

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 92-40

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 330 of The Municipal Act, C.C.S.M. Cap. M.225, Provides:

“The Council of any Municipality may pass By-Laws, not inconsistent with The Public Health Act, The Environment Act, or any other Act, or with the Regulations made under such Act,

(f) Generally providing for the health of the residents of the Municipality”.

AND WHEREAS Sections 6(1) of An Act To Protect The Health Of Non-Smokers, C.C.S.M. Cap. S.125, 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 provisions of this Act or the Regulation governs; but the provision of the By-Law govern 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. DEFIFNTIONS

That in this By-Law:

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

“Smoking Area” means an area marked an identifiable by a sign indication that smoking permitted in that area.

2. That subject to Section 3, no person shall smoke in any part of any municipal building, municipal vehicle except where an area has been designated as an “approved smoking area” by resolution of Council an so designated by an approved sign.
3. That, where Municipal buildings or parts or Municipal buildings are temporarily rented to persons or organizations by the Municipality for the purpose of social functions, the Municipal may, in its discretion, upon the receipt of an application from the organizer of such function temporarily designate part or all of the rented premises as a smoking area for the purpose of the said social function.
4. Every person who contravenes a Section of this By-Law is guilty of an offence and liable summary conviction to a fine of not more than \$100.00 for a first offence and not more than \$500.00 for each subsequent offence.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled at Bird’s Hill, Manitoba this 8th day or September, 1992.

Originally signed by DJ Melnyk

Reeve

Originally signed by Janet Nylén

Secretary-Treasurer

Read a first time this 8th day of September, A.D., 1992

Read a second time this 8th day of September, A.D., 1992

Read a third time this 8th day of September, A.D., 1992