

BEING A BY-LAW TO AMEND BY-LAW NUMBER 019-2015 A BY-LAW TO PROHIBIT SMOKING AND THE USE OF OTHER TOBACCO PRODUCTS IN PUBLIC PLACES WITHIN THE TOWN OF COBOURG.

WHEREAS pursuant to Section 115 of the Municipal Act, 2001, S.O. 2001, 0.25, as amended, authorizes councils of local municipalities to pass by-laws to prohibit or regulate the smoking of tobacco in public places;

AND WHEREAS pursuant to Section 11(6) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that lower tier municipalities have the authority to pass bylaws respecting the health, safety and well being of persons;

AND WHEREAS it is desirable for the health, safety, and well-being of the citizens of the Town of Cobourg to provide for the regulating of smoking, and tobacco products, Electronic Cigarette, E-substance, or Vapour Product for the improved protection of persons from conditions injurious to health in accordance with the provisions of both this by-law, and the Smoke-Free Ontario Act;

AND WHEREAS it is deemed advisable to amend By-law No. 019-2015

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1.0 THAT Section I of By-law No. 019-2015 be amended to include the following definitions:

1. Definitions

Cannabis – has the same meaning as in subsection 2 (1) of the Cannabis Act (Canada).

Electronic Cigarette – means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.

E-Substance – means a substance that is manufactured or sold to be used in an electronic cigarette.

Tobacco Product – includes Cannabis and means any product that contains 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.

Vapour Product – means an electronic cigarette, an e-substance, or any component of an electronic cigarette.

SMOKING AND USE OF ANY TOBACCO PRODUCTS, ELECTRONIC CIGARETTE, E-SUBSTANCE, OR VAPOUR PRODUCT IN PUBLIC PLACES

2.0 THAT Section(s) 2,3, 5, 6, 7(a), 8(c) of By-law No. 019-2015 be repealed and replaced with the following prohibitions;

2. No person shall smoke or use any Tobacco Product, an Electronic Cigarette, E-Substance, or Vapour Product while in a public place within the Town of Cobourg.

3. No person who owns, occupies or operates a public place within the Town shall permit smoking or use of any Tobacco Product, an Electronic Cigarette, E-Substance, or Vapour Product in such public place.

5. No person shall smoke or use any Tobacco Product, an Electronic Cigarette, E-Substance, or Vapour Product within twenty (20) meters of the edge of the playing surfaces of all children's playgrounds, and publicly owned sports playing fields and surfaces and recreational facilities in Town of Cobourg; and signs will be posted accordingly.

6. No person shall smoke or use any Tobacco Product, an Electronic Cigarette, E-Substance, or Vapour Product in any outdoor public place and within nine (9) meters of the exterior of any building located on any property owned, leased or controlled by the Town of Cobourg.

7.

(a) Every person who owns, occupies or operates a public place shall ensure that signs indicating that smoking and use of any other Tobacco Product, an Electronic Cigarette, E-Substance, or Vapour Product as defined in this By-law is prohibited in the public place are posted at every entrance thereto which signs shall be conspicuous and clearly visible.

8.

(c) Despite the fact that the symbol referred to in subsection (b) above is a cigarette, it shall be deemed to refer to a lighted cigar, cigarette, pipe or any other lighted smoking instrument, as well as represent any prohibited Tobacco Product an Electronic Cigarette, E-substance, or Vapour Product defined, and as listed in the provisions of this By-law.

3. EXEMPTIONS

That the existing section 9 of By-law No. 019-2015 be renumbered as section 11 and the following wording be inserted as new sections 9 & 10 with respect to Exemptions and the remaining sections be renumbered as sections 12 (a),12(b), 13, 14,15,16,17:

9. No provision of this by-law that prohibits the Smoking or use of any Tobacco Product while in a public place shall apply to:

a)an Indigenous Person smoking as part of an activity or event if such activity or event is carried out for traditional Indigenous cultural or spiritual purposes, or

b)a Non-Indigenous Person smoking as part of an activity or event if such activity or event is carried out with an Indigenous Person and for traditional Indigenous cultural or spiritual purposes.

10. This By-law does not apply to a person for mere possession of Cannabis who is entitled to possess Cannabis in a public place for their own medical purposes ("Medical Cannabis User") pursuant to a medical document, registration certificate, license or other document related to medical possession issued pursuant to the Cannabis Regulations (SOR/2018-144) or successor legislation or regulations made thereunder, subject to the applicable maximum amounts and purposes set out in section 266 (2) of the Regulations. This By-law is intended to apply to the smoking and vaporizing of Cannabis in a prohibited space by a Medical Cannabis User as well as to the possession of Cannabis in a prohibited space by a Medical

Cannabis User for any purpose other than their own medical purposes or in an amount that exceeds the maximum amount of cannabis such person is authorized to possess in a public place for their own medical purposes under the regulations.; and

(a) A person referred to in Section 10 shall immediately upon request of an Inspector produce a copy of their:

- (i) medical document provided by an authorized health care practitioner;
- (ii) valid registration certificate issued by Health Canada for possession only;
- (iii) valid registration document issued by a federally licensed seller; or
- (iv) valid registration certificate issued by Health Canada for personal production

4. That Section 10 of By-law No. 019-2015 be repealed and replaced with the following

Sections 12(a) and 12(b);

Duty to Identify

12 (a). Where an Inspector has reasonable grounds to believe that an offence has been committed by a person, they may require the name, address and proof of identify of that person and the person shall supply the required information. A failure by the person to supply the required information constitutes a hindrance or obstruction of the Officer.

12 (b). Every person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

4. That Item 1, 2, 4, 5, 7 and corresponding short form wording in Column 1 of Schedule “A” be amended to reflect the following wording;

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions creating or defining offence	COLUMN 3 Set Fine
1.	Smoke or use of other Tobacco Product, Electronic Cigarette, E-substance, or Vapour Product in a public place.	Section 2	\$105.00
2.	Permit smoking or use of other Tobacco Product, Electronic Cigarette, E-substance, or Vapour Product in a public place.	Section 3	\$105
4.	Smoke or use any tobacco product Electronic Cigarette, E-substance, or Vapour Product within twenty (20) meters of any	Section 5	\$105

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions creating or defining offence	COLUMN 3 Set Fine
	playing surfaces and sports fields.		
5.	Smoke or use any tobacco product Electronic Cigarette, E-substance, or Vapour Product in an outdoor public place and within (9) meters of any municipally owned buildings.	Section 6	\$105
7	Hinder or obstruct person from enforcing by-law	Section 12(b)	\$105

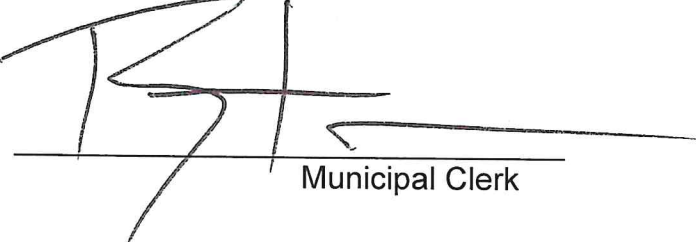
COMING INTO FORCE

This by-law shall come into force and take effect on the date that it is approved by the Council of The Corporation of the Town of Cobourg.

READ a first, second and third time and finally passed in Open Council this 27th day of June 22, 2022



 Mayor



 Municipal Clerk