

SMOKE FREE PLACES BYLAW

BYLAW # 2018-01

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN WITH REPECT TO SMOKING. PURSUANT TO THE PROVISIONS OF SECTION 180 (a) OF **THE MUNICIPAL GOVERNMENT ACT OF P.E.I.**, R.S.P.E.I., 1988, Cap. M-12.1

AND WHEREAS IT IS DESIRABLE FOR THE SAFETY HEALTH AND WELFARE OF ITS RESIDENTS TO PROHIBIT SMOKING AND THE USE OF TOBACCO RELATED PRODUCTS AT CITY OWNED AND OPERATED INDOOR AND OUTDOOR SPORT AND RECREATION FACILITIES/PROPERTIES;

AND WHEREAS SECTION 3 OF THE PROVINCIAL SMOKE-FREE PLACES ACT, R.S.P.E.I. 1988, S-4.2 PERMITS A BYLAW OF A MUNICIPALITY OR CITY TO IMPOSE A MORE STRINGENT REQUIREMENT OR RESTRICTION.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I: TITLE

1.
 - 1.1 This Bylaw may be known and may be cited as the “Charlottetown Smoke Free Places Bylaw”.

PART II: DEFINITIONS

2. In this Bylaw:
 - 2.1 “City” means the City of Charlottetown established under Section 3 of the Charlottetown Area Municipalities Act;
 - 2.2 “Council” means the Council of the City;
 - 2.3 “Recreation and Sport Facility/Property” means all city owned or operated indoor and outdoor sport and recreation facilities/properties, including but not limited to: community centres, sport fields, sport courts, parks, playgrounds, green spaces, arenas, swimming pools, boardwalks, trails, viewing areas, park benches, and parking lots;

2.4 “Smoke or Smoking” means to smoke, utilize, hold or otherwise have control over an ignited tobacco product or operating electronic smoking device, water pipe or other device or instrument used or intended to be used to deliver vapour or smoke by inhalation from the device in a manner that resembles smoking;

2.5 “Tobacco product” means a product manufactured from tobacco and intended to be smoked.

PART III: SCOPE

3.

3.1 This Bylaw shall apply to all City owned or operated indoor and outdoor Recreation and Sport Facilities/Properties.

PART IV: ADMINISTRATION

4.

4.1 This Bylaw shall be administered and enforced by the City.

PART V: GENERAL PROVISIONS

5.

5.1 No person shall smoke at any Recreation and Sport Facilities/Properties.

5.2 At all Recreation and Sport Facility/Property smoke free places, a sign indicating that smoking is not permitted in or at the Recreation and Sport Facility/Property shall be posted conspicuously near every entrance to the Recreation and Sport Facility/Property.

5.3 A sign posted in accordance with this Bylaw shall measure at least 21 cm or 8 1/2 inches in width and at least 28 cm or 11 inches in height.

5.4 Any employee of a Recreation and Sport Facility/Property who observes any person smoking or using an electronic smoking device in violation of this Bylaw shall immediately require such person to desist therefrom. If such person declines to desist therefrom, that person shall be required to leave the facility/property forthwith. Failure to comply will result in police intervention.

PART VI: PENALTIES FOR NON-COMPLIANCE

- 6.
 - 6.1 Any person who violates any provision of this Bylaw is guilty of an offense and liable on summary of conviction to a fine of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) and in default of payment, to imprisonment for term not exceeding thirty (30) days.
 - 6.2 Any person who has been found guilty twice of this offense shall be prohibited from using or attending the sport or recreation facility for fourteen (14) days.

PART VII – COMPLAINTS

- 7.
 - 7.1 A complaint alleging that there has been a contravention of this Bylaw, may be made by any person to the Parks and Recreation Department management.
 - 7.2 A complaint shall be made in a manner or in a form acceptable to, and shall provide the information required by, the Parks and Recreation Department management.

PART VIII: EFFECTIVE DATE

- 8.
 - 8.1 This Bylaw shall come into force effective _____, 2018.
 - 8.2 The coming into force of this Bylaw repeals the City’s Smoking Bylaw which came into effect December 11, 1995.

This Smoke Free Places Bylaw was adopted by the Council of the City of Charlottetown on _____ and is certified to be a true copy. Date

Chief Administrative Officer

Mayor