

**ORIGINAL**

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 111-13

**A By-Law of The Corporation of the Town of Innisfil to Prohibit Smoking and Use of Tobacco Products at all designated Town of Innisfil Outdoor Sports and Recreational Spaces.**

**WHEREAS** the *Municipal Act*, 2001, Subsections 11, 115, 425 and 426 as may be amended from time to time authorizes the Council of a municipality to pass a By-Law regulating smoking, use of chewing tobacco and use of tobacco products in public places within the municipality and designating public places or workplaces or classes or parts of such spaces as places in which smoking tobacco, hold lighted tobacco or use of any tobacco product or nicotine delivery device is prohibited;

**AND WHEREAS** it has been determined that environmental tobacco smoke generated from the side stream of a cigarette, pipe, cigar or from any other nicotine device or from the exhaled mainstream of a cigarette, pipe, cigar or from any other nicotine device, and inhaled involuntarily or passively by someone who is not smoking, also known as second-hand smoke, poses a serious health hazard to the residents, visitors and workers of the Town of Innisfil;

**AND WHEREAS** it is desirable for the health, safety, and welfare of the residents, visitors and workers of the Town of Innisfil to prohibit smoking and second-hand smoke in designated public playing fields and recreational spaces in accordance with the provisions of this By-Law;

**NOW THEREFORE** the Corporation of the Town of Innisfil enacts as follows:

**1. DEFINITIONS**

In this By-Law,

- 1.1 **"Second-hand smoke"** means
  - i. exhaled smoke.
  - ii. smoke from an idling cigarette cigar, pipe or any other nicotine delivery device or any other tobacco using or constructed device.
- 1.2 **"Tobacco product"** means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff and snus.
- 1.3 **"Nicotine delivery device"** means any product which when smoked causes nicotine to permeate the environment without restriction, and includes electronic nicotine devices such as e-cigarettes.
- 1.4 **"Smoke or Smoking"** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment or product, including but not limited to electronic cigarettes or other nicotine delivery devices.
- 1.5 **"Park"** means any Town owned and/or operated parkland, open space, parkette, green space, waterfront, trail, walkway and pathway. This includes any vehicle parking areas associated with the parkland maintained by the Town.
- 1.6 **"Playground Equipment Zone"**, means an outdoor area that is located within a playground park;

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- 1.7 **"Public Playing Field and Recreation Spaces"**, means field(s) and/or land(s), of natural and/or man-made composition that are used for athletic purposes to conduct organized or unorganized sporting activities to include but not limited to baseball diamonds, soccer fields, tennis courts, and associated outdoor field, outdoor ice rink, splash pads, gazebos, picnic shelters, skateboard park, public beaches, waterfront trail and amphitheatre.
- 1.8 **"Spectator Seating Area"** means an outdoor area with tiered seating or benches used for the viewing of athletic events, or other organized or unorganized sporting events.
- 1.9 **"Town"** means the Corporation of the Town of Innisfil.
- 1.10 **"Property"** means that which belongs exclusively to the Town of Innisfil and to which legal rights apply.

**2. PROHIBITIONS:**

- 2.1 No person shall Smoke, hold lighted Tobacco, use any Tobacco products or any nicotine delivery device within a nine metre radius of the perimeter of a:
- (a) Playground Equipment Zone;
  - (b) Public Playing Field and Recreation Spaces;
  - (c) Spectator Seating Area;
- 2.2 The prohibitions in section 2.1 above shall apply whether or not a "Smoke Free and/or Tobacco Free" sign of any format or content is posted.

**3. SIGNS:**

- 3.1 No person shall remove, cover up or alter any "Smoke Free and/or Tobacco Free" or other related sign which has been posted.

**4. EXEMPTIONS**

4.1 This By-law does not apply to:

- a) Notwithstanding Section 2 above, such prohibition shall not apply to those areas specified as Designated Smoking Areas (DSA).

**5. ENFORCEMENT:**

The provisions of this by-law may be enforced by a Police Officer or a Municipal Law Enforcement Officer.

**6. OBSTRUCTION**

No person shall hinder or obstruct an officer in the enforcement of this bylaw.

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**7. OFFENCE/PENALTIES:**

7.1 Any person who contravenes any of the provisions under this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

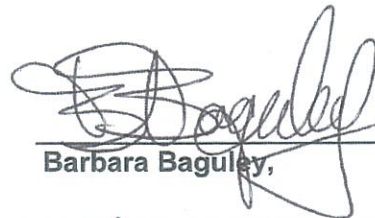
**8. CONFLICTS**


If a provision of this by-law conflict with an Act or a regulation or another bylaw, the provision that which is the most restrictive shall prevail.

**9. EFFECTIVE DATE:**

THAT this by-law shall come into force on January 1, 2014 and take effect on the day it is passed by Council.

**PASSED THIS 16<sup>th</sup> DAY OF OCTOBER, 2013.**

  
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Barbara Baguley, Mayor

  
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Jason Reynar, Clerk