

## CONSOLIDATED VERSION

This consolidation is prepared for convenience only; for accurate reference see by-laws as adopted by Council.

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### BY-LAW NUMBER 2009-033

OF

### THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

### BEING A BY-LAW TO PROHIBIT SMOKING WITHIN TEN (10) METRES OF MUNICIPAL PLAYGROUNDS AND ENTRANCE WAYS OF MUNICIPAL BUILDINGS

**WHEREAS** Section 10 of the Municipal Act, 2001, S.O.2001,c.25, as amended, authorizes Council to pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS** Section 115 of the Municipal Act, 2001, S.O.2001,c.25, as amended, authorizes Council to pass by-laws prohibiting or regulating the smoking of tobacco in public places and workplaces;

**AND WHEREAS** Section 12 of the Smoke-Free Ontario Act, S.O. 1994, c.10 (the "Act"), allows the Council of a local municipality to pass a by-law that is more restrictive than the provisions of the Act regulating the smoking of tobacco in public places and workplaces within the municipality and which designates public places or workplaces or classes or parts of such places in which smoking tobacco or holding lighted tobacco shall be prohibited;

**AND WHEREAS** research has proven the adverse effects and risks to health posed by second-hand tobacco smoke (exhaled smoke and smoke from idling cigarettes, cigars or pipes);

**AND WHEREAS** second-hand tobacco smoke is a serious health hazard to inhabitants and workers within the Township;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:**

#### **Definitions:**

1. In this by-law:
  - (a) **"Entrance Way"** means any door through which access is gained to a municipal building whether for regular use or emergency use purposes only;
  - (b) **"Inspector"** means a person appointed by the Township to enforce this by-law;
  - (c) **"Municipal Building"** means any building or structure owned, leased, controlled or used by the Township, including but not limited to libraries, community centres and recreational facilities;
  - (d) **"Municipal Playground"** means any play equipment and safety surfaces associated with play equipment owned, leased, controlled or used by the Township.
  - (e) **"No-smoking Sign"** means a sign at least 10 centimetres in diameter showing an illustration of a black, lit cigarette on a white circle surrounded by a red border with a width equal to one tenth of the diameter, with a red diagonal stroke of the same width crossing over the cigarette from the upper left to the lower portion of the circle;
  - (f) **"Smoke or Smoking"** includes the carrying or holding of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not

- include the carrying or holding of any lighted cigar, cigarette, pipe or any other lighted smoking equipment that is being used in a stage production or theatrical performance; and
- (g) “**Township**” means the geographic area of the Township of Uxbridge or the Township of Uxbridge acting as a body corporate, as the context requires.

**Smoking in Entrance Ways of Municipal Buildings and around Municipal Playgrounds:**

2. (a) No person shall Smoke within fifteen (15) metres of the Entrance Way to any Municipal Building.
- b) No person shall Smoke within fifteen (15) metres of the boundary of a Municipal Playground.

**Signs:**

3. (a) The Township may post such No-smoking Signs as necessary in a conspicuous manner at each Entrance Way to any Municipal Building to indicate that Smoking within fifteen (15) metres of that Entranceway is prohibited.
- (b) The Township may post such No-smoking Signs as necessary in a conspicuous manner at each Municipal Playground to indicate that Smoking within fifteen (15) metres of the boundary thereof is prohibited.

**Enforcement:**

4. The Township may, from time to time, appoint By-law Enforcement Officers as Inspectors for the purpose of enforcing this By-law.
5. Enforcement of this By-law shall be by police officers sworn in by the Province of Ontario, the Royal Canadian Mounted Police or by Inspectors as appointed by the Township.
6. An Inspector may make such examinations, investigations and inquiries as are necessary to determine whether there is compliance with this By-law.
7. No person shall hinder, obstruct or interfere with an Inspector carrying out an inspection under this By-law.

**Offence:**

8. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine, exclusive of costs, as provided in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

**Conflict:**

9. If any provision of this By-law conflicts with any Act, regulation or other by-law, the provision that is the most restrictive of smoking shall prevail.

**Severability:**

10. If any section of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Township to enact, such section or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and enacted as such.

**Effective Date:**

11. This by-law shall come into force and effect upon approval and receipt by the Township of a set fine order issued by the Regional Senior Justice of the Ontario Court of Justice.