THE CORPORATION OF THE

TOWNSHIP OF EDWARDSBURGH/CARDINAL

BY-LAW NO. 2019-02

"BEING A BY-LAW TO ESTABLISH A POLICY REGARDING SMOKING IN
MUNICIPAL FACILITIES"

WHEREAS By-law 2017-49 being a by-law to establish a policy regarding smoking in municipal facilities passed by Municipal Council at its regular meeting September 25, 2017; and

WHEREAS Section 8 of the Municipal Act, 2001, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 11 (2) of the Municipal Act, 2001, as amended, provides that Municipal Councils may pass by-laws for the health, safety and well-being of the inhabitants of the municipality; and

WHEREAS Section 115 of the Municipal Act, 2001, as amended, enables Municipal Council to pass a by-law to prohibit or regulate the smoking of tobacco products in public places and workplaces within the municipality; and

WHEREAS Section 128 of the Municipal Act, 2001, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council are or could become or cause public nuisances; and

WHEREAS Section 129 of the Municipal Act, 2001, as amended, provides that a municipality may prohibit and regulate with respect to odours; and

WHEREAS the Smoke Free Ontario Act, 2017 contains rules respecting the smoking of cannabis, as well as smoking in public places; and

WHEREAS the Smoke Free Ontario Act, 2017 prohibits smoking or vaping of tobacco and cannabis in any enclosed workplace, any enclosed public place and any other place designated as smoke- free and vape-free; and

WHEREAS Section 18 of the Smoke Free Ontario Act, 2017 contemplates that a municipal by-law may deal with a matter to which that Act applied but in a more restrictive manner, and directs that the by-law prevails to the extend it is more restrictive than that Act; and

WHEREAS it has been determined that smoking and second-hand smoke is a serious health hazard due to its adverse effects and risk to health of all inhabitants of the municipality;

WHEREAS it is deemed desirable for the purpose of promoting and protecting the health, safety and well-being of the inhabitants of the municipality to provide and ensure that all municipal public places and workplaces are smoke free;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. In this by-law:
    a) "municipal facility" – means every building, structure, park, sports area, greenspace, or vehicle/equipment owned, leased, licensed, permitted or rented by the Township or from the Township and includes such

buildings, structures, parks, sports areas, greenspaces, or vehicles/equipment where Township employees conduct their work;
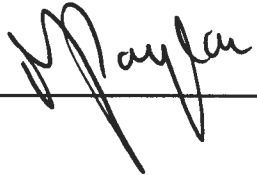
b) "Smoking" – means all forms of cannabis and combustion tobacco (cigarettes, cigars), e-cigarettes, waterpipe, or any other smoking equipment, and includes the inhalation of smoke or vapors and causing or permitting cannabis, tobacco and/or e-cigarettes, over which one has ownership and control, to burn, and "smoke" has a corresponding meaning; and

c) "Township" – means the Corporation of the Township of Edwardsburgh/ Cardinal.

2. No person shall smoke in any municipal facility within the Township whether or not a sign or symbol is posted.

3. The Township shall cause signs and/or symbols indicating that smoking is prohibited to be conspicuously posted in all municipal facilities.

4. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with the Provincial Offences Act for each offence.

5. That By-law 2017-49 is hereby repealed.

Read a first and second time in open Council this 21st day of January, 2019.

Read a third and final time, passed, signed and sealed in open Council this 21st day of January, 2019.

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Mayor   **Deputy Clerk**