

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-074

(As Amended by 13-002)

BEING A BY-LAW TO REPEAL BY-LAW 07-126, BY-LAW 07-168, BY-LAW 09-034 AND BY-LAW 10-123 AND BEING A BY-LAW TO ESTABLISH A BY-LAW RESPECTING SMOKING IN THE CITY OF PETERBOROUGH

WHEREAS Section 10(2) of the Municipal Act, 2001, as amended, permits councils of local municipalities to pass by-laws and make regulations for the health, safety and well-being of persons within the municipality;

AND WHEREAS it has been determined that tobacco products and second hand-tobacco smoke are a health hazard because of its impairment, adverse effect and risk to human health, and is a public nuisance because of its irritating and discomforting properties to the inhabitants of the City of Peterborough;

AND WHEREAS it is desirable for the health, safety, and well-being of the inhabitants for of the City of Peterborough to provide for regulating tobacco products, smoking and second hand tobacco for the better protection of persons from conditions injurious to health in accordance with the provisions of this by-law

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

DEFINITION

1. **Tobacco Product** – means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff, but does not apply to products intended for use in nicotine replacement therapy.
- 1.2 **Peterborough Utilities Group** – means City of Peterborough Holdings Inc. and any of it subsidiary companies.

PROHIBITIONS

2. No person shall use any Tobacco Product in any building or on any land owned by the Peterborough County-City Health Unit or by the Peterborough Regional Health Centre.
3. No person shall smoke or hold lighted tobacco within a nine (9) metre radius surrounding any entrance, exit, or air intake of any of the following:
 - i. City Hall;
 - ii. Any Fire Station;
 - iii. The buildings owned by the Peterborough Utilities Group;
 - iv. The buildings owned by the Peterborough Utilities Commission;
 - v. The Art Gallery of Peterborough;
 - vi. The Downtown Transit Terminal;
 - vii. The Simcoe Street Parking Garage;
 - viii. The King Street Parking Garage;
 - ix. The Main Branch of the Peterborough Public Library;
 - x. The DelaFosse Branch of the Peterborough Public Library;
 - xi. The Morrow Building;
 - xii. The offices of the City of Peterborough's Social Services Division;
 - xiii. The buildings at the City of Peterborough's Public Works yard;
 - xiv. The Pearson Day Care;
 - xv. The Peterborough Day Care;

- xvi. The Peterborough Museum and Archives;
 - xvii. The Peterborough Sport and Wellness Centre;
 - xviii. The Provincial Offences Office;
 - xix. The terminal building at the Peterborough Airport;
 - xx. The Queen Alexandra Community Centre;
 - xxi. The Waste Water Treatment Plant;
 - xxii. The Peterborough Memorial Centre;
 - xxiii. The Evinrude Centre
 - xxiv. The Kinsmen Centre;
 - xxv. Northcrest Arena; or
 - xxvi. The offices of the Peterborough-Lakefield Community Police Service.
 - xxvii. 70 Simcoe Street (amended by 13-002)
4. No person shall smoke or hold lighted tobacco within the following portions of the Riverview Park and Zoo:
- i. the children's playground;
 - ii. the train station and platform; and
 - iii. the area bounded by the secondary containment fence, at the Riverview Park and Zoo.
5. No person shall smoke or hold lighted tobacco within a nine (9) metre radius of any of the following:
- i. any public playground, beach, wading pool or splash pad effective July 1, 2010; and
 - ii. any sport field or skateboard park effective May 1, 2011.
6. Effective May 1, 2012, no person shall smoke or hold lighted tobacco within any City park except in an area designated to allow smoking or holding lighted tobacco.
7. No person shall smoke or hold lighted tobacco within Del Crary Park, except within the designated smoking area, outlined on the map attached hereto as Schedule "A". (amended by 13-002)

ENFORCEMENT

8. This by-law may be enforced by any:
- i. Person holding the title of Health Promoter or Health Inspector who is employed by the Peterborough County City Health Unit;
 - ii. Police officer; or
 - iii. Peace officer. (amended by 13-002)

EXCEPTIONS

9. This by-law does not apply to any portion of a public road allowance or to any private property.

OFFENCES

10. Any person who contravenes any provision of this by-law is guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the *Provincial Offences Act*.

EFFECTIVE DATE AND REPEAL

11. a) This by-law comes into effect on the day it receives third reading.
- b) By-laws 07-126, 07-168, 09-034, and 10-123 are repealed, effective the date this by-law comes into effect.

By-law read a first, second and third time this 16th day of May, 2011.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Kevin Arjoon, Deputy Clerk

Schedule A: By-law 11-074, as amended
Designated Smoking Area for Del Crary Park

