement of signage at the designated area.

4. Schedule "A" may be amended from time to time by resolution of Council.

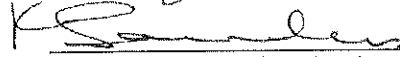
5. A person who contravenes a by-law of a municipality is guilty of an offence and, liable on summary conviction to a fine of not more than \$500.00 or to imprisonment for a term of not more than three months, or both.

6. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

DONE AND PASSED by the Council of the Town of Winnipeg Beach, in Council duly assembled at Winnipeg Beach, Manitoba this 9th day of December, 2015.



Mayor Tony Pimentel



Chief Administrative Officer Kerry Lawless

Read a 1st time this 18th day of, November 2015 (resolution # 380/2015)
Read a 2nd time this 9th day of, December 2015 (resolution # 408/2015)
Read a 3rd time this 9th day of, December 2015 (resolution # 409/2015)

SCHEDULE "A"

Outdoor Non-Smoking Areas

1. **Winnipeg Beach Community Centre:** within twenty-five (25) feet of the bottom of the main entrance stairway or the entrance to the ramp and within twenty-five (25) feet of any other entrance to the building. Smoking is not permitted anywhere on the access ramp.
2. **Winnipeg Beach Municipal Office:** within twenty-five (25) feet of the main entrance.
3. **Town of Winnipeg Beach Public Works Buildings or Fire Hall:** Smoking is only permitted in the designated "Smoking area(s)", to be located not less than twenty-five (25) feet from any doorway of the Public Works Building or the Fire Hall.
4. **Town of Winnipeg Beach Curling Rink:** within twenty-five (25) feet of the main entrance.