

By-Law #50-19

Being a By-law to Prohibit and Regulate Smoking and Vaping for Township Owned Property, Facilities and Buildings in the Township of North Frontenac and to repeal By-law #29-19

Whereas Section 115(1) of the Municipal Act, 2001, as amended, authorizes a municipality to pass a by-law prohibiting or regulating the smoking of tobacco or cannabis in public places;

And Whereas, the Smoke-Free Ontario Act, 2017 came into force on July 1, 2018, prohibiting smoking and vaping in enclosed workplaces and public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke;

And Whereas Section 128(1) of the Municipal Act, 2001, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas Section 129(a) of the Municipal Act, 2001, as amended, provides that a local municipality may regulate with respect to odors;

And Whereas is it desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants and workers of The Corporation of the Township of North Frontenac to ensure that all entrances to buildings owned by the Corporation of the Township of North Frontenac be free from second-hand smoke.

Now Therefore the Council of the Corporation of the Township of North Frontenac enacts as follows:

1. Definitions

“Cannabis” means a psychoactive drug from the cannabis plant, commonly known as marijuana, used for medical or recreational purposes in its derivative forms that is produced, tested, stored, distributed, and/or sold.

“Children’s Playground” means a Township owned facility that meets the following criteria:

- a) An area primarily used for the purposes of children’s recreation and is equipped with children’s play equipment;
- b) A place where the public is ordinarily invited or permitted access to the place;
- c) An area that is not part of the amenities provided by a residential location, including but not limited to a campground.

“Community Recreational Facility” means a Township owned enclosed public place or an enclosed workplace that meets the following criteria:

- a) A place primarily used for the purposes of providing athletic or recreational programs or services to the local community, including children and youth, such as, but not limited to:
 - Sports Programs;
 - Children’s Play Programs;
 - Fitness Programs.
- b) A place where the public is ordinarily invited or permitted access to the place (including Township owned Community Halls);
- c) A place that is not a primary dwelling.

“Electronic Cigarette” means a vapourizer or inhalant type device, whether called an electronic cigarette or any other name, 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 the mouth, whether or not the vapour contains nicotine.

“Enclosed Public Place” means the inside of any place, building or structure or vehicle or conveyance, or any part of them, owned by the Township of North Frontenac:

- a) That is covered by a roof; and
- b) To which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

“Enclosed Workplace” means the inside of any place, building or structure or vehicle or conveyance, or any part of them, owned by the Township of North Frontenac;

- a) That is covered by a roof;
- b) 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; and
- c) That is not primarily a dwelling.

“Entrance” – Means the area within a 9 meter radius surrounding any entrance to a Municipal building.

“Municipal Building” – Means the buildings owned and/or leased by the Municipality of the Township of North Frontenac affected by this By-law, with the exception of a Community Hall which shall be a Community Recreational Facility.

“Smoke” and “Smoking” includes the following;

- inhaling or exhaling of any substance whose primary purpose is to be burned or heated to produce vapours, gases, or smoke, which may be inhaled, and shall include but is not limited to tobacco, cannabis, e-substance, non-tobacco herbal shisha, and other plant material or oils intended for inhalation;
- carrying or holding of a lighted tobacco product, a lighted cannabis product, an activated electronic cigarette, or a lighted or heated water pipe.

“Sporting Area” means a Township owned area that is not an enclosed public place or an enclosed workplace and that meets the following criteria:

- a) An area where the public is ordinarily invited or permitted access to the place;
- b) An area that is used primarily for the purposes of sports.

“Vaporizing”, “Vape” and “Vaping” mean the act of heating and converting cannabis, an E-substance, tobacco or any other substance through a Vaporizer or an Electronic cigarette, for the purpose of simulating the inhalation of smoke.

2. Regulation

No Person shall:

- i. Smoke or vape within nine (9) metres of a public entrance or public exit of a Municipal Building;
- ii. Smoke or vape in a Municipal Building;
- iii. Smoke or vape within an Enclosed Public Place.
- iv. Smoke or vape within an Enclosed Workplace;
- v. Smoke or vape within twenty (20) metres of a children’s playground;
- vi. Smoke or vape within twenty (20) metres of a sporting area;
- vii. Smoke or vape within twenty (20) metres of any point on the perimeter of the outdoor grounds of a community recreational facility and public areas;

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- viii. Smoke or vape in a library;
- ix. Smoke or vape within twenty (20) metres of a public entrance or public exit of a library.

3. Signage

Where smoking or vaping is prohibited by a section of this by-law, the Municipality shall post the appropriate restrictions in accordance with legislation and this By-law.

4. Enforcement

This by-law may be enforced by any By-law Enforcement Officer appointed by Council.

5. Conflicts

- a) If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking and/or vaping shall prevail.
- b) All resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.
- c) By-law #29-19 is hereby repealed.

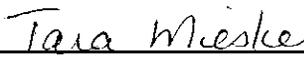
And That this by-law shall come into full force and effect from and after its passing.

Read a first and second time this 14th day of June, 2019.

Read a third time and finally passed this 14th day of June, 2019.



Mayor



Clerk