

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

By-law No. 4247-2018

A BY-LAW TO PROHIBIT SMOKING AND TOBACCO USE WITHIN 25.0 METERS SURROUNDING PLAYGROUND STRUCTURES, SPORT PLAYING FIELDS, PARK FACILITIES, TENNIS COURTS, OUTDOOR RINKS, YOUTH PARK, SKATE PARKS, CERTAIN PUBLIC PLACES AND WITHIN 9 METRES OF RECREATION FACILITIES OWNED BY THE CORPORATION OF THE COUNTY OF PRINCE EDWARD.

WHEREAS paragraph 6 of subsection 10(2) of the Municipal Act, 2001) S.O, 2001, C25 as amended) provides that a municipality may pass bylaws respecting health, safety and well-being of persons;

WHEREAS Section 115 of the Municipal Act, S.O. 2001, C25, as amended, authorizes the Council of a local Municipality to pass a by-law to prohibit or regulate the smoking of tobacco in public places and workplaces;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety, and welfare of the inhabitants of The Corporation of the County of Prince Edward;

AND WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from cigarettes, cigars and pipes or any other lighted or heated smoking equipment used to smoke any tobacco, cannabis, or non-tobacco substance and includes vaping and any / all electronic cigarettes / smoking devices) is a health hazard because of its impairment, adverse affect and risk to the health of the residents and visitors of The Corporation of the County of Prince Edward.

NOW THEREFORE the Council of The Corporation of the County of Prince Edward enacts as follows;

1. TITLE

- 1.1** This By-law shall be entitled the "Smoking and Tobacco Use Prohibited within 25 Meters of Municipal Playgrounds, Parks Facilities and Playing Fields; certain public places and Smoking and Tobacco Use Prohibited within 9 Meters of Municipal Recreation Facilities."
- 1.2** The intent is to create Smoke-Free and Tobacco-Free Outdoor Recreation Spaces.

2. DEFINITIONS

- 2.1 “Municipal Recreation Facility” means any building owned, operated or leased by The Corporation of the County of Prince Edward for recreation purposes. These buildings include:
- Prince Edward Community Centre
 - Wellington and District Community Centre
 - Crystal Palace
- 2.2 “Playground structures” means playground equipment or apparatus found in an open green space “park-like” setting for play-like activities such as climbing, swinging, hanging, crawling and jumping for enjoyment and/or exercise. Without restricting the general nature thereof playground structures includes slides, swings, climbing apparatus and outdoor exercise equipment located within a public park or parkette.
- 2.3 “Park Facilities” means any structure, temporary or permanent, that is an amenity within the park green space including:
- Gazebo
 - Washroom building
 - Outdoor rink
 - Skateboard ramps
 - Tennis Courts
 - Canteen
 - Basketball nets
 - Ball hockey nets
 - Grandstands
 - Stage
 - Splash Pad
 - Trails
- 2.4 “Youth Park” refers to the space at the Exhibition Grounds which has been developed into a skatepark/bike zone and youth playground.
- 2.5 “Sports Playing Fields” refers to areas designated for playing activities including:
- Ball Diamonds
 - Soccer Fields
- 2.6 “Smoke or Smoking” includes the carrying of a lighted cigarette, cigar, pipe or any other lighted or heated smoking equipment used to smoke

any tobacco, cannabis, or non-tobacco substance and includes vaping and any/all electronic cigarettes/smoking devices.

- 2.7 "Tobacco products" refers to the use of tobacco in any form, including, cigarette, cigar, pipe tobacco, smokeless/spit tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or any other means of ingestion.
- 2.8 "Unenclosed workplace" means a portion of a workplace that is not covered by a roof.
- 2.9 "Non-tobacco substance" includes a prescribed substance or medicinal cannabis within the meaning of Smoke-Free Ontario Act, 2017 and regulations thereunder.

3.0 "Certain Public Places" include:

- Municipally owned parks
- Farmer's Markets
- 3 metres from an identified entrance to a public building
- Unenclosed workplaces
- Municipal beaches

3. REGULATIONS

- 3.1 No person shall smoke in, on or within nine meters of a Municipal Recreation Facility by signage in accordance to this By-law.
- (a) The distance shall be measured by a nine meter centre line radius from either outer edge of each entrance and/or exit door so designated.
- (b) Signs shall be placed conspicuously at the entrance or exit to each municipal facility or in appropriate location in the parking lot advising of the no smoking by-law.
- 3.2 No person shall smoke within 25 meters surrounding playground structures, Sport Playing Fields, Park Facilities, Tennis Courts, Outdoor Rinks, Youth Park, and Skate Parks.
- (a) The distance shall be measured from the designated entrance to the structure, playing field or park.
- (b) Where a facility does not have a designated entrance, 25 meters will be from the fence, edge or border of the municipal park.

4. ENFORCEMENT

- 4.1 The provision of the By-law respecting non-smoking shall be enforced by the inspectors for the Hastings Prince Edward Counties Health Unit for re-occurring or re-offending infractions;
 - 4.2 The enforcement of this By-law is intended to be self-regulating and on the "honour system" for compliance with the community at large, participants and individuals providing friendly reminders;
 - 4.3 Staff of the facilities may also provide friendly reminders to those offenders of this By-law.
5. **THAT** By-law 2818-2011 is hereby rescinded.
6. **THAT** the provisions of this by-law shall come into force and effect on the day of final passing thereof.

Read a first, second and third time and finally passed this 12th day of June 2018.



Kim White, CLERK



Dianne O'Brien, ACTING
MAYOR

