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2. Retail tobacco stores where the owner or manager ensures that persons under the age of eighteen (18) may never enter the premises at any time, and where the owner or manager conspicuously posts signs, acceptable to the Board, at the entrance(s) stating that persons under the age of eighteen (18) are prohibited from entering the premises and stating further that environmental tobacco smoke is hazardous to health;

G. Conflict with Other Laws or Regulations: Notwithstanding the provisions of the foregoing Paragraph F of this regulation, nothing in this regulation shall be deemed to amend, repeal or override applicable 95

fire, health or other regulations or statutes so as to permit smoking in areas where it is prohibited by such fire, health or other regulations or statutes.

H. Violations: Any person, employer, and/or their employee or business agent, who violates any provision of this bylaw, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in MGL c 40, § 21D or by filing a criminal complaint at the appropriate venue. It shall be the responsibility of an employer, or their employee or business agent, to ensure compliance with all sections of this bylaw.

I. Penalties: Any person who violates any provision of this bylaw shall be subject to a fine of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense within one year of the date of the first offense and three hundred dollars (\$300) for a third or subsequent offense within one year of the date of the first offense. Violations of this bylaw may be enforced in the manner provided in MGL c 40, § 21D.

J. Waivers: No waivers or exemptions shall be granted to this bylaw, except as provided under section F of this bylaw.

K. Enforcing Persons: Enforcement of this bylaw shall be conducted by the Canton Police Department, Canton Board of Health and its designees.

L. Severability: This bylaw is severable. If any paragraph or provision of this bylaw is found to be illegal, unenforceable, contrary to other superceding laws or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

M. Replacement: This bylaw shall replace, in its entirety, Canton By-law Article 16, section 9 as inserted in Article 39, the anti-smoking bylaw, approved by the 2002 Annual Town Meeting.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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