

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 2011-0074 (REG-1)

**BEING A BY-LAW TO PROHIBIT SMOKING AND HOLDING
LIGHTED TOBACCO PRODUCTS AT ALL DESIGNATED TOWN
OF GEORGINA OUTDOOR AREAS**

WHEREAS Section 11 (2)(6) of the *Municipal Act*, 2001, as amended, permits Councils of a Municipality to pass By-Laws and make regulations for the health, safety and well-being of persons within the Municipality;

AND WHEREAS it has been determined that second hand tobacco smoke is a health hazard because of its impairment, adverse effect and risk to health, and is a public nuisance because of its irritating and discomforting properties, to the inhabitants of the Town of Georgina;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of the Town of Georgina to provide for regulating smoking and second-hand smoke for the better protection of persons from conditions injurious to health in accordance with the provisions of this By-Law;

AND WHEREAS the Town of Georgina wishes to adopt a By-Law to prohibit smoking of tobacco products at all designated outdoor spaces.

NOW THEREFORE the Council of the Corporation of the Town of Georgina enacts as follows:

DEFINITIONS:

1. For the purpose of this By-Law, the following definitions shall apply:
 - (a) "Second-hand smoke" means
 - i. exhaled smoke.
 - ii. smoke from an idling cigarette or cigar, or pipe, or any other tobacco using or constructed device, but does not include smoke into a place or area in which smoking is prohibited from a place or area in which smoking is not prohibited.
 - (b) "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.
 - (c) "Smoke or "Smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment or product.
 - (d) "Outdoor" means any Town owned and/or operated open space which contains playground equipment, splash pad, skateboard park or sports fields (soccer pitches, baseball/softball diamonds/beach volleyball).

PROHIBITIONS:

2. No person shall smoke, hold lighted tobacco or use any tobacco product:
 - (a) within 10 metres (33 ft) of any Town owned and/or operated playground, splash pad, skateboard park and sports fields.
 - (b) within the entire Recreation Outdoor Campus (ROC) facility.

SIGNS:

3. Appropriate signage shall be erected at all designated outdoor areas informing persons entering such area that smoking beyond such point on Town property is not permitted.

Despite the fact that the symbol referred to is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking instrument.

OFFENCE/PENALTIES:

4. Every person who contravenes any of the provisions of this By-Law, upon conviction, is guilty of an offence and is liable to a fine pursuant to the *Provincial Offences Act*, as amended.

No person shall hinder or obstruct an agent of the Town lawfully carrying out the enforcement of this By-Law.


EFFECTIVE DATE:

5. THAT this By-Law shall take effect on the day of passing thereof.

That By-Law 2009-0050 (REG-1) is hereby repealed.

READ a first, second and third time and finally passed this 27th day of June, 2011.


Robert Grossi, Mayor


Roland Chenier, Town Clerk