

**CORPORATION OF THE MUNICIPALITY OF TWEED**

**BY-LAW NO. 2018-64**

Being a By-law to Prohibit Smoking and Tobacco Use Within 25.0 Meters Surrounding Playground Structures, Sport Playing Fields, Parks Facilities, Outdoor Rinks, Swimming Pool, Certain Public Places and Within 9.0 Meters of Municipal Buildings and Municipal Recreation Facilities Owned By The Corporation Of The Municipality of Tweed.

---

**WHEREAS** paragraph 6 of subsection 10(2) of the Municipal Act, 2001 S.O, 2001, C25, as amended, provides that a Municipality may pass By-laws respecting the health, safety and well-being of persons;

**AND WHEREAS** Section 115 of the Municipal Act, S.O. 2001, C25, as amended, authorizes the Council of a local Municipality to pass a By-law to prohibit or regulate the smoking of tobacco in public places and workplaces;

**AND WHEREAS** it is desirable for the purpose of promoting and protecting the health, safety, and welfare of the inhabitants of The Corporation of the Municipality of Tweed;

**AND WHEREAS** it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from cigarettes, cigars and pipes or any other lighted or heated smoking equipment used to smoke any tobacco, cannabis, or non-tobacco substance and includes vaping and any / all electronic cigarettes / smoking devices) is a health hazard because of its impairment, adverse effect and risk to the health of the residents and visitors of The Corporation of the Municipality of Tweed.

**NOW THEREFORE** the Council of The Corporation of the Municipality of Tweed enacts as follows;

**1. TITLE**

- 1.1 This By-law shall be entitled the “Smoking and Tobacco Use Prohibited Within 25 Meters of Municipal Playgrounds, Parks Facilities and Playing Fields; Certain Public Places and Smoking and Tobacco Use Prohibited within 9 Meters of Municipal Buildings and Municipal Recreation Facilities.”
- 1.2 The intent is to create Smoke-Free and Tobacco-Free Municipal Buildings, Municipal Recreation Facilities and Outdoor Recreation Facilities.

**2. DEFINITIONS**

- 2.1 “Municipal Recreation Facility” means any building owned, operated or leased by The Corporation of the Municipality of Tweed for recreation purposes.
- 2.2 “Playground Structures” means playground equipment or apparatus found in an open green space “park-like” setting for play-like activities such as climbing, swinging, hanging, crawling and jumping for enjoyment and/or exercise. Without restricting the general nature thereof playground structures including slides, swings, climbing apparatus and outdoor exercise equipment located within a public park or parkette.
- 2.3 “Parks Facilities” means any structure, temporary or permanent, that is an amenity within the park green space including but not limited to:
  - Picnic shelters
  - Washroom building
  - Outdoor rink
  - Canteen
  - Basketball nets

- Ball hockey nets
  - Soccer nets
  - Grandstands
  - Splash Pad
  - Trails
- 2.4 “Sports Playing Fields” refers to areas designated for playing activities including but not limited to:
- Ball Diamonds
  - Soccer Fields
  - Volleyball Courts
  - Basketball Courts
  - Bike Parks
  - Exercise Areas
  - Playgrounds
- 2.5 “Smoke or Smoking” includes the carrying of a lighted cigarette, cigar, pipe or any other lighted or heated smoking equipment used to smoke any tobacco, cannabis, or non-tobacco substance and includes vaping and any/all electronic cigarettes/smoking devices.
- 2.6 “Tobacco Products” refers to the use of tobacco or cannabis in any form, including, cigarette, cigar, pipe tobacco, smokeless/spit tobacco, or any other form of tobacco or cannabis which may be utilized for smoking, chewing, inhalation, or any other means of ingestion.
- 2.7 “Non-tobacco Substance” includes a prescribed substance or medicinal cannabis within the meaning of Smoke-Free Ontario Act, 2017 and regulations thereunder.
- 2.8 “Certain Public Places” includes:
- Municipally owned parks and parkettes
  - Municipally owned pool
  - Unenclosed workplaces
  - Municipally owned vehicles
  - Municipal beaches
- 2.9 “Municipal Building” means buildings open to the public and owned, operated or leased by The Corporation of the Municipality of Tweed and shall include but not be limited to the following:
- Municipal Offices
  - Public Works Offices
  - Public Works Garages
  - Public Works Storage Buildings
  - Public Works Sand Domes
  - Tweed Public Library
  - Tweed Fire Hall
  - Tweed Arena
  - Tweed Park Washrooms
  - Tweed Park Storage Buildings
  - Tweed Fairgrounds Canteen
  - Tweed Kiwanis Pavilion
  - Tweed Jailhouse
  - Erin Palmateer Memorial Pool Building
  - Lions Hungerford Hall
  - Rented Office at Hungerford Hall
  - Thomasburg Community Hall
  - Actinolite Community Hall
  - Marlbank Dome
  - Queensborough Community Hall
  - Tweed Recycling Depot



- Tweed Weigh Station

3.0 “Public Building” means a building open to the public where the public is invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

3.1 “Unenclosed Workplace” means a portion of a workplace that is not covered by a roof.

### 3. REGULATIONS

3.1 No person shall smoke in, on or within nine meters of a Municipal Building or Recreation Facility by signage in accordance to this By-law.

(a) The distance shall be measured by a nine-meter centre line radius from either outer edge of each entrance and/or exit door so designated.

(b) Signs shall be placed conspicuously at the entrance or exit to each municipal building or recreation facility or in appropriate location in the parking lot advising of the no smoking by-law.

3.2 No person shall smoke within 25 meters surrounding Playground Structures, Sport Playing Fields, Parks Facilities, Swimming Pool, Outdoor Rinks, Youth Park, and Splash Pad.

(a) The distance shall be measured from the designated entrance to the structure, playing field or park.

(b) Where a facility does not have a designated entrance, 25 meters will be from the fence, edge or border of the municipal park.

### 4. ENFORCEMENT

4.1 The provision of the By-law respecting non-smoking shall be enforced by the inspectors for the Hastings Prince Edward Counties Health Unit for re-occurring or re-offending infractions;

4.2 The enforcement of this By-law is intended to be self-regulating and on the ‘honour system’ for compliance with the community at large, participants and individuals providing friendly reminders;

4.3 Staff of the facilities may also provide friendly reminders to those offenders of this By-law.


5. **THAT** By-law No. 2011-43, By-law No. 2012-06, By-law No. 2013-09, and By-law No. 2013-10 are hereby repealed.

6. **THAT** the provisions of this By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 14th day of November, 2018.

Read a third and final time, passed, signed and sealed in open Council this 14th day of November, 2018.

  
MAYOR

  
CLERK

