

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NUMBER 2019-14

Being a By-Law to respect smoking in certain public places in the
Township of Asphodel-Norwood

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; and

WHEREAS The Smoke-Free Ontario Act, 2017, S.O. 2017, Chapter 26, Sched. 3 as amended, regulates and prohibits the consumption of tobacco and cannabis products in various locations; and

WHEREAS it has been determined that second hand tobacco smoke is 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 Asphodel-Norwood; and

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

NOW THEREFORE the Council of the Township of Asphodel-Norwood enacts as follows:

1. Definitions

Cannabis Product – has the same meaning as in Schedule 1 of the Cannabis Act s.c. 2018.

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.

Community Recreation Facility – an enclosed public space or workplace that is owned by the Township of Asphodel-Norwood and is primarily used for athletic or recreational programs or services to the community.

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.

Playground Equipment Zone – means an area that is located within a playground park which has playground equipment.

Smoke or Smoking – includes the carrying of a lit cigar, cigarette, pipe or any other smoking equipment including e-cigarettes, vape devices, and any other appliance or device intended for the inhalation of cannabis or tobacco products.

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Tobacco Product – means tobacco in any processed or unprocessed form that may be smoked, vaped, inhaled or chewed, including snuff, but does not apply to products intended for use in nicotine replacement therapy.

Township – means the Township of Asphodel-Norwood.

Township Trail – means any trail that is owned by the Township of Asphodel-Norwood.

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 a tobacco, cannabis or e-cigarette product within a Twenty (20) meter radius surrounding any entrance, exit or air intake at any building owned by the Township including but not limited to the following locations:
 - i. Municipal Office and Council Chambers
 - ii. Town Hall and Lion's Den
 - iii. Medical Centre
 - iv. All recreation buildings including: the Asphodel-Norwood Community Centre
 - v. All Libraries
 - vi. All Fire Halls
 - vii. All Public Works buildings, including the Transfer Station
 - viii. All Water and Waste Water buildings
- b) No person shall smoke, hold lighted or consume a tobacco, cannabis or e-cigarette products within a Twenty (20) meter radius surrounding any outdoor bleachers and player's benches at the following locations:
 - i. JJ Stewart Ball Diamond
 - ii. Westwood Park Ball Diamond
- c) No person shall smoke, hold lighted or consume a tobacco, cannabis or e-cigarette products within a Twenty (20) meter radius surrounding any Playground Equipment Zone at the following locations:
 - i. David McNeill/Carman Metcalfe Playground and Skateboard Park
 - ii. Westwood Park
 - iii. Asphodel Park
 - iv. Asphodel Heights Park
 - v. Norwood Park Playground (Millpond/Helen St.)
 - vi. Norwood Lions Park
- d) No person shall smoke, hold lighted or consume a tobacco, cannabis or e-cigarette products within a Twenty (20) meter radius surrounding any gazebo, beach or shade shelter at the following locations:
 - i. Mill Pond Park
 - ii. Asphodel Park

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- iii. Asphodel Heights Park
- iv. Community Centre Park
- v. Lion's Park
- vi. Norwood Park Playground (Millpond/Helen St.)
- vii. Township Trails

3. Exceptions

- a) This By-Law does not apply to any portion of a public road allowance or to any private property.
- b) This By-law does not apply to traditional use of tobacco that forms part of Indigenous culture and spirituality as defined in Section 19. of the Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3

4. Signs

- a) That "No Smoking within a radius of twenty (20) meters per By-Law 2019-14" be posted at all entrances and exits to buildings owned and operated by the Township.
- b) That "No Smoking within a radius of twenty (20) meters per By-Law 2019-14" signs be posted at all outdoor bleachers and player's benches owned by the Township.
- c) That "No Smoking within a radius of twenty (20) meters per By-Law 2019-14" be posted at all Playground Equipment Zones within the Township.
- d) That "No Smoking within a radius of twenty (20) meters per By-Law 2019-14" signs be posted at all open spectator area at sports fields, public beaches and Township trails within the Township.

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 Public Health Unit;
- b) Police Officer; or
- c) By-Law Enforcement Officer appointed by the Township

6. Penalty

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

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.

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8. Duty to Identify

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. That By-Law 99-14 is repealed

10. Effective Date

This By-Law comes into effect on the date of passage.

Read a first, second, and third time and finally passed on February 12, 2019.

<Original signed by>

Rodger Bonneau, Mayor

<Original signed by>

Candice White, Clerk