

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #6-2019

Being a By-Law to prohibit the smoking of tobacco/cannabis in buildings and vehicles owned or leased by the Township of Armour, and within nine (9) metres of the entrance or exit of those buildings.

WHEREAS *Municipal Act, 2001*, as amended, authorizes a Municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS *Municipal Act, 2001*, as amended, authorizes a Municipality to prohibit or regulate the smoking of tobacco/cannabis in public places and workplaces and designating such places or parts thereof as places in which smoking tobacco/cannabis or holding lighted tobacco/cannabis is prohibited;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants and employees of the Township of Armour to provide for the prohibiting and abating of smoking and second-hand smoke at municipally owned or operated property in accordance with the provisions of this by-law;

AND WHEREAS the Council of The Municipal Corporation of the Township of Armour deems it advisable to prohibit the smoking of tobacco/cannabis in buildings and vehicles owned or leased by the Township of Armour and further to prohibit smoking in keeping with the guidelines of the *Smoke Free Ontario Act*;

NOW THEREFORE the Council of The Municipal Corporation of the Township of Armour enacts as follows:

1. DEFINITIONS

- 1.1 “Ashtray” means a receptacle or similar equipment made from non-combustible material for the disposal or storage of tobacco ashes and for cigarette and cigar butts;
- 1.2 “Council” means the Council of The Municipal Corporation of the Township of Armour;
- 1.3 “Entrance or exit” means any entrance or exit used by the public and/or staff to enter or exit a municipally owned or leased building, but in the case of a building leased only in part by the Township means only such entrance or exit used exclusively for the purpose of entering into or exiting from the premises leased by the Township and not for the purpose of entering into or exiting from premises leased by any other tenant(s) or premises used in common with any other tenant(s); “entrance or exit”.
- 1.4 “Township” means The Municipal Corporation of the Township of Armour.
- 1.5 “Municipally owned or leased building” means any building owned or leased, in whole or in part, by the Township of Armour.
- 1.6 “Officer” means a By-Law Enforcement Officer, a member of the Ontario Provincial Police, a Public Health Inspector acting under the direction of the Medical Officer of Health or a person appointed as a Provincial Offences Officer under the *Smoke Free Ontario Act*;
- 1.7 “*Smoke-Free Ontario Act*” means the *Smoke Free Ontario Act*, as amended;

- 1.8 “Smoking” includes the burning or carrying or inhaling or exhaling from a lighted cigarette, cigar, pipe, electronic cigarette or other smoking equipment that burns or vaporizes tobacco/cannabis or any other substance;
- 1.9 “Tobacco/cannabis” means tobacco or cannabis in any form in which it is used or consumed;
- 1.10 “Vaping” means to inhale and exhale the vapor produced by an electronic cigarette or similar device and for the purposes of this by-law be considered the equivalent of “smoking”; and “to vape” has a corresponding meaning.

2. INTERPRETATION AND SCOPE

- 2.1 In the event of a conflict between any provisions of this by-law and the *Smoke Free Ontario Act*, the provision that is more restrictive of smoking prevails, subject to the *Smoke-Free Ontario Act*.
- 2.2 Smoking restrictions in outdoor public places other than those mentioned in this by-law shall be governed by the *Smoke Free Ontario Act* and any other applicable legislation and by-laws.

3. SMOKING PROHIBITED

- 3.1 No person shall smoke tobacco/cannabis or vape in any building or structure, or part thereof which is owned, leased or operated by the Township.
- 3.2 No person shall smoke tobacco/cannabis or vape within nine (9) metres from any entrance or exit of any building or structure, or part thereof which is owned, leased or operated by the Township.
- 3.3 No person shall smoke tobacco/cannabis or vape within the confines of a vehicle owned, leased or otherwise under the control of the Township.

4. SIGNS

- 4.1 The Township shall ensure that no smoking signs are posted in a conspicuous manner on or immediately next to every entrance or exit of each of its municipally owned or leased buildings and that such signs be in sufficient numbers and in locations to clearly identify the prohibition set out in Section 3.
- 4.2 The owner of a building leased or partially leased by the Township shall permit the Township, in whole or in part, to post the signs required pursuant to paragraph 4.1.
- 4.3 No person shall remove, cover up, mutilate, deface or alter any sign required to be posted pursuant to Section 4.

5. ASHTRAYS

- 5.1 The Township, in the case of a township owned building, and the owner, in the case of a township leased building, shall ensure that ashtrays are not available for use within nine (9) metres from any entrance or exit of such building.

6. INSPECTIONS AND ENFORCEMENT

- 6.1 The provisions of this by-law may be enforced by any Officer as defined in this by-law.
- 6.2 An Officer may inspect any entrance or exit of a township owned or leased building and the area surrounding any such entrance or exit for the purpose of determining if the provisions of this by-law are being complied with.
- 6.3 An Officer may inspect any municipal park, playground, or sporting field including swimming or splash pads for the purpose of determining if the provisions of this by-law are being complied with.

7. OBSTRUCTION, FALSE STATEMENT PROHIBITED

- 7.1 No person shall hinder or obstruct an Officer who is acting pursuant to the authority of this by-law.
- 7.2 No person shall knowingly produce a false document or make a false or misleading statement to an Officer who is acting pursuant to the authority of this by-law.

8. EVIDENCE

- 8.1 In a prosecution pursuant to this by-law, a justice presiding over the proceeding may infer that any substance or thing in question is tobacco/cannabis within the meaning of this by-law from the fact that a witness describes it as tobacco/cannabis or by a name that is commonly applied to tobacco/cannabis.

9. PENALTY

- 9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, as amended. (See Schedule "A", attached)

10. EXCEPTIONS

- 10.1 This by-law does not apply to buildings that are owned by the municipality and leased to other organizations or businesses that provide services that are not generally considered to be of municipal nature.

11. HEADINGS FOR REFERENCE ONLY

- 11.1 The headings inserted in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.

12. SEVERABILITY

- 12.1 If, for any reason, any provision of this by-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this by-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part, or dealt with in any other way.

13. SCHEDULES

- 13.1 Schedules "A" attached, constitute part of this by-law.

14. ADMINISTRATIVE CORRECTIONS

14.1 The Clerk of the Township of Armour is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

15. ENACTMENT

15.1 This by-law shall come into force and effect on the date of passing.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 8th day of January, 2019.

Original signed by Bob MacPhail
Robert MacPhail, Reeve

Original signed by John Theriault
John Theriault, Clerk

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Schedule “A” to By-Law #6-2019

SET FINES

NO.	OFFENCE	SECTION	SET FINE
1	Smoke tobacco/cannabis in any building or structure owned or leased by the Township.	3.1	\$250.00
2	Smoke within nine (9) meters from any entrance or exit of any building or structure owned or leased by the Township.	3.2	\$250.00
3.	Smoke tobacco/cannabis within the confines of a vehicle owned, leased or otherwise under the control of the Township.	3.3	\$250.00
4.	Remove, cover up, mutilate, deface or alter any “No Smoking” sign.	4.3	\$150.00
5.	Hinder or obstruct an Officer lawfully enforcing the by-law.	7.1	\$500.00
6.	Knowingly produce a false document or make a false or misleading statement to an Officer.	7.2	\$500.00

SCHEDULE "U"
To BY-LAW #24-2025

By-law No. 6-2019 being a By-law to prohibit the smoking of tobacco/cannabis in buildings and vehicles owned or leased by the Township of Armour and within nine (9) metres of the entrance or exit of those buildings is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-law as amended or any successor thereto;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-law;

2. by adding the following new heading and sections after section 9 and renumbering subsequent sections accordingly:

10. ADMINISTRATIVE PENALTIES

10.1 This By-law is a designated By-law under the Township's AMPS By-Law.

10.2 An Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 3 of the following table for the applicable contravention:

ADMINISTRATIVE MONETARY PENALTIES
BY-LAW # 6-2019
Smoking or Vaping Cannabis / Tobacco By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Administrative Monetary Penalty
1	Smoke tobacco/cannabis in any building or structure owned or leased by the Township	3.1	\$300.00
2	Smoke within nine (9) meters from any entrance or exit of any building or structure owned or leased by the Township	3.2	\$300.00
3	Smoke tobacco/cannabis within the confines of a vehicle owned, leased or otherwise under the control of the Township	3.3	\$300.00
4	Remove, cover up, mutilate, deface or alter any "No Smoking" sign	4.3	\$300.00
5	Hinder or obstruct an Officer lawfully enforcing the By-law	7.1	\$300.00
6	Knowingly produce a false document or make a false or misleading statement to an Officer	7.2	\$300.00

- 10.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the

Township within 15 days of the date of issuance after the completion of service.

- 10.4 Where a Penalty Notice has been canceled under the Township's AMPS By-law it shall not be considered a Penalty Notice for the purposes of subsection 10.2 of this By-law.
- 10.5 If a person is issued a Penalty Notice, the person shall not be charged with an offence or issued an additional Penalty Notice in respect of the same contravention. For clarity, the person may be charged for a different contravention of this By-law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a person may be issued a Penalty Notice for a different contravention of this By-law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the Penalty Notices that have been issued.
- 10.6 Other than as set out in subsection 10.5 of this By-law, the issuing of a Penalty Notice does not limit the Township's ability to initiate any other proceeding or seek any other remedy the Township deems appropriate to prevent the continuation or repetition of the contravention.