

Municipality of Cumberland By-Law 18-XX

Protection from Second-Hand Smoke By-Law

Whereas 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.

And whereas it is the wish of Council to use that power to respect the health, well-being, safety, and protection of persons against second-hand smoke:

1. This By-Law is entitled the *Protection from Second-hand Smoke By-Law*.
2. In this By-Law:
 - a) “cannabis” means cannabis as defined by the Cannabis Act (Canada);
 - b) “grounds of a municipal building” means the outdoor part of any lot containing a building owned or leased by the Municipality, and any sidewalk immediately adjacent to the lot;
 - c) “municipal property” means any land or asset owned, occupied, or leased by the Municipality, including municipal vehicles. This does not include streets unless otherwise mentioned;
 - d) “Municipality” means the Municipality of the County of Cumberland;
 - e) “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 Municipality;
 - f) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold, or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette, or other device that burns or heats tobacco, cannabis, or another substance that is intended to be smoked or inhaled; and
 - g) “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.

PROHIBITION

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

- a) a park on municipal property or property the Municipality is licensed to maintain;
- b) a playground on municipal property;
- c) an outdoor recreational facility on municipal property, including but not limited to a sports field, grandstand, seating area, or bleacher;
- d) the grounds of a municipal building;
- e) the grounds of an event on municipal 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 trail or path on municipal property or property the Municipality is licensed to maintain;
- g) in provincial or municipal parks and on provincial beaches, except for within the boundaries of a rented campsite;
- h) a street along a parade route while the parade is in progress; and
- i) a street within a school area designated under the Motor Vehicle Act, except within an enclosed motor vehicle. Use of cannabis in vehicles is prohibited under the *Cannabis Act (Canada)*.

EXEMPTION

4. This By-Law does not apply to:

- a) the rights of indigenous people respecting traditional indigenous spiritual or cultural practices or ceremonies; and
- b) municipal streets, excepting Section 4 (h) and (i).

OFFENCE AND PENALTY

5. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and no more than \$2,000.00 and to imprisonment of not more than 14 days in default of payment thereof.