

THE CORPORATION OF THE
TOWNSHIP OF BLANDFORD-BLENHEIM
BY-LAW NUMBER 1909-2015

Being a By-law to amend By-law Number 1662-2011 being the By-law to prohibit smoking near municipal entrances and land.

WHEREAS the Smoke-Free Ontario Act has changed the distance from a sports field or playground where smoking of a tobacco product is permitted;

AND WHEREAS the Municipal Council of the Corporation of the Township of Blandford-Blenheim deems it advisable to amend the Township By-Law to prohibit smoking in all municipal parks and workplaces within the municipality.

NOW THEREFORE the Council of The Corporation of the Township of Blandford-Blenheim enacts as follows:

1. That Section "1. – Definitions" is repealed and the following substituted:

In this by-law:

"Council" shall mean the Council of the Corporation of the Township of Blandford-Blenheim;

"Officer" shall mean a person appointed by Council as a Municipal By-Law Enforcement Officer, a Police Officer or other individual duly appointed to enforce this by-law;

"Smoke" or "Smoking" includes the use or carrying of any lighted, heated or activated cigar, cigarette, pipe, Waterpipe or any other equipment used to inhale, exhale, burn or heat any Smoking Product.

"Smoking Product" means any product whose primary purpose is to be burned, heated or activated to produce vapours, gases, or smoke, which are inhaled, and shall include but is not limited to non-tobacco herbal shisha, and other plant material or oils intended for inhalation;

"Township" shall mean the Corporation of the Township of Blandford-Blenheim;

"Township facility" shall mean any building, structure or premise to which the Township holds right of ownership to, including a building, structure or premise which is leased by the Township, namely:

Bright Park, 51 John Street East
Bright Fire Hall, 886277 Oxford Road 8
Plattsville Park, 68 Mill Street East
Plattsville Fire Hall, 112 Albert Street East

Plattsville Memorial Community Arena, 68 Mill Street East
Drumbo Park, 41 Centre Street
Drumbo Fire Hall, 96 Oxford Street west
Township Administration Office, 47 Wilmot Street South
Princeton Park, 35 Main Street South
Princeton Fire Hall, 67 Main Street South
Princeton Community Centre, 35 Main Street South
Wolverton Park
Vink Estates Park
Richwood Community Hall, 767415 Township Road 5
Townline Community Hall, 5183 Trussler Road

2. That Section "2. – Smoking Prohibited" is repealed in its entirety and the following substituted:
 - 2.1 No person shall smoke, or use a smoking product on any portion of municipal parkland or Township facility, whether or not a "No Smoking" sign is posted.
 - 2.2 No person shall smoke, or use a smoking product on any Township facility including, but not limited to arenas, administration buildings, fire halls, and community centres, whether or not a "No Smoking" sign is posted.

By-law **READ** a **FIRST** and **SECOND** time this 3rd day of June, 2015.

By-law **READ** a **THIRD** time and **ENACTED** in Open Council this 3rd day of June, 2015

Marion Wearn, Mayor

Rodger Mordue, CAO/Clerk

THE CORPORATION OF THE
TOWNSHIP OF BLANDFORD-BLENHEIM

BY-LAW NUMBER 1662-2011

Being a By-law to prohibit smoking near municipal entrances and land.

WHEREAS Section 115 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may prohibit or regulate the smoking of tobacco in public places and workplaces within the municipality and Section 128 (1) of said Act provides that a municipality may prohibit and regulate with respect to matters that in the opinion of Council are or could be public nuisances;

NOW THEREFORE the Council of the Corporation of the Township of Blandford-Blenheim enacts as follows:

1. - Definitions

In this by-law:

“Council” shall mean the Council of the Corporation of the Township of Blandford-Blenheim;

“Officer” shall mean a person appointed by Council as a Municipal By-Law Enforcement Officer, a Police Officer or other individual duly appointed to enforce this by-law;

“Playground Equipment” shall mean any kind of structure or apparatus which is customarily found in a park like setting and which a person may engage in play like activities such as climbing, swinging, hanging, crawling, jumping, stepping, whether over, across, under, through or upon for enjoyment, exercise and/or as part of relating to others of any age. Without restricting the generality thereof, playground equipment includes swings, slides, climbing apparatus, facilities expressly designed for skate boarding;

“Spectator Seating Area” shall mean any designated for the viewing of a sport;

“Township” shall mean the Corporation of the Township of Blandford-Blenheim;

“Township facility” shall mean any building, structure or premise to which the Township holds right of ownership to, including a building, structure or premise which is leased by the Township.

2. – Smoking Prohibited

- 2.1 No person shall smoke, or hold lighted tobacco outdoors on any Township owned sports field including, but not limited to soccer fields, or baseball diamonds, whether or not a “No Smoking” sign is posted.
- 2.2 No person shall smoke, or hold lighted tobacco outdoors within 9 meters of any Township facility entrance, including, but not limited to arenas, administration buildings, fire halls, and community centres, whether or not a “No Smoking” sign is posted.
- 2.3 No person shall smoke, or hold lighted tobacco within 9 meters of the following designated Township facilities for the purpose of this by-law, whether or not a “No Smoking” sign is posted:
- a) Splash Pads
 - b) Playground Equipment
 - c) Spectator Seating Area
 - d) Ball Diamonds
 - e) Soccer Fields
 - f) Basketball Courts
 - g) Outdoor Skating Rinks

3. – Signage

- 3.1 The Township may post and maintain in conspicuous locations at each required location a sign at least 14 centimeters (5.5 inches) by 14 centimeters (5.5 inches) that includes depiction of the international “No Smoking” symbol which may read “No Smoking within 9 Meters _____ (*Describing Area*) _____ Maximum Fine \$5000”.

4. – Offences

- 4.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 4.2 Any person who obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
- 4.3 Any person found guilty of an offence under the provision of this by-law shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, or any successor thereof.

5. – Enforcement

- 5.1 The provisions of this by-law respecting smoking outdoors on Township owned property shall be enforced by an Officer or authorized person deemed to be an agent of the Corporation of the Township of Blandford-Blenheim for the purpose of addressing unauthorized activity on Township property.
- 5.2 Any person who observes another person acting in contrary to this by-law may submit a Smoke Free Ontario Act Witness Statement which is outlined in Schedule “A” to this by-law to the Township Office.

6. – Conflict

- 6.1 If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

7. – Severability

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

8. - Enactment

- 8.1 This by-law shall come into force on the date of enactment.

READ A FIRST AND SECOND TIME THIS 16th day of February, 2011.

READ A THIRD TIME AND FINALLY PASSED THIS 16th day of February, 2011.

(SEAL)

Marion Wearn, Mayor

Fran Bell, Clerk/CAO

SCHEDULE "A"

TO BY-LAW 1662-2011

Being a By-law to Prohibit Smoking Near Municipal Entrances and Land



Township of Blandford-Blenheim
47 Wilmot St. Drumbo ON,
N0J 1G0

**SMOKE FREE ONTARIO ACT
WITNESS STATEMENT**

Date and Time of Occurrence _____

Name of Person you
observed Smoking in a designated no smoking area _____

Do 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 was the colour of 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

Did it smell like tobacco smoke? Yes No

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

How? _____

Please give any other pertinent information: _____

Name _____

Signature _____

Date _____