

## TOWN OF BRIDGEWATER

### BY-LAW CHAPTER 191

#### PROTECTION FROM SECOND-HAND SMOKE BY-LAW

**BE IT ENACTED** by the Council of the Town of Bridgewater as follows:

#### **SHORT TITLE**

1. This Bylaw shall be known as Bylaw No. 191 and may be cited as the ***Protection from Second-hand Smoke 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” means to smoke, hold or otherwise have control over ignited tobacco, cannabis, or any other substance that is intended to be smoked or inhaled in any manner including but not limited to a bong, cigarette, cigar, pipe, water pipe, electronic cigarette, hookah, or vaporizer.
  - (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 Bridgewater, and any motor vehicle owned or leased by the town, directly or through the medium of a board or commission, including the Public Service Commission of Bridgewater.
- (f) “cannabis” means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis in any form.

## **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 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 trail or path on town property or property the town is licensed to maintain;
  - (h) a street along a parade route while the parade is in progress;
  - (i) a street within a school area designated under the *Motor Vehicle Act*, except within an enclosed motor vehicle.

## **EXEMPTION**

- 5. Nothing in this by-law affects the rights of indigenous people respecting traditional indigenous spiritual or cultural practices or ceremonies.

## **OFFENCE AND PENALTY**

- 6. 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**

7. 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**

8. This bylaw has effect from and after September 1, 2008.