

**Town of Oxford
BY-LAW 2013-02**

SMOKE FREE OUTDOOR SPACES BYLAW

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

SHORT TITLE

1. This Bylaw shall be known as Bylaw No. 2013-02 and may be cited as the ***Smoke Free Outdoor Spaces By-Law***

BACKGROUND

2. The *Municipal Government Act*, in Section 172(1)(a), (c) and (d) authorizes a Council to make By-laws for municipal purposes respecting the health, well-being, safety and protection of persons; persons and activities in public places and places open to the public; and nuisances, including burning, odours and fumes.

INTERPRETATION

3. In this By-law:

(a) "grounds of a town building" means the outdoor part of any lot containing a building owned or leased by the town, and any sidewalk immediately adjacent to the lot

(b) "playground" means any park or recreational area designed in part to be used by youth that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located within the town.

c) "Smoke" or "Smoking" means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hooka pipe, or other lighted smoking implement designed to burn or heat tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions, but does not include using or having control over nicotine replacement products approved for use by Health Canada.

(d) "street" means a public or private street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith.

(e) "town property" means real property owned or leased by the town, directly or through the medium of a board or commission, including the Public Service Commission of the Town of Oxford, and any motor vehicle owned or leased by the Town/Municipality, directly or through the medium of a board or commission, including the Public Service Commission of Town of Oxford.

PROHIBITION

4. No person shall smoke in any of the following places:

- (a) a park on town property or property the town is licensed to maintain;
- (b) a playground, seasonal skating rink, skate park sports field, water spray park or toboggan hill on town property;
- (c) an outdoor recreational facility on town property, including but not limited to a sports field, grandstand, seating area or bleacher;
- (d) the grounds of a town building;
- (e) the grounds of an event on town property that is open to the public, including but not limited to a festival, market or concert, whether admittance to the event is gratis or for a fee;
- (f) a cemetery on town property;
- (g) a beach on town property;
- (h) a trail or path on town property or property the town is licensed to maintain;
- (i) a street along a parade route while the parade is in progress;
- (j) a street within a school area designated under the *Motor Vehicle Act*, except within an enclosed motor vehicle.

OFFENCE AND PENALTY

5. Anyone who violates any section of this by-law is guilty of an offence and is liable, on summary conviction, to a fine of not more than two hundred dollars (\$200.00).

SEVERABILITY

6. In the event that any provision of this by-law becomes or is declared by a court of competent jurisdiction to be illegal or unenforceable, the remainder of this by-law will continue in full force and effect.

FORCE AND EFFECT

7. This bylaw has effect from and after November 18, 2013.