



The Corporation of the Town of Milton

Report To:	Council
From:	Meaghen Reid, Director, Legislative & Legal Services/Town Clerk
Date:	January 17, 2022
Report No:	CORS-001-22
Subject:	Consent to Region of Halton Smoking By-law regarding Waterpipe Smoking
Recommendation:	THAT Town of Milton Council consents to the passage and implementation of the Halton Region Waterpipe Smoking By-law, as presented in Region of Halton Report No. MO-05-21

EXECUTIVE SUMMARY

- The proposed Halton Region Waterpipe Smoking By-law would prohibit waterpipe smoking wherever smoking or vaping is currently prohibited under the *Smoke Free Ontario Act (SFOA), 2017* and *Region of Halton Smoking/Vaping By-law No. 40-20*.
- A majority of the local Councils representing a majority of the Region's electors must pass resolutions consenting to the by-law.
- Town staff have reviewed the draft Halton Region Waterpipe Smoking By-law and have no objection or concern with its passage.

REPORT

Background

In 2009, Regional By-Law No. 24-09 was passed to prohibit the smoking of tobacco within nine meters from any entrance or exit of municipally owned or leased buildings.

Regional By-law No. 40-20 came into effect on March 15, 2021 and expands on the *SFOA, 2017* by prohibiting the smoking of tobacco and cannabis, and the use of electronic cigarettes in public parks and public areas within nine metres from any entrance or exit of municipally owned or leased buildings and of child care centres.

Discussion

The proposed Halton Region Waterpipe Smoking By-law would prohibit waterpipe smoking wherever smoking or vaping is currently prohibited under the *Smoke Free Ontario Act (SFOA), 2017* and *Region of Halton Smoking/Vaping By-law No. 40-20*.



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Pursuant to Section 115 of the *Municipal Act, 2001*, a triple majority is required for a Regional by-law passed under this section to come into force. This means that a majority of all votes on Regional Council must be cast in its favour and that a majority of the local Councils representing a majority of the Region's electors must pass resolutions consenting to the by-law.

Town staff have reviewed the proposed Halton Region Waterpipe Smoking By-law and have no objection or concern with its passage.

Financial Impact

None arising from this report. The initial and replacement costs for signage will be funded by the Region and enforcement will continue to be conducted by Regional public health inspectors.

Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services

For questions, please contact: Mary Beth McMullen, Manager, x 2133
Licensing and Enforcement

Attachments

Appendix A: Region of Halton Report MO-05-21 - Halton Region Waterpipe Smoking By-law

CAO Approval
Andrew M. Siltala
Chief Administrative Officer



The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Hamidah Meghani, Commissioner and Medical Officer of Health
Date:	October 20, 2021
Report No:	MO-05-21
Re:	Halton Region Waterpipe Smoking By-law

RECOMMENDATION

1. THAT Regional Council enact a by-law to prohibit waterpipe smoking as set out in Report No. MO-05-21 re: "Halton Region Waterpipe Smoking By-law" and that the Director of Legal Services be authorized to prepare such a by-law substantially in the form of the draft by-law in Attachment #1.
2. THAT upon its passage, the Regional Clerk forward a copy of the by-law together with Report No. MO-05-21 to the City of Burlington, Town of Halton Hills, Town of Milton, and Town of Oakville with the request that each Council pass a resolution giving its consent to the by-law.

REPORT

Executive Summary

- The Provincial government enacted the [Smoke-Free Ontario Act, 2017](#) (SFOA, 2017) on October 17, 2018. The Act prohibits the smoking of tobacco and cannabis and the use of electronic cigarettes in prescribed places such as enclosed public places, workplaces, restaurants and bars (including within nine metres of patios).
- The [Halton Region Smoking/Vaping By-law \(By-law No. 40-20\)](#) came into effect on March 15, 2021 and expands on the SFOA, 2017 by prohibiting the smoking of tobacco and cannabis, and the use of electronic cigarettes in public parks and public areas within nine metres from any entrance or exit of municipally owned or leased buildings and of child care centres.

- The proposed Halton Region Waterpipe Smoking By-law would prohibit waterpipe smoking wherever smoking or vaping is currently prohibited under the *SFOA, 2017* and By-law No. 40-20.
- Public Health Ontario's recent evidence brief on the health impacts of waterpipe smoking (also known as hookah, narghile or shisha) found that waterpipe smoke contains harmful toxins and chemicals such as particulate matter (PM), polycyclic aromatic hydrocarbons (PAHs), carbon monoxide (CO) and heavy metals.
- Exposure to waterpipe smoke is associated with multiple adverse health outcomes including respiratory diseases such as chronic obstructive pulmonary disease (COPD) and chronic bronchitis, lung cancer, heart disease, dental disease, and negative pregnancy outcomes (including infants with low birth weight).
- An evidence-informed approach was taken to draft the proposed Halton Region Waterpipe Smoking By-law, which included an environmental scan of municipal by-laws in Ontario, consultation with other health units that have implemented a similar by-law, and information sessions with current waterpipe establishment owners in Halton.

Background

The purpose of this report is to bring forward a Regional waterpipe smoking by-law for Council to approve. This by-law aims to prohibit waterpipe smoking wherever smoking tobacco or cannabis, or vaping is already prohibited under the *SFOA, 2017* and By-law No. 40-20.

Similar to cigarette smoking and vaping, waterpipe smoking is linked to multiple harmful health outcomes and it negatively affects indoor and outdoor air quality.

On October 17, 2018, the provincial government enacted the *SFOA, 2017* to protect workers and the public from second-hand smoke and vapour. The *SFOA, 2017* prohibits the smoking of tobacco and cannabis, and the use of electronic cigarettes in prescribed places such as enclosed public places, workplaces, restaurants and bars (including within nine metres of patios).

On July 15, 2020, Regional Council received and approved Report No. MO-15-20 re: "Smoking and Vaping in Public Places By-Law". Subsequently, the by-law was approved by all four local municipalities and came into effect on March 15, 2021 as the Halton Region Smoking/Vaping By-law (No. 40-20). By-law No. 40-20 goes further than the *SFOA, 2017* by prohibiting the smoking of tobacco and cannabis, and the use of electronic cigarettes in public parks and public areas within nine metres from any entrance or exit of municipally owned or leased buildings and of child care centres.

Report No. MO-15-20 re: “Smoking and Vaping in Public Places By-Law” advised that staff had consulted with the local municipalities regarding the inclusion of waterpipe smoking in the by-law. While there was support for the prohibition of waterpipe smoking in workplaces and public places, consultation with waterpipe establishment owners identified a need to better understand the impacts of enacting a waterpipe smoking by-law. Since these initial consultations, Halton Region Public Health staff have met with Peel Public Health, Ottawa Public Health, and Toronto Public Health staff to learn about their experience with enacting their waterpipe smoking by-laws. Halton Region Public Health staff also reached out to Public Health Ontario to update the research evidence on health concerns related to waterpipe smoking. Furthermore, Halton Region Public Health staff have since had additional meetings with current waterpipe establishment owners in Halton to discuss the proposed by-law and consider their concerns.

Discussion

Legal authority:

In Ontario, municipalities are granted authority under section 11 of the [Municipal Act, 2001](#) to enact by-laws respecting the health, safety and well-being of individuals within its jurisdiction. Section 115 of the *Municipal Act, 2001* further permits municipalities to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces.

Pursuant to Section 115 of the *Municipal Act, 2001*, a triple majority is required for a Regional by-law passed under this section to come into force. This means that a majority of all votes on Regional Council must be cast in its favour and that a majority of the local Councils (at least three out of the four) representing a majority of the Region’s electors must pass resolutions consenting to the by-law.

Health and safety risks:

In its capacity as Halton Region’s Board of Health, Council has a mandate under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, to reduce the burden of preventable injuries and substance use. This includes protecting the public from exposure to second-hand smoke.

Just like smoke from a cigarette or an e-cigarette, smoke from a waterpipe contains harmful toxins and chemicals such as particulate matter, polycyclic aromatic hydrocarbons, carbon monoxide and heavy metals. This is the case even when tobacco is not used and the substance smoked is a non-tobacco herbal preparation. An additional burden of waterpipe smoking, distinct from cigarettes, is the risk of carbon monoxide poisoning (and the impact on air quality) from the charcoal used to heat the tobacco or the non-tobacco herbal preparation. Second-hand smoke is a health risk to non-smoking patrons, staff, enforcement officers, and first responders.

Waterpipe smoking has been linked to the same diseases as cigarette smoking, with multiple harmful health outcomes including lung cancer, heart disease, negative respiratory effects (including reduced lung function), dental disease, and negative

pregnancy outcomes (including infants with low birth weight). Evidence to date suggests that one hour of waterpipe smoking results in higher emissions of carbon monoxide, hydrocarbons, and volatile aldehydes than one hour of cigarette smoking. Waterpipe smoking negatively affects both indoor and outdoor air quality for indicators including carbon monoxide and particulate matter, which are themselves closely related to potential impacts on human health.

In recent years sweetened and flavored tobacco, along with other herbal (non-tobacco) flavours have made waterpipe smoking more appealing to users, especially youth, and the practice has increased in popularity in Ontario and in Canada. Waterpipe establishments (also known as hookah bars or shisha lounges) have become a social attraction for youth and young adults as popular places to hang out. In addition to the serious health risks directly presented by waterpipe smoking and exposure to waterpipe smoke, there is a growing added concern that this activity will lead to the re-normalization of smoking behaviour among youth and young adults with attendant lifetime risks.

Environmental scan:

Public Health staff used an evidence-informed approach when considering recommended inclusions for the Regional by-law. This consisted of an environmental scan of other municipal by-laws in Ontario and staff analysis of an evidence report prepared by Public Health Ontario (Ontario's lead agency for public health scientific and technical advice, which provides support to public health officials at the provincial and local levels).

An environmental scan conducted by Public Health staff during the summer of 2019 revealed that 30 municipalities in Ontario had enacted waterpipe smoking by-laws. These by-laws included a combination of indoor and outdoor settings, as well as tobacco and herbal waterpipe smoking. Many jurisdictions across Canada, the United States, and the Middle East have also passed laws prohibiting waterpipe smoking in public places and workplaces. In May 2020, Public Health Ontario reported that 35 of 65 municipalities surveyed had new or amended municipal/regional by-laws that prohibit waterpipe smoking in specified locations, including: Peel Region, Durham Region, Niagara Region, City of Toronto, and City of Ottawa.

Consultation:

Halton Region is one of an estimated ten public health units (of 34) with operating establishments for waterpipe smoking. However, the concerning part is the increasing number of these establishments within the health units. For example, in Halton Region currently there are nine such establishments compared to three establishments in 2017. In July and August 2021, all current Halton Region waterpipe establishment owners were invited to virtual meetings with Public Health where staff presented the proposed by-law followed by an opportunity for discussion. Five individuals representing four waterpipe establishments in Halton attended these meetings. During these discussions, Public Health staff shared the research evidence to support the implementation of the by-law. Although the proposed by-law was not received favourably, operators were appreciative for the notice and the opportunity to comment.

Halton Region Public Health staff met with Peel, Ottawa, and Toronto Public Health staff discuss their waterpipe smoking by-laws.

Peel Region's waterpipe smoking by-law (passed in 2016) is similar in approach to Halton Region's proposed waterpipe smoking by-law. The Peel by-law prohibits the use of waterpipes in enclosed public places, enclosed workplaces, and other specified areas such as playgrounds, sporting areas and schools. Five waterpipe establishment owners challenged the validity of Peel's by-law in court. Peel Region won the case before the Ontario Divisional Court (2018), confirming the by-law was legal and valid. The establishment owners appealed to the Ontario Court of Appeal (2019), which dismissed the appeal, upholding the validity of the by-law. The applicants then applied for leave of appeal to the Supreme Court of Canada (2019), which refused to hear the case.

These court decisions upholding Peel's waterpipe smoking by-law follow similar decisions by Ontario's Divisional Court (2016) and Court of Appeal (2017), dismissing a challenge to the City of Toronto's by-law prohibiting waterpipe smoking (passed in 2015).

Enforcement/Non-compliance:

Upon approval, the requirements of the by-law will be communicated through a targeted communication strategy. The objective is to educate waterpipe smokers and establishment owners about the new by-law that is enacted to protect the health and safety of Halton residents.

Non-compliance with the by-law will be investigated on a complaint basis. A progressive enforcement approach to achieve compliance will be used by public health inspectors. Progressive enforcement includes the potential use of education, warnings, monetary fines, and other legal tools to reflect the frequency and severity of the level of non-compliance.

FINANCIAL/PROGRAM IMPLICATIONS

There are no financial implications associated with this report. Costs to support the progressive enforcement approach by Public Health staff will be absorbed within the approved budget.

Respectfully submitted,
Deepika Lobo (diane to add signature to
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<Hamidah Meghani, MD SIGNATURE>
Hamidah Meghani, MD
Commissioner and Medical Officer of Health

Approved by
<Jane MacCaskill SIGNATURE>
Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
please contact:

Deepika Lobo

Tel. # 7667

Attachments: Attachment #1 – Draft Halton Region Waterpipe Smoking By-law

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NUMBER XX-21

A BY-LAW TO REGULATE WATERPIPE SMOKING IN THE REGIONAL MUNICIPALITY OF HALTON

WHEREAS waterpipe smoke from both tobacco-based products and non-tobacco “herbal” products contains harmful toxins and chemicals such as particulate matter, polycyclic aromatic hydrocarbons, carbon monoxide and heavy metals, with similar levels of toxins in both tobacco-based and nicotine-free waterpipe smoke (except nicotine);

AND WHEREAS waterpipe smoking (also known as hookah or narghile or shisha) and exposure to waterpipe smoke are associated with multiple harmful health outcomes including lung cancer, adverse cardiovascular effects, adverse respiratory effects (including reduced lung function), dental disease, and negative pregnancy outcomes (including infants with low birth weight);

AND WHEREAS, waterpipe smoking, in general, negatively affects indoor and outdoor air quality for indicators including carbon monoxide and particulate matter, which are themselves associated with impacts on human health;

AND WHEREAS, subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes Regional Council to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS, subsection 115(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to prohibit or regulate the smoking of tobacco in public places and workplaces;

AND WHEREAS, it is desirable for the health, safety and well-being of the inhabitants of Halton Region to prohibit the use of waterpipes in enclosed public places, enclosed workplaces, and other specified areas within Halton Region to protect individuals from conditions hazardous to human health;

AND WHEREAS Regional Council in its capacity as the Region’s Board of Health has a mandate under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, to reduce the burden of preventable injuries and substance use, including protecting the public from exposure to second-hand smoke.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law:

(a) “child care centre” means a child care centre within the meaning of the

Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched. 1, and for greater certainty does not include home child care or in-home services as defined in that Act;

- (b) “employee” means a person who performs any work for, or supplies any service to, an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer;
- (c) “employer” includes an owner, operator, proprietor, manager, superintendent, overseer, receiver or trustee of an activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it;
- (d) “enclosed public place” means the inside of any place, building or structure, or vehicle or conveyance or a part of any of them,
 - i. that is covered by a roof; and
 - ii. to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;
- (e) “enclosed workplace” means the inside of any place, building or structure or vehicle or conveyance or a part of any of them,
 - i. that is covered by a roof; and
 - ii. that employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time;
- (f) “Enforcement Officer” means a public health inspector acting under the direction of the Medical Officer of Health for the Region or a person appointed by any Local Municipality for the purpose of enforcing the provisions of this By-law;
- (g)
 - i. “entrance or exit”, in connection with a municipally owned or leased building, means any entrance or exit used by the public and/or staff to enter or exit the building, but in the case of a building leased only in part by the Municipality means only such entrance or exit used exclusively for the purpose of entering into or exiting from the premises leased by the Municipality and not for the purpose of entering into or exiting from premises leased by any other tenant(s) or premises used in common with any other tenant(s); “entrance or exit” also means any external serving window of a municipally owned building, or part thereof, which is used as a concession stand;
 - ii. “entrance or exit”, in connection with a child care centre, means any entrance or exit used by the children attending the child care centre and/or their parents or guardians to enter or exit the building, but in the case of a building used only in part by the child care centre means only such entrance or exit that is either (a) used only to access the child care centre and no other part of the building or (b) designated by signage as an entrance or exit intended to access the child care centre;

- (h) “highway” means a highway as defined in the *Municipal Act, 2001*, S.O. 2001, c. 25
- (i) “Local Municipality” means the Corporation of the City of Burlington, the Town of Oakville, the Town of Milton or the Town of Halton Hills;
- (j) “Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended;
- (k) “Municipality” means the Region or a Local Municipality;
- (l) “municipally owned or leased building” means any building owned or leased, in whole or in part, by a Municipality and includes, but is not limited to, municipal offices, community centres, libraries, indoor swimming pools, arenas, museums, art galleries, public washrooms, recreational centres, police stations, fire halls and ambulance stations, but does not include a building used by or for the purposes of the Halton Community Housing Corporation; and “municipally owned building” and “municipally leased building” shall have corresponding meanings;
- (m) “person” means an individual or a corporation;
- (n) “playground” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, that is primarily used for the purposes of children’s recreation, and is equipped with children’s play equipment including but not limited to slides, swings, climbing apparatuses, splash pads, wading pools, or sand boxes;
- (o) “proprietor” means the person, governing body or agency which controls, governs or directs activity carried on within an enclosed public place, enclosed workplace, or other area specified by this By-law and includes the person who is actually in charge thereof;
- (p) “public park” means land owned by a Municipality that is designed or used for public recreation including, but not limited to, parklands, parkettes, trails, playgrounds, sports fields, playing fields, beaches and dog parks, and includes any land and walkway leading thereto, any parking lots connected thereto, and any spectator or player seating areas;
- (q) “Region” means The Regional Municipality of Halton;
- (r) “Regional Council” means the Council of the Region;
- (s) “restaurant or bar patio” means an area that is not an enclosed public place or an enclosed workplace where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or that is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time, and where food or drink is served or sold or offered for consumption, or that is part of or operated in conjunction with an area where

food or drink is served or sold or offered;

- (t) “roof” means a physical barrier of any size, whether temporary or permanent, that covers an area or place or any part of an area or place, and that is capable of excluding rain or impeding airflow, or both;
- (u) “school” means the lands or premises included in the definition of a school under the *Education Act*, R.S.O. 1990, c. E.2 or the building or the grounds surrounding the building of a private school as defined in the *Education Act*, where the private school is the sole occupant of the premises, or the grounds annexed to a private school as defined in the *Education Act*, where the private school is not the sole occupant of the premises;
- (v) “spectator area” means an area with tiered seating or benches;
- (w) “smoke” or “smoking” includes the use or carrying or holding of any part of any lighted or heated waterpipe as well as the fumes or byproducts of heating or combustion associated with waterpipe use;
- (x) “sporting area” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, used primarily for the purposes of sports including, but without being limited to soccer, football, basketball, tennis, baseball, softball, cricket, skating, beach volleyball, running, swimming, or skateboarding;
- (y) “waterpipe” means any lighted or heated smoking equipment, whether called a waterpipe or any other name, used to burn or heat tobacco or a non-tobacco substance or a combination thereof, with which the vapor or smoke may be passed through a water basin before inhalation.

PROHIBITIONS

2. No person shall smoke a waterpipe in the following places:

- (a) an enclosed public place;
- (b) an enclosed workplace;
- (c) a restaurant or bar patio or public areas within a nine metre radius surrounding any point on the perimeter of such patios;
- (d) a playground;
- (e) a sporting area;
- (f) a spectator area adjacent to a sporting area;
- (g) a school;
- (h) any area under public ownership that is within 20 metres of any point on the perimeter of a school, playground, sporting area or spectator area adjacent to a sporting area;
- (i) a child care centre or within nine (9) metres from any entrance or exit of a child care centre;
- (j) a public park;
- (k) within nine (9) metres from any entrance or exit of a municipally owned or leased building; or

- (l) any area or place where smoking is prohibited under the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3, and its regulations not enumerated above.
3. The prohibitions in this By-law shall apply whether or not a notice is posted that waterpipe smoking is prohibited.
4. No person shall provide or supply a waterpipe for use in an area where smoking a waterpipe is prohibited by this By-law.
5. No proprietor, employer, or employee shall permit the smoking of a waterpipe in an enclosed public place, enclosed workplace, or restaurant or bar patio.

EXEMPTIONS

6. This By-law does not apply to a highway including a pedestrian sidewalk adjacent to a highway, but does apply to public transportation vehicles and taxicabs on a highway.
7. This By-law does not apply to the portion of a premises used primarily as a private dwelling.

ENFORCEMENT

8. Where any person contravenes any provision of this By-law, an Enforcement Officer may direct such person to comply with this By-law. Every person so directed shall comply with such direction without delay.
9. Where an Enforcement Officer has reasonable grounds to believe that an offence has been committed by a person, the Enforcement Officer may require the name, address, and proof of identity of that person, and the person shall supply the required information.

INSPECTIONS

10. An Enforcement Officer may enter and inspect all places, including buildings, structures or parts thereof that are subject to this By-law at any reasonable time for the purposes of determining whether there is compliance with this By-law.
11. For the purposes of an inspection under this By-law, an Enforcement Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection;
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection;
 - (e) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying

- on business in the place; and
- (f) question a person on any matter that is or may be relevant to the inspection, including questioning a person separate and apart from others.

OBSTRUCTION

12. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Enforcement Officer lawfully carrying out a power, duty or direction under this By-law.
13. No person shall knowingly produce a false document or make a false or misleading statement to an Enforcement Officer who is acting pursuant to the authority of this By-law.

OFFENCES

14. Every person other than a corporation or a director or officer of a corporation who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence; and not more than \$25,000 for any subsequent conviction.
15. Every person who is a director or officer of a corporation who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine or not more than \$25,000 for a first offence; and not more than \$50,000 for any subsequent conviction.
16. Every corporation which contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction.
17. Without limiting any other section of this By-law, every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
18. If any person is in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
19. For the purposes of this By-law, subsequent conviction means a conviction for an offence which occurs after the date of conviction for an earlier offence under this By-law.
20. Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the Region directly related to the contravention.

SEVERABILITY

21. If, for any reason, any provision of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, reenacted or amended, in whole or in part, or dealt with in any other way.

CONFLICT

22. In the event of a conflict between any provision of this By-law and any applicable Act or regulation, the provision that is the most restrictive prevails.

EFFECTIVE DATE

23. This By-law comes into force and effect on the date which is ninety (90) days after the date on which the Clerk of the Region has received certified copies of resolutions giving consent to this By-law passed by the councils of three of the Local Municipalities.

HEADINGS FOR REFERENCE ONLY

24. The headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this Bylaw.

SHORT TITLE

25. The short title of this By-law is the "Halton Region Waterpipe Smoking By-law".

READ and PASSED this ____th day of _____, 2021.

REGIONAL CHAIR

REGIONAL CLERK