

TOWN OF STRATFORD

SMOKE FREE BYLAW

BYLAW NUMBER 42



Imagine that!

BEING A BYLAW OF THE TOWN OF STRATFORD WITH RESPECT TO SMOKING PURSUANT TO THE PROVISIONS OF SECTION 180 (a) and (f) OF THE *MUNICIPAL GOVERNMENT ACT*, R.S.P.E.I. 1988, CAP. M-12.1;

AND WHEREAS THE GOVERNMENT OF PRINCE EDWARD ISLAND HAS REGULATED SMOKING IN PUBLIC PLACES AND WORKPLACES BUT HAS NOT EXPRESSLY PROHIBITED SMOKING IN MUNICIPALLY-OWNED OR OPERATED FACILITIES;

AND WHEREAS SECTION 3 OF THE *SMOKE-FREE PLACES ACT*, R.S.P.E.I. 1988, CAP. S-4.2, PERMITS A BYLAW OF A MUNICIPALITY TO IMPOSE A MORE STRINGENT SMOKING RESTRICTION THEN THAT CONTAINED IN THE *SMOKE-FREE PLACES ACT*;

AND WHEREAS IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF ITS RESIDENTS TO PROHIBIT SMOKING IN TOWN-OWNED OR OPERATED FACILITIES;

BE IT ENACTED by the Council of the Town of Stratford as follows:

1. DEFINITIONS AND INTERPRETATIONS

1.1. In this By-law,

- (a) "Town" means The Town of Stratford;
- (b) "Council" means the Town Council of the Town of Stratford;
- (c) "Sidewalk" means that portion of a street between the curb line or the lateral line of the roadway and the adjacent property line that is set apart for the use of pedestrians, and includes any part of a street set apart or marked as being for the exclusive use of pedestrians;
- (d) "Playground" means a landscaped open space equipped with children's play equipment such as slides, swings and other similar equipment or facilities;
- (e) "Sports Field" means an area of land landscaped and graded to accommodate various outdoor sports, and may include features such as bleachers, fencing, washrooms and accessory buildings;

- (f) "Town Property" means any land, building, structure or premise to which the Town, or a corporation wholly owned by the Town, holds right of ownership, including any land building, structure or premise which is leased by or to the Town;
- (g) "Parkland" means land owned by the Town or some other level of government used or intended for use by members of the public;
- (h) "Smoke", as a verb, means to smoke, utilize, hold or otherwise have control over:
 - i. an ignited tobacco product or,
 - ii. an operating Electronic Smoking Device, Waterpipe or other device or instrument used or intended to be used to deliver vapour or smoke by inhalation from the device or instrument in a manner that resembles smoking tobacco;
- (i) "Electronic Smoking Device" means an electronic or battery-operated device used or intended to be used to deliver vapourized solutions by inhalation from the device in a manner that resembles smoking tobacco, such as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic Waterpipe;
- (j) "Waterpipe" means an instrument used or intended to be used to smoke tobacco or other products, in which smoke or vapor generated during its operation passes through a liquid before it may be inhaled from the instrument;
- (k) "Tobacco Product" means a product manufactured from tobacco and intended to be smoked;
- (l) "Spectator Seating Area" means any area designated for the viewing of a sport or event.

2. SMOKING PROHIBITED

- 2.1. No person shall Smoke on any Town Property, Parkland, Playground, Sports Field, or any Spectator Seating Area regardless of whether a "No Smoking" sign is posted.
- 2.2. No person shall Smoke within six meters of the entrance or exit of any place referenced in section 2.1.
- 2.3. Notwithstanding section 2.1, such prohibition of Smoking shall not apply to a Sidewalk located within the provincial right-of-way.

3. SIGNAGE

- 3.1. The Town may post and maintain "No Smoking" signs at the locations referenced in section 2.1, in accordance with the signage provisions set forth in Section 6 of the Town's Zoning and Subdivision Control (Development) Bylaw (Bylaw # 29).

4. ENFORCEMENT AND OFFENCES

- 4.1. The prosecution of offences under this Bylaw shall be in accordance with the Town's Summary Proceedings Bylaw (Bylaw # 34).
- 4.2. This Bylaw may be enforced and any breach thereof may be restrained by application by the Council to the Supreme Court of the Province of Prince Edward Island in accordance with subsection 225 of the *Municipal Government Act* (Prince Edward Island) or any successor Act or provision.
- 4.3. Any person who observes another person acting contrary to this Bylaw may submit to the Town's municipal office a Smoke-Free Bylaw Offence Witness Statement in the form hereto annexed in Schedule "A".
- 4.4. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$500 and, in default of payment of any fine imposed, to imprisonment for a term not exceeding 60 days.
- 4.5. A contravention of this Bylaw that is of a continuing nature constitutes a separate offence in respect of each day or part of a day that it continues.
- 4.6. Where any person contravenes the same provision of this Bylaw twice in one year, that person is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$1,000 and, in default of payment of any fine imposed, to imprisonment for a term not exceeding 60 days.
- 4.7. Where any person contravenes the same provision of this Bylaw three or more times in one year, that person is guilty of an offence and liable on summary conviction to a fine of not less than \$300 and not more than \$1,500, and in default of payment of any fine imposed, to imprisonment to a term not exceeding 60 days.

5. CONFLICTS

- 5.1. If a provision of this Bylaw conflicts with any federal or provincial law or regulation, or another Bylaw, the provision that is the most restrictive of smoking shall prevail.

6. EFFECTIVE DATE

6.1. This bylaw shall be effective on the date of approval and adoption.

First Reading:

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the 11th day of July, 2018.

Second Reading:

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the 8th day of August, 2018.

Approval and Adoption by Council:

This bylaw was formally adopted by a majority of Council members present at the Council meeting held on the 8th day of August, 2018.

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this 8th day of August, 2018

Witness the corporate seal of the Town.

David Dunphy
Mayor

[Signature]
Chief Administrative Officer

This Bylaw was filed with the Minister of Communities, Land and Environment on this 5th day of September, 2018.

SCHEDULE "A"
SMOKE FREE BYLAW



Town of Stratford, 234 Shakespeare Drive, Stratford, PE C1B 2V8
Please fax to (902) 569-5000, or email to: info@townofstratford.ca

Attention: Smoke-Free Enforcement

SMOKE FREE BYLAW OFFENCE WITNESS STATEMENT

Your name: _____

Address: _____

Phone: _____

Email: _____

Date and time of occurrence: _____

Name of person you observed smoking in a designated no smoking area (if available):

Did you know the person personally? Yes No

If yes, how? _____

If no how did you identify the person? _____

When you witnessed the offence, where were you standing? _____

How far away from the person were you? _____

Could you tell the colour of the cigarette filter? Yes No

What colour was the filter? _____

Could you see the smoke from the cigarette? Yes No

If winter, what was the approximate air temperature? _____

Are you certain that what you saw was smoke and not expelled breath? Yes No

Could you smell the smoke? Yes No

Would you recognize the smell of smoke for another product? Yes No

How? _____

Please give any other pertinent information: _____

Date

Signature

Please be advised that by submitting and signing this witness statement, you may be called upon to present evidence in court should this matter result in charges or proceed to trial.



