

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

BY-LAW NUMBER 2012-0061 (REG-1)

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

WHEREAS Section 11 (2)(6) and Section 115 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 and prohibiting smoking in public spaces 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) "Designated Smoking Area", an area signed as such where smoking is permitted.
 - (e) "Park" means any Town owned and/or operated parkland, open space, parkette, green space, sports fields, skateboard park, playground, splash pad, beach, waterfront, trail, walkway and pathway. This includes any vehicle parking areas associated with the parkland maintained by the municipality (excluding highways).
 - (f) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, and includes the total width of the road allowance;

- (g) "Town" means the Corporation of the Town of Georgina.
- (h) "Town Facility" means any building, structure or premises to which the Town holds right of ownership to.
- (i) "Property" means that which belongs exclusively to the Town of Georgina and to which legal rights apply.

PROHIBITIONS:

- 2. No person shall smoke, hold lighted tobacco or use any Tobacco product:
 - (a) on any Town owned and/or operated property including but not limited to property upon which a Town facility is located and within Town owned and/or operated Parks whether or not a "No Smoking" sign is posted.

EXEMPTIONS

- 3.
 - a) Notwithstanding Section 2, above such prohibition shall not apply to a highway.
 - b) Notwithstanding Section 2, above such prohibition shall not apply to those areas designated by the CAO or designate as Designated Smoking Areas.

ENFORCEMENT:

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

OBSTRUCTION

- 5. No person shall hinder or obstruct an officer in the enforcement of this by-law.

OFFENCE/PENALTIES:

- 6. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 7. Any person found guilty of an offence under the provision of this by-law shall, be liable to a minimum fine of \$100.00 and a maximum fine not exceeding \$100,000. (Municipal Act, S.O. 2001, c.25).

CONFLICTS


- 8. If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

EFFECTIVE DATE:

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

That By-Law 2012-0027 (REG-1) is hereby repealed.

READ a first and second time this 11th day of June, 2012.


Robert Grossi, Mayor


Roland Chenier, Town Clerk

READ a third time and finally passed this 25th day of June, 2012



Robert Grossi, Mayor



Winanne Grant, Deputy Clerk