

THE CORPORATION OF THE MUNICIPALITY OF TRENT HILLS

BY-LAW 2012-75

Being a by-law to establish a by-law
Respecting Smoking and Use of Tobacco Products
within the
Municipality of Trent Hills Recreation Parks

WHEREAS Section 11(2) of the Municipal Act, S.O. 2001 c.25, as amended permits Councils of local municipalities to pass by-laws and make regulations for the health, safety and well-being of persons within the municipality;

AND WHEREAS Section 115 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes Councils of local municipalities to pass by-laws to prohibit or regulate the smoking of tobacco in public places and workplaces;

AND WHEREAS it has been determined that tobacco products and second hand-tobacco smoke are a health hazard because of its impairment, adverse effect and risk to human health, and is a public nuisance because of its irritating and discomforting properties to the inhabitants of the Municipality of Trent Hills;

AND WHEREAS it is desirable for the health, safety, and well-being of the inhabitants of the Municipality of Trent Hills to provide for regulating tobacco products, smoking and second hand tobacco for the better protection of persons from conditions injurious to health in accordance with the provisions of this by-law.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF TRENT HILLS HEREBY ENACTS AS FOLLOWS:

PART 1 – DEFINITION

- 1.1 "tobacco product" – means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff, but does not apply to products for use in nicotine replacement therapy.
- 1.2 "public park" means any park or common area owned or leased and maintained by the Municipality of Trent Hills for the purpose of recreational use and shall include any playground equipment, sport field and playground area including but not limited to soccer pitches, baseball diamonds, tennis courts, player's benches, spectators areas, beaches, splash pads, dog parks, skate parks and any children's playground equipment including but not limited to swing sets and climbing apparatus, including the surrounding playground equipment area owned or leased by the Municipality
- 1.3 "person(s)" – includes an individual, corporation or a partnership
- 1.4 "smoking of tobacco" – includes the holding of lighted tobacco.

PART 2 - PROHIBITIONS

- 2.1 No person shall use any tobacco product in any building owned by the Municipality of Trent Hills.
- 2.2 "No person shall smoke or hold a lighted tobacco within a nine (9) metre radius surrounding any entrance, exit or air intake of any building owned by the Municipality of Trent Hills.

2.3 No person shall smoke or hold a lighted tobacco within a nine (9) metre radius of any of the following:

- i. Any public skatepark, playground, beach, wading pool or splash pad effective September 1, 2012; and
- ii. Any sports field effective May 1, 2013.

2.4 Effective May 1, 2014 no person shall smoke or hold lighted tobacco within any municipal park except in an area designated to allow smoking or holding lighted tobacco.

PART 3 - EXCEPTIONS

3.1 This by-law does not apply to any portion of a public road allowance or to any private property.

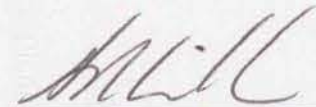
PART 4 - OFFENCES

4.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the *Provincial Offences Act*.

EFFECTIVE DATE

5.1 That this by-law shall come into force and take effect immediately upon the final passing thereof.

By-law 2012-75 introduced and deemed to be read a first, second and third time, passed and properly signed and sealed this 17th day of July, 2012.



Hector Macmillan (Mayor)



Margaret Montgomery (Clerk)