

THE CORPORATION OF THE VILLAGE OF CASSELMAN

By-law 2016-030

Being a by-law of the Corporation of the Village of Casselman respecting smoking by not using smoking products or tobacco products or using electronic cigarettes devices on municipal properties

WHEREAS Section 115 (1) of the *Municipal Act, 2001* authorizes Council to pass by-laws regulating or prohibiting smoking in public places and workplaces within the municipality.

WHEREAS it is deemed desirable by the Council of the Village of Casselman to restrict smoking products, the use of tobacco products, and the use of electronic cigarette devices on municipal properties.

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of inhabitants and workers of the Corporation of the Village of Casselman to ensure that all public places, municipal properties and parks will be free from second-hand smoke.

NOW THEREFORE be it resolved that the Council of the Corporation of the Village of Casselman enacts as follows:

This by-law may be cited as "Smoking By-law within municipal properties."

DEFINITIONS AND INTERPRETATIONS

1. For the purpose of this by-law:
 - (a) "Municipality" means the Corporation of the Village of Casselman
 - (b) "City Clerk" means the City Clerk of the Corporation of the Village of Casselman
 - (c) "Council" means the Council of the Corporation of the Village of Casselman
 - (d) "Disturbance" means yelling, shouting, hooting, or whistling
 - (e) "Entrance" means a main entry or entry to any building as well as an entry being used as an exit

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- (f) "Employee" means employee of the Corporation of the Village of Casselman
- (g) "Exit" means that part of a means of access including doorways that lead from the floor area serves to a separate building, an open public thoroughfare or an exterior open space
- (h) "Inspector" means a person appointed by Council as a Municipal By-law Enforcement Officer to enforce this by-law, or a tobacco enforcement officer from the Eastern Ontario Health Unit that has been appointed by Council to enforce this by-law
- (i) "Parks and Recreation Areas" means any parcel of land, building, swimming pool or structure, owned, rented, installed or maintained by the Corporation of the Village of Casselman and / or South Nation River Conservation Authority and land designated and used as playground, sports Center, foot path, a pathway, skate board or any type of active or passive public recreation
- (j) "Person" includes a corporation
- (k) "Public nuisance" means any activity, undertaking or conduct, which annoys or disturbs or may annoy disturb persons in a public place or highway
- (l) "Tobacco product" means a cigarette, cigarillo, cigar, pipe tobacco, (i) chewing tobacco, or snuff
- (m) "Electronic cigarette" means a cigarette-shaped device containing a liquid that is vaporized and inhaled
- (n) "Municipal building" means any building that is owned/leased or operated by the Corporation of the Village of Casselman
- (o) "Municipal facility" means any hall, room, or banquet facility that is owned by the Corporation of the Village of Casselman
- (p) "Municipal property" means lands which belong exclusively to the municipality
- (q) "Arena" means an indoor level area surrounded by seats for spectators in which sports, entertainment and public events are held
- (r) "Smoking product" means tobacco or a tobacco like product whose primary purpose is to burn or heated, to produce vapors, gases, or smokes, which are inhaled, and shall include but is not limited to non-tobacco herbal shisha, and plant material or oils intended for inhalation.

GENERAL PROHIBITIONS

2. (1) No person shall smoke or hold lighted tobacco or use tobacco products, or use electronic cigarette devices and smoking products on municipal property, municipal buildings, municipal facilities and park or recreational areas according to this by-law.
- (2) Any person shall be deemed a public nuisance while causing a disturbance during the enforcement of this by-law.
- (3) Despite section 2, a designated smoking area shall be provided as per schedule "C".

SIGNS

3. (1) Signs referred to subsection 3(1) shall be as per schedule "A" of this by-law.
- (2) The signs referred to in this by-law shall consist of graphic symbols that comply with the provisions of this section.
- (3) The following graphic symbol shall be used to indicate the areas where smoking is prohibited pursuant to this by-law.



- (4) On a white background with the circle and the interdictory stroke in red.
- (5) Despite the fact that the symbol referred to, in subsection (3), is a cigarette, it shall include a lighted cigarette, cigarillo, cigar, pipe or any other lighted smoking instrument, use of tobacco products, or use of electronic cigarettes.

- (6) With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in subsection (3) shall be no less than the number of centimetres prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:
 - (a) three meters (3 m) or less - ten centimeters (10 cm)
 - (b) six meters (6 m) or less - fifteen centimeters (15 cm)
 - (c) twelve meters (12 m) or less - twenty centimeters (20 cm)
 - (d) twenty-four meters (24 m) or less - thirty centimeters (30 cm)
 - (e) forty-eight meters (48 m) or less - forty centimeters (40 cm)
 - (f) seventy-two meters (72 m) or less - sixty centimeters (60 cm)
 - (g) Despite subsection (8), the diameter of the circle in the symbol referred to in subsection (3) used pursuant to section (3) to be erected at the entrance or exits of every municipal property shall be a minimum of ten centimeters (10 cm).
- (7) Wording on the sign shall be as per the diagram on Schedule "A".
- (8) No person shall remove, cover up, mutilate, deface or alter sign required to be posted pursuant to section 4.

DUTIES

4.
 - (1) No manager or supervisor or person in charge of the arena shall permit any person to smoke where smoking is prohibited, use tobacco products, or use electronic cigarette devices under this bylaw
 - (2) Managers, supervisors and persons in charge of the arena shall distribute and post signs in accordance to this by-law at entrances/exits designated by the provisions of Section (3) of this by-law.

RIGHT OF ENTRY

5. An inspector may at any reasonable time enter any Municipal Buildings or Municipal Facilities and parks or recreational areas.

OFFENCES

6.
 - (1) Any person who contravenes any of the provisions of this by-law is guilty of an offence recoverable under the Provincial Offences Act. , R.S.O. 199, and Chap. 33 as amended.
 - (2) Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offense

FINES

7. Every person who is convicted of an offence is liable to a fine of not more than five thousand dollars (\$ 5,000) as provided for in the Provincial Offences Act, R.S.O. 1990, and Chap. P.33 as amended.

ENFORCEMENT

8. The provisions of this by-law shall be enforced by Inspectors.

CONFLICTS

9. 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.

SEVERABILITY

10. If any section or sections of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

SCHEDULES TO BY-LAW

11. Schedules "A", "B" and "C" to this By-law are deemed to form part of this By-law.

EFFECTIVE DATE

12. This By-law shall come into force and effect on May 10th, 2016.

READ A FIRST, SECOND AND THIRD TIME THIS 10th DAY OF MAY, 2016.

Conrad Lamadeleine
Mayor

Marielle Dupuis
Clerk

SCHEDULE "A"

Village de/of Casselman



**INTERDIT DE FUMER INCLUANT LES CIGARETTES ÉLECTRONIQUES
SUR LA PROPRIÉTÉ DE LA MUNICIPALITÉ**

NO SMOKING INCLUDING E-CIGARETTES ON MUNICIPAL PROPERTY

SCHEDULE "B"

Municipal Property consists of the following:

- a. Complexe J.R. Brisson Complex
- b. Centre Paul-Émile Lévesque

SCHEDULE "C"



● Designated SMOKING AREA