

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 84-2012

A By-law to prohibit smoking outside municipal buildings and recreational areas in the City of Vaughan.

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*"), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS paragraph 5 of section 11(2) of the *Municipal Act, 2001* provides that an over-tier municipality may pass By-laws for the economic, social and environmental well-being of the City;

AND WHEREAS paragraph 6 of section 11(2) of the *Municipal Act, 2001* provides that a lower-tier municipality may pass By-laws for the health, safety and well being of persons;

AND WHEREAS section 115 of the *Municipal Act, 2001* provides that a municipality may prohibit or regulate the smoking of tobacco in public places and workplaces.

NOW THEREFORE, the Council for The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. In this By-law, unless a contrary intention appears,
 - (a) "City" means The Corporation of the City of Vaughan;
 - (b) "Designated Area" means those areas set out in Schedule "A";
 - (c) "Officer" means any person appointed by Council as a Municipal Law Enforcement Officer and a Police Officer appointed by York Regional Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police;
 - (d) "Public Entrance" means an entrance to which the public is ordinarily invited or permitted access, either expressly or by implication;
 - (e) "Smoke" includes the carrying of a lighted cigar, cigarette, pipe or any other listed smoking equipment or product.
 - (f) "Walkway" means that area of land designated or designed specifically for the passage of

pedestrians but shall not include a sidewalk.

2. (1) No person shall Smoke outdoors on City-owned property set out in Schedule "A", unless in a Designated Area.
(2) For City-owned property not set out in Schedule "A", no person shall Smoke outdoors within 9 meters of any Public Entrance or openable window of a building, or on a Walkway leading to or from a building.
3. (1) No person shall Smoke outdoors in or within 9 meters of any City-owned wading pool, splash pad, skating rink, skate park, sports field, playground, tennis court or basketball court.
4. (1) This By-law shall be enforced by an Officer.
5. (1) Where an Officer finds a person apparently in contravention to this By-law, the Officer may require that the person provide their name, address, phone number and identification.
6. (1) No person shall obstruct an Officer in the enforcement of this By-law.
(2) Any information provided to the Officer in subsection (1) is admissible in any proceeding.
(3) Any information provided to the Officer in subsection (1) is presumed to be correct and accurate.
(4) Failure to provide to the Officer in subsection (1) constitutes an obstruction of the Officer.
7. (1) Any person who contravenes any provision of this By-law is guilty of an offence.
(2) Subsection (1) creates an absolute liability offence.
(3) Any person found guilty of an offence under this By-law is liable to a fine not exceeding \$5,000.
8. (1) Schedule "A" hereto attached forms part of this By-law.
9. (1) This By-law shall come into force and effect on the date of enactment by Council.

Enacted by City of Vaughan Council this 29th day of May, 2012.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

Authorized by Item No. 30 of Report No. 32
of the Committee of the Whole
Adopted by Vaughan City Council on
June 28, 2011.

Schedule "A"

By-law Number 84-2012

DESIGNATED AREAS

Name of Facility	Municipal Address	DESIGNATED AREA
Dufferin Clark Community Centre	1441 Clark Avenue West	Parking Lot
Garnet A. Williams Community Centre	501 Clark Avenue West	Parking Lot
North Thornhill Community Centre	300 Pleasant Ridge Avenue	Parking Lot
Maple Community Centre	10190 Keele Street	Parking Lot
Al Palladini Community Centre	9201 Islington Ave.	Parking Lot
Chancellor Community Centre	350 Ansley Grove Road	Parking Lot
Father Ermanno Bulfon Community Centre	8141 Martin Grove Road	Parking Lot
Woodbridge Pool & Memorial Arena	5020 Hwy #7 (at Islington Avenue)	Parking Lot
Vellore Village Community	1 Villa Royale Avenue	a. Signed location 3 square metres located no less than 9 m west of the west walkway. b. Signed location 3 square metres located no less than 9 m north of the main entrance
Rosemount Community Centre	1000 New Westminster Drive	Signed location 3 square metres located no less than 9 m from main entrance on east property line.