

BY-LAW NO. S-2

**A BY-LAW TO PROHIBIT SMOKING IN TOWN OWNED BUILDINGS
IN THE TOWN OF NACKAWIC**

WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard and/or discomfort for many persons;

AND WHEREAS it is therefore desirable for the health and welfare of persons to prohibit smoking in buildings owned by the Town;

NOW THEREFORE the Council of the Town of Nackawic, enacts as follows:

1. Definitions

In this by-law,

"Council" means the Council of the Town of Nackawic.

"Building" includes all buildings owned by the Town of Nackawic.

"Person" includes any member of the general public and all employees of the Town of Nackawic.

"Smoke and smoking" includes the carrying of a lighted cigar, cigarette, pipe or other smoke equipment.

"Town" means the Town of Nackawic.

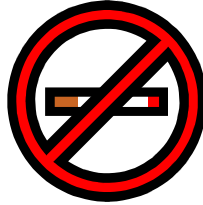
2. Regulation

No person shall smoke in any building owned by the Town.

3. Signage

(a) All buildings shall have signs posted indicating that smoking is prohibited. The Chief Administrative Officer shall have the authority to cause said signs to be posted.

(b) The following graphic symbol on a white background with the circle and the interdictory stroke in red may be used to indicate "No Smoking" areas:



(c) The diameter of the circle in the symbols referred to in subsection (b) hereof shall not be less than one hundred fifty (150) millimetres.

4. Penalty Provision

(a) Every person who violates section 2 of this by-law is guilty of an offence.

(b) Every person convicted of an offence under section 2 of this bylaw shall be liable to a fine as a category C offence pursuant to Part II of the *Provincial Offences Procedure Act*, being Chapter P-22.1 of the Statutes of New Brunswick 1987, and amendments thereto.

(c) Notwithstanding section 4(b), a person who has violated section 2 of this by-law may within ten (10) days of the issuance of a ticket, pay the minimum fine imposed under section 4(b).

5. Enforcement

The Building Inspector, any member of the Nackawic RCMP Detachment, as well as others appointed by Town Council, including Fire Prevention Officers, are responsible for the enforcement of section 2 of this by-law.

6. Repeal Provision

6.01 By-Law No. 72-95, A By-Law To Prohibit Smoking, passed by Town Council on September 18, 1995, is hereby repealed.

6.02 The repeal of By-Law No. 72-95, A By-Law To Prohibit Smoking, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same complete or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate, or prejudicially affect any manner or thing whatsoever completed, existing, or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF
NACKAWIC ON September 15, 2003.

Robert G. Connors, Mayor

Nancy Cronkhite, Chief Administrative Officer

First Reading: September 2, 2003
Second Reading: September 15, 2003
Third Reading: September 15, 2003