

**THE CORPORATION OF
THE TOWNSHIP OF BONNECHERE VALLEY
BY-LAW NO. 2019-052**

**A BY-LAW TO REGULATE SMOKING AND VAPORIZING
IN PUBLIC PLACES AND ENCLOSED WORKSPACES
IN THE TOWNSHIP OF BONNECHERE VALLEY**

WHEREAS Section 115 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-Laws regulating the smoking of tobacco in public places and enclosed workplaces within the municipality; and

AND WHEREAS Section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property; and

AND WHEREAS Section 18 of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, as amended, provides that if there is a conflict between a provision of that Act and a provision of another Act, a regulation or a municipal By-Law that deals with a matter to which that Act applies, the provision that is more restrictive of the matter to which the Act applies prevails; and

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under that Act is guilty of an offence; and

AND WHEREAS Section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a By-Law of the municipality passed under that Act;

AND WHEREAS it has been determined that second-hand smoke and vapour are a health hazard or discomfort for many inhabitants of and visitors to the Township of Bonnechere Valley; and

AND WHEREAS the establishment of a community standard of smoke-free public places assists in de-normalizing tobacco, Electronic Cigarette and Cannabis use and promotes a smoke-free and vapor-free culture; and

THEREFORE, be it resolved that the Council of The Corporation of the Township of Bonnechere Valley enacts as follows:

1.0 This Bylaw shall be known as the Township of Bonnechere Valley Smoking Bylaw

2.0 Definitions:

For the purposes of this By-Law:

- 2.1 "Enforcement Officer" means a person appointed by Council as a municipal law enforcement officer, a Renfrew County District Health Unit Tobacco enforcement officer or a Police Officer;
- 2.2 "Cannabis" has the same meaning as in Subsection 2 (1) of the *Cannabis Act* (Canada);
- 2.3 "Council" means the Council of the Corporation of Bonnechere Valley
- 2.4 "Enclosed Public Place" means an enclosed public place as defined in the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3;
- 2.5 "Enclosed Workplace" means an enclosed workplace as defined in the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3;
- 2.6 "Municipal Building" means any building owned, leased or controlled by the Township;
- 2.7 "Park" means any land, owned or leased or controlled by the Municipality designed or used for public recreation, including but not limited to: trails, playgrounds, Sports Fields, playing fields, and beach areas;
- 2.8 "Person" means a corporation as well as an individual;

- 2.9 "Public Place" means the whole or part of any building, place or area to which members of the general public are invited or permitted access but does not include any area located on a Highway;
- 2.10 "Smoke" and "Smoking" include the carrying, holding or inhaling of lighted cannabis, a lighted cigar, cigarette, water-pipe, pipe, or any other lighted smoking equipment;
- 2.11 "Vaporizer" means an inhalant-type device that contains a power source and heating element designed to heat a substance and produce a vapor intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains Nicotine, Cannabis or any other substance;
- 2.12 "Vaporizing," "Vape" and "Vaping" mean the act of heating and converting Cannabis, an E-substance or any other substance through a Vaporizer or an Electronic Cigarette, for the purpose of simulating the inhalation of smoke.

3.0 Scope:

- 3.1 This By-Law applies to the Smoking and Vaporizing of Tobacco, Cannabis, E-Substance or shisha, whether it contains Tobacco, and/or other plant material or oils intended for inhalation in every designated Public Place and in every Enclosed Workplace within the geographic limits of the Township of Bonnechere Valley.

4.0 Administration and Enforcement:

- 4.1 The Township of Bonnechere Valley is responsible for the administration and enforcement of this By-Law.
- 4.2 The Renfrew County and District Health Unit is responsible for the enforcement of The Smoke Free Ontario act.

5.0. Regulations:

- 5.1 No Person shall Smoke or Vaporize in any designated Public Place as detailed in annex "A" to this bylaw, whether a "No Smoking" sign or a "No Vaping" sign is posted.
- 5.2 No person shall smoke or vaporize in any enclosed workplace Owned or operated by the Township of Bonnechere Valley.

6.0 Signs:

- 6.1 Signs shall be posted and maintained in accordance with the *Smoke-Free Ontario Act, 2017*, S.O. 2017 c. 26, Schedule 3, and as prescribed by the Director.

7.0 Enforcement:

- 7.1 The provisions of this By-Law respecting the prohibition of Smoking and Vaporizing in Designated Public Places and in Enclosed Workplaces shall be enforced by the Municipal Bylaw Enforcement Officer the Ontario Provincial Police or any agent of the Municipality authorized to enforce this bylaw.
- 7.3 No Person shall obstruct or hinder or attempt to obstruct or hinder an Enforcement Officer or other authorized person, employee or agent of the Municipality in the exercise of a power or the performance of a duty under this By-Law.
- 7.4 Where an Enforcement Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Enforcement Officer may demand proof of identity of that Person.
- 7.5 Failure to provide proof of identification satisfactory to an Inspector when requested to do so pursuant to Section 7.4 of this By-Law shall constitute obstruction of an Inspector under Section 7.3 of this By-Law.

8.0 Offence and Penalty Provisions:

- 8.1 Every Person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence.
- 8.2 If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9.0 Severability:

- 9.1 If there is a conflict between a provision of any Act, regulation or By-Law and a provision of this By-Law, the provision that is the most restrictive of the Smoking or Vaporizing of tobacco, Cannabis and Electronic Cigarettes prevails.
- 9.2 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with the terms to the extent possible according to law.

10.0 Repeal of prior Bylaws:

By-Law Number 2019-039 of The Township of Bonnechere Valley entitled "A By-Law to regulate smoking and vaporizing in public places and enclosed workspaces in the Township of Bonnechere Valley" is hereby repealed.

11.0 Bylaw coming into effect:

This By-Law shall come into effect upon the date of its passing

READ A FIRST & SECOND TIME THIS 24TH DAY OF SEPTEMBER 2019

READ A THIRD TIME AND PASSED THIS 24TH DAY OF SEPTEMBER 2019

Jennifer Murphy, Mayor

Sandra Barr, Acting CAO

ANNEX 1
To Bylaw 2019-052

**Being A By-Law to Regulate Smoking and Vaporizing in Public Places
and Enclosed Workplaces in the Township of Bonnechere Valley.**

NO SMOKING AREAS

The following are Designated Public Places for the purposes of this By-Law:

1	every place as set out in Section 12 (2) of the <i>Smoke-Free Ontario Act, 2017, S.O. 2017 c. 26, Schedule 3;</i>	As Signed
2	Municipal buildings	9 meters from all doorways as signed
4	Eganville Community Center	Smoking or Vaporizing is prohibited on all properties surrounding the Eganville Community Center
		<u>Exception</u> Smoking is allowed in a Designated Smoking area as Signed
5	Legion Field	Smoking or Vaporizing is prohibited in all areas of the Legion Field as Signed
6	Rotary Beach	Smoking or Vaporizing is prohibited in all areas of the Rotary Beach, Children's Play area, washrooms and picnic area as signed
		<u>Exception</u> Smoking is allowed in a Designated Smoking area as Signed
7	Buelow Beach	Smoking is Prohibited in the beach area except in a signed Smoking Area.
		<u>Exception</u> Smoking is allowed in a Designated Smoking area as Signed
8	Centennial Park	Smoking or vaporizing is prohibited within 20 meters (65 Feet) of the Children's Play area, outdoor rink and basketball area as Signed.
		<u>Exception</u> Smoking is allowed in a Designated Smoking area as Signed
9	The Stopping Place	Smoking or vaporizing is prohibited 20 meters (65 feet) from the Ballfield and Children's Play area as signed
10	Foymount Park	Smoking or vaporizing is prohibited within 20 meters (65 feet) from the Children's Play area as signed
11	McCrae Park	Smoking is prohibited in all areas of McCrae park
		<u>Exception</u> Smoking is allowed in a Designated Smoking area as Signed

Township of Bonnechere Valley

Part I Provincial Offences Act

Bylaw # 2019-052

#	Short Form Wording	Section Creation Offence	Fine
1	Smoke or Vaporize in a designated public place	5.1	\$500.00
2	smoke or vaporize in any enclosed workplace	5.2	\$500.00
3	obstruct or hinder or attempt to obstruct or hinder an Enforcement Officer	7.3	\$500.00
4	Refuse to provide proof of Identity	7.4	\$500.00

NOTE: The penalty provisions for the offences cited above are section 8.0 of Bylaw 2019-052 a certified copy of which has been filed.