

The Township of Cavan Monaghan

By-law No. 2019-11

Being a by-law respecting smoking in certain public places in the Township of Cavan Monaghan

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 or cannabis 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, as amended, provides regulations on where smoking tobacco or cannabis or vaping (e.g. with an e-cigarette) is banned in Ontario;

And Whereas it is desirable for the health, safety and well-being of the inhabitants of the Township of Cavan Monaghan to provide for regulating where people may use tobacco products, vapour products, and cannabis, in order to protect persons from conditions injurious to health resulting from smoking and or from second-hand smoke in accordance with the provisions of this By-law;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Definitions

- a. Cannabis** – means a cannabis plant and has the same meaning as in subsection 2 (1) of the Cannabis Act (Canada)
- b. Children’s Playground and Play Areas** – means an area that is not an enclosed public place that is primarily used for the purpose of children’s recreation and is equipped with children’s play equipment.
- c. Community Recreational Facility** – means an enclosed public space or workplace that is owned by the Township and is primarily used for athletic or recreational programs or services to the community.
- d. 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 of the device directly through mouth, whether or not the vapour contains nicotine.

- e. **Smoke or Smoking** – means smoking (inhaling and exhaling) or holding lighted tobacco or cannabis (medical or recreational).
- f. **Sporting Area and Spectator Area** – means an area that is not enclosed public space or an enclosed workplace that is owned by the Township, the public is ordinarily invited or permitted access and the area is primarily for the purposes of sports.
- g. **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 intended for use in nicotine replacement therapy.
- h. **Township** – means Township of Cavan Monaghan.
- i. **Township Trail** – means any trail that is owned and maintained by the Township of Cavan Monaghan including but not limited to the Millbrook Valley Trails.
- j. **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 a lit or consume tobacco, cannabis or e-cigarette product within a twenty (20) metre radius surrounding any Children's Playground and Play Areas at the following locations:
 - Maple Leaf Park
 - Old Millbrook School
 - Cedar Valley Park
 - Edgewood Park
 - Peace Park
 - Whitfield Landing
 - Station Park
- b. No person shall smoke, hold a lit or consume tobacco, cannabis or e-cigarette product within a twenty (20) metre radius surrounding any Community Recreation Facility at the following locations:
 - Cavan Monaghan Community Centre
 - 4 Needlers Lane, Millbrook
 - 986 County Road 10, Millbrook
 - Cavan Monaghan Libraries
 - Millbrook Branch
 - Bruce Johnson Branch

- c. No person shall smoke, hold a lit or consume tobacco, cannabis or e-cigarette product within a nine (9) metre radius surrounding any entrance, exit or air intake building owned and operated by the Township of Cavan Monaghan including by not limited to:
 - Township Municipal Office
 - All Public Works Buildings, including the Transfer Station
 - All Fire Halls
 - The Lion's Den
 - Parks Depot
 - Water Treatment Facility
 - Wastewater Treatment Facility
- d. No person shall smoke, hold a lit or consume tobacco, cannabis or e-cigarette product within a twenty (20) metre radius surrounding any Township Trails system.

3. Exceptions

This By-law does not apply to any private property.

4. Signs

- a. That "No Smoking as per Township By-laws" signs be posted at all parks and open spectator areas at sports fields.
- b. That "No Smoking within a radius of 9 metres as per Township By-laws" be posted at all entrances and exits to buildings owned and operated by the municipality as described in Section 2. c.

5. Enforcement

This By-law may be enforced by any of the following:

- Person holding the title of Tobacco Enforcement Officer who is employed by the Peterborough Health Unit
- Police Officer; or
- By-law Enforcement Officer appointed by the Township.

6. Penalty

Every person who contravenes any provisions of the 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. 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 identity 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.


8. Short Title

This By-law may be referred to as the Smoking By-law.


9. Effective Date and Repeal

- a. That By-law No. 2012-100 be hereby repealed
- b. This By-law comes into effect on the date of passage.

Read a first, second and third time and passed this 4th day of February 2019.



Scott McFadden
Mayor



Elana Arthurs
Clerk