

TOWN OF MAIDSTONE

BYLAW NO. 09-2017

A BYLAW TO REGULATE SMOKING IN THE TOWN OF MAIDSTONE

Whereas it is desirable for the protection, promotion and preservation of health of the residents of the Town of Maidstone for council to regulate and prohibit smoking within the Town facilities, parks, playgrounds and sport fields in the town.

And Whereas Council has consulted with Breathe the lung association, Heart & Stroke Foundation & The Cancer Society.

The Council of the Town of Maidstone enacts as follows:

1. **SHORT TITLE**

- a. This Bylaw may be cited as SMOKING REGULATION Bylaw.

2. **PURPOSE**

- a. The purpose of this Bylaw is to protect the health of the residents of Maidstone from the effects of second hand smoke.
- b. Smoke-free policy interventions are effective mechanisms to reduce exposure to second hand tobacco smoke, prevent initiation of smoking, encourage stopping of smoking, support recent quitters, and contribute to the de-normalization of tobacco use.

3. **DEFINITIONS**

- a. "Town facilities" means all town owned, operated and leased facilities;
- b. "Common areas" means lobbies, foyers, stairwells, hallways, corridors, cloakrooms, amenity areas, washrooms, food seating areas and other public areas in a town facility building;
- c. "parks" means any open green space that is used for the enjoyment of the public for both passive and active recreational activities, which may have facilities for rest or recreation;
- d. "playground" means an outdoor area for children to play on;
- e. "smoke" or "smoking" means to inhale, exhale, burn or carry a lighted cigarette, cigar, pipe, hookah water pipe, electronic cigarette, Marijuana or other lighted smoking equipment that burns tobacco or other substance;
- f. "nicotine delivery device" means any product which when smoked causes nicotine to permeate the environment without restriction, and includes electronic nicotine devices such as e-cigarettes;
- g. "sports field" means a field used for outdoor games and activities; and includes any seating areas or bleachers.
- h. "licensed premises" means any of the following places or premises:
- (i) the portion of an enclosed public place or premises for which a restaurant permit, tavern permit or special use permit has been issued pursuant to The Alcohol and Gaming Regulation Act, 1997;
 - (ii) the portion of a tent or other portable shelter used in connection with a community event that is open to the public or to which the public is customarily admitted or invited and for which a permit or an endorsement or extension to an existing permit has been issued pursuant to The Alcohol and Gaming Regulation Act, 1997;
- i. "outdoor seating area" means an outdoor area or structure commonly referred to as a patio, deck or terrace whether enclosed or not, that is open to the public or to which the public is customarily admitted or invited that is operated as part of a restaurant or licensed premises, but does not include an outdoor area or structure made available by a restaurant or licensed premises if:
- (i) there is no seating of any kind provided in the area
 - (ii) there is no service of any kind provided in the area

(iii) there is no food or drink permitted in the area at any time

j. "restaurant" means any of the following places or premises:

- (i) an enclosed public place or premises for which a public eating establishment license has been issued pursuant to The public Health Act 1984; or
- (ii) the portion of a tent or other portable shelter used in connection with a community event that is open to the public or to which the public is customarily admitted or invited and for which a temporary food service license has been issued pursuant to The public Health Act 1984;

4. **RESPONSIBILITY**

The intent of this Bylaw is to set standards in the general public interest, and not to impose a duty on the town or its employees to enforce its provisions

5. **BAN ON SMOKING**

A person must not smoke or use a nicotine delivery device:

- a. In any town owned, operated or leased facility;
- b. Within 10 (ten) meters of recreational activity area or facility with in a park including the splash park;
- c. Within 10 (ten) meters of the perimeter of any sports field, including bleachers;
- d. Within 6 (six) meters measured on the ground from a point directly below any point of any opening into any town building;
- e. In a licensed premises;
- f. In an outdoor seating area;
- g. In a restaurant;

6. **SIGNS BANNING SMOKING**

Signs indicating banning of smoking must display, or ensure the display of a sign at each entrance to a Town facility, park, playground and sports field

**NO SMOKING
THIS IS A SMOKE FREE ENVIRONMENT**

7. **SIGN REQUIREMENTS**

All signs referred to in section 6 must:

- a) Display the international symbol to designate "No Smoking" or in areas where smoking is permissible, the international symbol to designate "Smoking permitted", which symbol must occupy at least 25% of the sign;
- b) Consist of at least two contrasting colors, except that if the lettering is on a clear panel then the lettering must contrast to the color of the background;
- c) Be clearly visible

8. **CONDITION OF SIGN**

A person must not remove, alter, conceal, deface or destroy any sign required under this bylaw.

9. **NOTICE OF VIOLATIONS**

An official of the town may give notice to any person ordering or directing that person to:

- a) discontinue or refrain from doing anything contravenes this Bylaw; or

10. **SERVICE OF NOTICE**

An official of the town may serve a notice under Bylaw:

- a) By mailing it to an owner who is the addressee of the notice at the address of the owner shown on the real-property assessment roll prepared pursuant to the assessment act;
- b) By handing it to the person who is the addressee of the notice; or
- c) If the notice refers to real property, by posting it on the real property.

11. **OFFENCES UNDER BYLAW**

A person who:

- a) Violates any provision of this Bylaw, or does any act or thing which violates any provision of this Bylaw, or suffers or allows any other person to do any act or thing which violates any provision of this Bylaw;
- b) Neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or

c) Fails to comply, suffers or allows any other person to fail to comply, with an order, direction, or notice given under any provision of this Bylaw

(i) Is guilty of an offence against the Bylaw and liable to the penalties imposed under section 12 and section 13.

12. FINE FOR OFFENCE

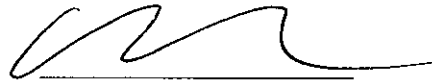
Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than \$100.00 and not more than \$2,000.00 for each offence, except that a person who commits an offence under section 11.C. of this Bylaw is liable of a fine of not less than \$500.00 for each offence.

13. FINE FOR CONTINUING OFFENCE

Every person who commits an offence of continuing nature against this Bylaw is liable to a fine not exceeding \$50.00 for each day such offence continues.

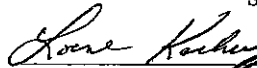
14. SEVERABILITY

If any section or lesser portion of this Bylaw is held to be invalid by a court, such invalidity shall not affect the remaining portions of the Bylaw.



Mayor

SEAL



Administrator

