

CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW 835/13

BEING A BY-LAW TO REGULATE AND PROHIBIT SMOKING ON MUNICIPALLY OWNED PROPERTY IN THE TOWN OF PETAWAWA

WHEREAS Section 115 of the *Municipal Act, 2001*, S.O. 2001, c.25 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 to put in place regulations for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of the Corporation of the Town of Petawawa by requiring that municipally-owned properties within the Town of Petawawa are free from second hand smoke;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETAWAWA ENACTS AS FOLLOWS:

1.0 TITLE

- 1.1 This by-law shall be known and may be cited as the “**the Regulation of Smoking By-law**”.

2.0 DEFINITIONS

- 2.1 For the purpose of this by-law the following definitions and interpretations shall apply:
- (a) “**council**” means the Council of the Corporation of the Town of Petawawa;
 - (b) “**designated smoking area**” means an unenclosed area identified under Schedule “B” to this by-law as an area where smoking is permitted and is designated by signage;
 - (c) “**enforcement officer**” means any person appointed by Council as a Municipal Law Enforcement Officer, Provincial Offences Officer, special constable or any police officer of the Ontario Provincial Police;

- (d) **“municipally owned property”** means all buildings, lands, parking lots, parks, beaches, trails, playgrounds, sports fields owned or leased by the Corporation of the Town of Petawawa, with the exception of municipal road allowances and public sidewalks, and so as not to limit the generality of the foregoing shall include all property held by deed by the Corporation of the Town of Petawawa;
- (e) **“smoke or smoking”** means the smoking of tobacco and includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;
- (f) **“town”** means the Corporation of the Town of Petawawa.

3.0 GENERAL PROVISIONS

- 3.1 No person shall smoke on or in any municipally owned property unless in a designated smoking area as designated by this by-law.

4.0 SIGNAGE

- 4.1 The Town shall ensure that a sufficient number of signs are conspicuously posted so as to clearly identify that smoking is prohibited, or in the case of a designated smoking area that smoking is permitted within that area only.

5.0 EXCEPTION

- 5.1 Smoking undertaken as part of a religious ceremony or as part of a cultural activity by a bona fide Aboriginal group is permitted as an exception.

6.0 OFFENCES AND PENALTIES

- 6.1 Any person violating any of the provisions of this by-law is guilty of an offence and upon conviction shall be liable to a penalty pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 6.2 Each day a contravention continues may be deemed to be a separate offence.

7.0 CONFLICTS

- 7.1 If any provision of this by-law conflicts with an Act, regulation or another by-law of the Town, the provision that is most restrictive shall apply.

8.0 SEVERABILITY

- 8.1 If any section or sections of this by-law, or parts thereof, are found by any court 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.

9.0 REVIEW

- 9.1 The CAO/Clerk is responsible to ensure that Council reviews this by-law every five years.

10.0 EFFECTIVE DATE

- 10.1 This by-law shall come into force and take effect upon final reading.

By-law read a first and second time this 6th day of May, 2013.

By-law read a third time and passed this 6th day of May, 2013.



Mayor



Chief Administrative Officer/Clerk

CORPORATION OF THE TOWN OF PETAWAWA

SCHEDULE “A” TO BY-LAW 835/13

CRITERIA TO BE USED IN IDENTIFYING

DESIGNATED SMOKING AREAS

Under this by-law smoking is prohibited on municipally owned property, *except* for three areas specifically identified as Designated Smoking Areas (DSA). One DSA will be located on the Civic Centre Property, one at Centennial Park and one at Petawawa Point Beach.

The Designated Smoking Areas (DSA) must be no more than five percent (5%) of the total unenclosed area for which they are designated and comply with the following site criteria:

A. LOCATION

- i) If possible, be at least 30 metres from:
 - Any *enclosed areas* and their publically used doorways, vents, operable windows, ventilation ducts, and specifically entryways to: community centres, libraries, municipal offices, arenas, and other Town-owned buildings used by the public.
 - Any *Unenclosed Recreational Areas* that are primarily used by children and/or that have improvements that facilitate physical activity including but not limited to: playgrounds, tennis courts, swimming pools, splash pads, amusement rides/activities, beaches and all sports fields, outdoor bleachers and recognized, designated viewing areas.
 - Outdoor eating areas that are open and available for dining and beverage service (to prevent smoke drift).
- ii) Not be alongside a pedestrian thoroughfare/walkway.
- iii) Not require members of the public, except for those who choose to be present in the designated smoking area, to utilize or pass through the designated smoking area for any purpose.
- iv) Should not require any employee to work in or be required to pass through the designated smoking area as a regular way to get to their workplace.
- v) Should be out of business view.

CORPORATION OF THE TOWN OF PETAWAWA

SCHEDULE “B” TO BY-LAW 835/13

DESIGNATED SMOKING AREAS

**(Air photos of Civic Centre, Centennial Park and Petawawa Point
Designating Smoking Areas)**

SCHEDULE “B-1”	Civic Centre Designated Smoking Area
SCHEDULE “B-2”	Centennial Park Designated Smoking Area
SCHEDULE “B-3”	Petawawa Point Designated Smoking Area

Legend
☐ Property Parcels

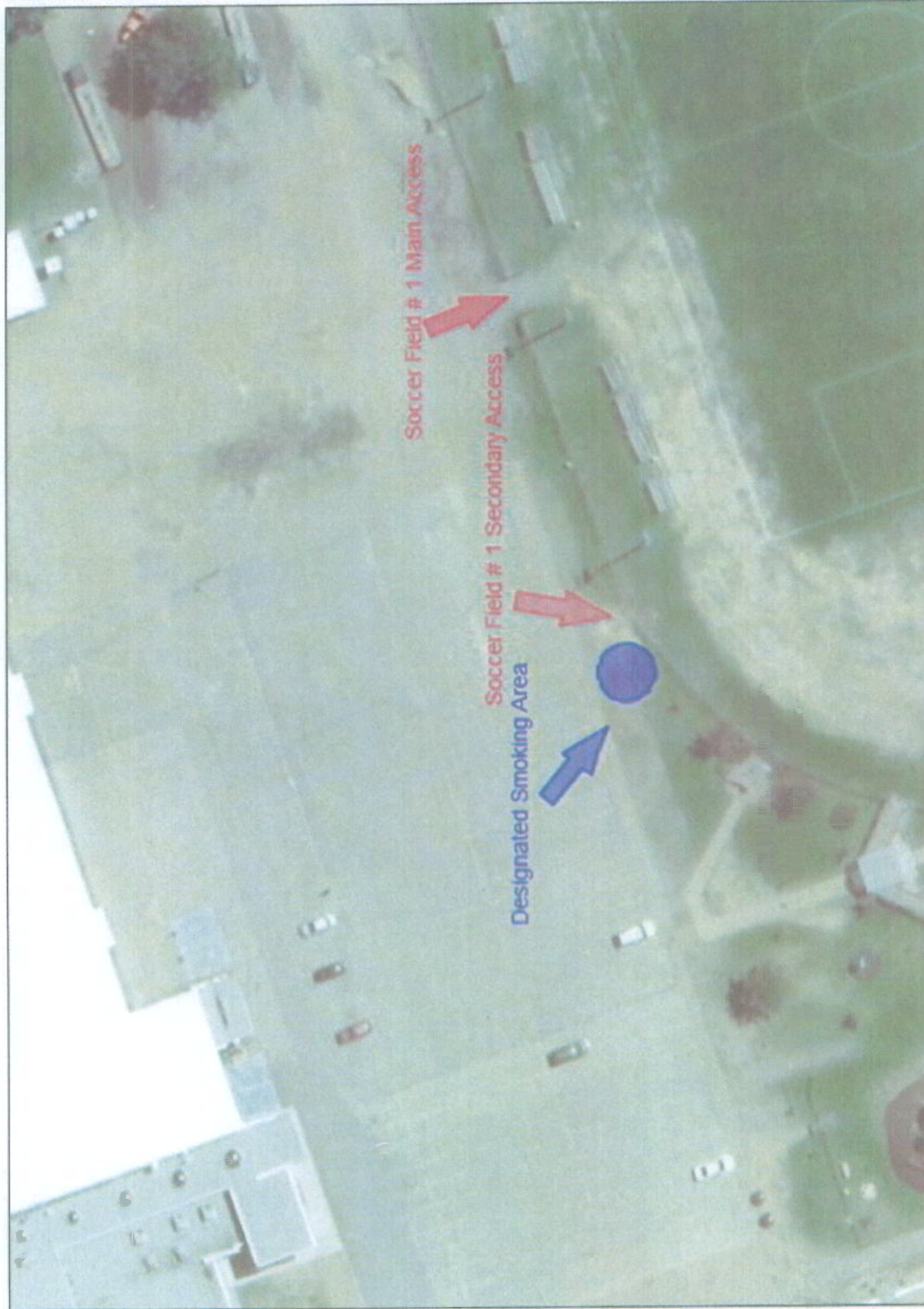
Schedule "B-1" to By-law 835/13
 Civic Centre Designated Smoking Area

Depending on the number of layers visible not all may be shown in the legend.

Notes

Enter Map Description

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38.7 0 19.35 38.7 Meters

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County of
Renfrew
ONTARIO, CANADA

Centennial DSA (2)

3/26/2013 3:15:24 PM



Legend
☐ Property Parcels

Schedule "B-2" to By-law 835/13 Centennial Park Designated Smoking Area

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Notes

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116.2 0 58.12 116.2 Meters

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Legend
☐ Property Parcels

Schedule "B-3" to By-law 835/13
Petawawa Point Designated Smoking Area

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Notes

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THE HONOURABLE LISE T. MAISONNEUVE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO K2P 2L1



L'HONORABLE LISE T. MAISONNEUVE
JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

161, RUE ELGIN, 6^{ÈME} ÉTAGE
OTTAWA (ONTARIO) K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

TOWN OF PETAWAWA

July 24th, 2013

JUL 29 2013

Corporation of the Town of Petawawa
1111 Victoria Street
Petawawa, Ontario
K8H 2E6

RECEIVED

Attention: Mr. David Newton

Dear Mr. Newton:

**Re: Set Fines – Provincial Offences Act – Part I
By-law No. 835/13: Smoking**

Enclosed herewith are the original Order dated July 24th, 2013 and original schedule of set fines for By-Law No. 835/13, the By-law indicated in the schedule.

Please note that I have amended Item #1 from \$250.00 to \$200.00.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Corporation of the Town of Petawawa.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Lise Maisonneuve', written over a horizontal line.

Lise T. Maisonneuve
Regional Senior Justice
East Region
Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 835/13 of the Corporation of the Town of Petawawa, attached hereto is the set fine for that offence. This Order is to take effect on July 24th, 2013.

Dated at Ottawa this 24th day of July 2013.



.....
Lise T. Maisonneuve, Regional Senior Justice
Ontario Court of Justice
East Region

SET FINE SCHEDULE

TOWN OF PETAWAWA – BY-LAW 835/13

PART 1 PROVINCIAL OFFENCES ACT
TITLE: REGULATIONS OF SMOKING BY- LAW

ITEM	COLUMN 1 SHORT FORM WORDINGS	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Smoking – Municipal Property - prohibited	3.0	250.00 200.00
			AM

NOTE: The penalty provision for the offences indicated above is section 6.1 of by-law no. 835/13, a certified copy of which has been filed.