

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 31-14

BEING A BY-LAW TO REGULATE SMOKING IN
OUTDOOR PUBLIC PLACES

WHEREAS it is desirable for the purpose of promoting and protecting the health of residents to regulate smoking in outdoor public places;

AND WHEREAS Scugog residents strongly support regulating smoking in outdoor public places, especially where children and youth play and congregate;

AND WHEREAS subsection 11(2) of the Municipal Act, S.O. 2001, c. 25, provides that a lower tier municipality has the authority to pass by-laws respecting the health, safety and well-being of person;

AND WHEREAS subsection 115(1) of the Municipal Act, S.O. 2001, c. 25 provides that without limiting sections 9, 10 and 11, a municipality may prohibit or regulate smoking of tobacco in public places and workplaces;

AND WHEREAS subsection 425 and subsection 429 respectively of the Municipal Act, S. O. 2001 c. 25 authorizes a municipality to provide offences for a contravention of a by-law, and to establish a system of fines for offences under a by-law;

AND WHEREAS the Smoke-Free Ontario Act establishes minimum no-smoking standards and municipalities have the ability to pass more restrictive by-laws.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG Enacts As Follows:

1. DEFINITIONS

In this By-Law:

- 1.1 "Municipal Law Enforcement Officer" means a municipal law enforcement officer appointed by the Municipality;
- 1.2 "Council" means the Council of The Corporation of the Township of Scugog;
- 1.3 "Designated Smoking Area" means an area that is delineated for the purpose of smoking; and no persons under the age of nineteen (19) years are permitted within a Designated Area;
- 1.4 "Municipality" means the Corporation of the Township of Scugog;

- 1.5 “Municipal Building” means any enclosed building or structure owned or leased and occupied by the Municipality for the purpose of providing municipal services including but not limited to Municipal Office, community centres, arena complexes, fire halls, Works Depots, Animal Services, Scugog Shores Museum, Scugog Memorial Public Library;
- 1.6 “Municipal Events Area” means an outdoor area where a municipal activity or municipal event is being organized and operated by the municipality for the enjoyment of residents and visitors as provided for in the Municipality’s Special Event Policy;
- 1.7 “Outdoor Public Place” means but is not limited to a municipal building, playground area, outdoor recreational field, outdoor recreational facility, parkette, and municipal events area;
- 1.8 “Outdoor Recreational Facility” means any area located on municipal property or property leased by the Municipality for the purpose of providing municipal services for the playing of sports or for activities including but not limited to splash pads, tennis courts, multi-purpose courts, skateboard facilities, lawn bowling green, off leash dog parks, field houses and club houses, beaches, picnic shelters and designated picnic areas;
- 1.9 “Outdoor Recreational Field” means any area located on municipal property or property leased by the Municipality for the purpose of providing municipal services for the playing of sports or for activities including but not limited to soccer fields, multi-purpose fields, baseball diamonds, players benches and warm up area, side lines, and spectator seating areas;
- 1.10 “Parkette: means an area located on municipal property or property leased by the Municipality for the purpose of providing municipal services and is generally less than 1.0 hectare in size and may contain a landscaped area with a bench(es), or may contain limited recreational equipment for the enjoyment and exercise of children and youth such as but not limited to a slide, climbing apparatus or swings;
- 1.11 “Playground Area” means an outdoor area located on municipal property or property leased by the Municipality for the purpose of providing municipal services for the enjoyment and exercise of children and youth, that has recreational equipment installed but not limited to swings, slides, climbing apparatus, play sand area, benches, gazebos and/or shade structures, rocks, wood chips, rubber or any other similar materials;
- 1.12 “Public Entrance and Public Exit” means any entrance or exit designated for use by the public to enter or exit a municipal building, or a building leased and occupied by the municipality to provide municipal services;

- 1.13 "Smoking" includes any lighted tobacco product and the smoking, holding or carrying of a lighted cigar, cigarette, or pipe and Smoke has a corresponding meaning;
- 1.14 "Spectator Seating Area" means an area with tiered seating or benches;
- 1.15 "Town" means the Corporation of the Township of Scugog and its geographical boundaries; and,
- 1.16 "Trail or Pathway" means an area of improved land designated for the passage of pedestrians and shall not include a sidewalk.

2. INTERPRETATION

- 2.1 The provisions of this by-law apply to smoking within Outdoor Public Places that are owned or leased by the Municipality for the purpose of providing municipal services and within the boundaries of the Township of Scugog.
- 2.2 Nothing in this by-law shall be interpreted as reducing or eliminating compliance with the provisions of all applicable Federal or Provincial statutes and regulations related to smoking, and in particular the Smoke-Free Ontario Act..

3. REGULATION

- 3.1 No person shall:
- 3.1.1 Smoke within a Playground Area; or within fifteen metres of a Playground Area;
- 3.1.2 Smoke within an Outdoor Recreational Facility or within fifteen metres of an Outdoor Recreational Facility;
- 3.1.3 Smoke within an Outdoor Recreational Field or within fifteen metres of an Outdoor Recreational Field;
- 3.1.4 Smoke within a Parkette or within fifteen metres of a Parkette;
- 3.1.5 Smoke within fifteen metres of a Public Entrance or Public Exit of a Municipal Building;
- 3.1.6 Smoke within a Municipal Events Area during a municipally organized event except with the Designated Smoking Area(s).
- 3.2 Section 3.1.1 through Section 3.1.6 of this by-law shall apply whether or not a No Smoking sign is posted.

4. GENERAL

- 4.1 This by-law does not apply to:
- 4.1.1 A trail or pathway unless it is within a Playground Area, Outdoor Recreational Field, Outdoor Recreational Facility, Outdoor Municipal Events Area, or Parkette or within a fifteen metre radius of the perimeter of the above mentioned outdoor places;
 - 4.1.2 A Municipal Events Area when the event is being organized and run by an organization that is not the Municipality;
 - 4.1.3 A transit stop with or without a bus shelter unless it is within fifteen metre radius of a Public Entrance or Public Exit of a Municipal Building;
 - 4.1.4 Buildings that are owned by the Municipality and leased to other organizations including businesses that provide services that are not a municipal nature.

5. ENFORCEMENT AND PENALTIES

- 5.1 Where any person contravenes any provision of the by-law, a Municipal Law Enforcement Officer may direct such person to comply with this by-law. Every person so directed shall comply without delay.
- 5.2 Where a Municipal Law Enforcement Officer has reasonable grounds to believe that an offence has been committed by a person, the Municipal Law Enforcement Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.
- 5.3 No person shall hinder or obstruct or interfere with a Municipal Law Enforcement Officer lawfully conducting an inspection under this by-law.
- 5.4 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.
- 5.5 Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part which is declared invalid.
- 5.6 If a provision of the by-law conflict with an Act or regulation of another by-law, the provision that is the most restrictive of smoking shall prevail.

6. SHORT TITLE

6.1 The short title of this by-law is the "Smoking in Outdoor Public Places By-law".

7. EFFECTIVE DATE

7.1 This By-Law shall come into force on the date of its passing.

Read a First, Second and Third time and finally passed this 2nd day of June, 2014.



MAYOR, Charles D. Mercier



CLERK, Christopher Harris