

**The Corporation of the
Township of Selwyn**

By-law No. 2018-084

**Being a By-law Respecting Smoking in Certain
Public Places in the Township of Selwyn and to
Repeal By-laws 2009-099 and 2013-016.**

Whereas Section 115 of the Municipal Act, 2001 S.O. 2001, Chapter 25 as amended, enables a municipality to prohibit or regulate the smoking of tobacco in public places and workplaces; and

Whereas Section 10(2) of the Municipal Act, 2001 S.O. 2001, Chapter 25 as amended, permits a municipality to pass By-laws and make regulations for the health, safety and well-being of persons within the municipality;

Whereas the Smoke-Free Ontario Act, 2017, as amended, provides regulations on where smoking tobacco or cannabis or vaping (e.g. with an e-cigarette) is banned in Ontario; and

Whereas it has been determined that tobacco products, vapour products, electronic cigarettes, cannabis and second hand smoke are a health hazard because of its impairment, adverse effect and risk to health, and is a public nuisance because of its irritating and discomforting properties, to the inhabitants of the Township of Selwyn; and

Whereas it is desirable for the health, safety and well-being of the inhabitants of the Township of Selwyn to provide for regulating where people may use tobacco products, vapour products, and cannabis, in order to protect persons from conditions injurious to health resulting from smoking and or from second-hand smoke in accordance with the provisions of this By-law;

Now Therefore the Council of the Township of Selwyn enacts as follows:

1. Definitions

- a. **Cannabis** – has the same meaning as in subsection 2 (1) of the *Cannabis Act* (Canada)
- b. **Children's Playground and Play Areas** – an area that is not an enclosed public place that is primarily used for the purpose of children's recreation and is equipped with children's play equipment.
- c. **Community Recreational Facility** – an enclosed public space or workplace that is owned by the Township and is primarily used for athletic or recreational programs or services to the community.
- d. **Electronic Cigarette (e-cigarette)** – means a vaporizer or inhalant-type device, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through mouth, whether or not the vapour contains nicotine.
- e. **Smoke or Smoking** – means smoking (inhaling and exhaling) or holding lighted tobacco or cannabis (medical or recreational).
- f. **Sporting Area and Spectator Area** – is an area that is not enclosed public space or an enclosed workplace that is owned by the Township, the public is ordinarily invited or permitted access and the area is primarily for the purposes of sports.
- g. **Tobacco Product** – means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff, but does not apply to products intended for use in nicotine replacement therapy.

- h. **Township** – means Township of Selwyn.
- i. **Township Trail** – means any trail that is owned and maintained by the Township of Selwyn.
- j. **Vapour Product** – means an electronic cigarette, an e-substance, or any component of an electronic cigarette.

2. General Prohibitions

- a. No person shall smoke, hold lighted or consume tobacco, cannabis or e-cigarette product within a Twenty (20) metre radius surrounding any **Children's Playground and Play Areas** at the following locations:
 - Burritt Mann Memorial Park - Selwyn
 - Ennismore Waterfront Park
 - Isabel Morris Park – Lakefield
 - Jones Beach - Bridgenorth
 - Lakefield Campground, Beach and Playground – Lakefield
 - Paul J. English Chemong Lions Park - Bridgenorth
 - Robert E. Young Recreation Complex Playground – Ennismore
 - Woodland Acres Park – Smith
- b. No person shall smoke, hold lighted or consume tobacco, cannabis or e-cigarette product within a twenty (20) metre radius surrounding any **Sporting Areas or Spectator Areas adjacent to a sporting areas** at the following locations:
 - Douglas Sports Centre – Lakefield
 - Ennismore Softball Diamond
 - Ennismore Tractor Pull
 - Ennismore Baseball Diamond
 - Ennismore Waterfront Park Beach
 - Ennismore Basketball, Tennis and Pickleball Courts
 - Lakefield Park & Campground - Lakefield
 - Paul J. English Chemong Lions Park - Bridgenorth
 - Selwyn Skateboard Park – Lakefield
 - Township Trails
- c. No person shall smoke, hold lighted or consume tobacco, cannabis or e-cigarette product within a twenty (20) metre radius surrounding any **Community Recreational Facility** at the following locations:
 - All Recreation Buildings including: Bridgenorth Community Hall, Marshland Centre, Centennial Room, Robert E. Young Complex, Lakefield-Smith Community Centre, Lakefield Marina
 - All Libraries
- d. No person shall smoke, hold lighted or consume tobacco, cannabis or e-cigarette product within a nine (9) metre radius surrounding any entrance, exit or air intake at any building owned and operated by the Township of Selwyn including but not limited to the following locations:
 - All Fire Halls
 - All Public Works Buildings, including the Centre Line, Lakefield and Ennismore Depots, and Landfill Scale House
 - Memorial Hall
 - Township Administration Office

3. Exceptions

This By-law does not apply to any portion of a public road allowance or to any private property.

4. Signs

- a. That the prescribed signage advising the public of "No Smoking" areas be posted at the required location as per the *Smoke-Free Ontario Act 2017*, as amended.

5. Enforcement

This By-law may be enforced by any of the following:

- a. Person holding the title of Tobacco Enforcement Officer who is employed by the Peterborough County City Health Unit;
- b. Police Officer; or
- c. By-law Enforcement Officer appointed by the Township.

6. Penalty

- a. Every person who contravenes any provisions of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, and the Municipal Act 2001, as each may be amended from time to time.

7. Severability

- a. In the event any provision of this By-law is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect unless the court makes an order to the contrary.


8. Duty to Identify

- a. Where a Tobacco Enforcement Officer, Police Officer or By-law Enforcement Officer has reasonable grounds to believe that an offence has been committed by a person, they may require the name, address and proof of identify of that person and the person shall supply the required information. A failure by the person to supply the required information constitutes a hindrance or obstruction of the Officer.

9. Effective Date and Repeal

- a. This By-law comes into effect on the date of passage and that By-laws 2009-099 and 2013-016 are hereby repealed.

Read a First, Second and Third time and finally passed this 11th day of December A.D., 2018.


Andy Mitchell
Mayor


Angela Chittick
Clerk

Corporate Seal