

**TOWN OF STONEWALL  
BY-LAW NO. 15-24**

Being a By-Law of the Town of Stonewall to regulate smoking and vaping on or near Town of Stonewall outdoor facilities and properties including the distance from the entrance to indoor facilities.

**WHEREAS** Section 232(1) of *The Municipal Act* provides, in part, that a Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and .....
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation.

**AND WHEREAS** it is known that second-hand tobacco smoke is a health hazard and nuisance to persons;

**AND WHEREAS** the increase in vaping rates among Manitoba Youth is alarming and new policies need to be implemented to combat the life-long nicotine addictions and detrimental health effects associated with vaping and smoking;

**AND WHEREAS** the Town of Stonewall is in compliance with the Non-Smokers' Health Protection Act of the Province of Manitoba with regard to prohibiting and regulation of non-smoking indoor facilities and buildings;

**NOW THEREFORE** the Council of the Town of Stonewall in regular session assembled, enacts as follows:

1. **TITLE**  
This By-law shall be entitled the "Outdoor Smoking and Vaping Regulation By-law No. 15-24".
2. **DEFINITIONS**  
In this By-law
  - a) "**grounds of a Town building**" means the outdoor part of any property containing a building owned by the Town and includes parking lots/areas, operational yards for the storage of equipment, materials, fill, snow and other things used in the operation of the Town and courtyards;
  - b) "**outdoor facility**" means any field and/or land of natural and/or man made composition that is used for leisure, recreational and/or athletic purposes to conduct organized or unorganized activities and includes but is not limited to baseball fields, soccer pitches, bleachers or spectator areas, Kinsmen lake and beach;
  - c) "**playground**" means any park or recreational area designed in total or part to be used by youth and that has play or sports equipment or activities installed therein;
  - d) "**Designated Officer**" means a member of the Royal Canadian Mounted Police;
  - e) "**smoke or smoking**" means to inhale, exhale, burn or carry a lighted cigar, cigarette, pipe or other lighted smoking equipment or apparatus that burns tobacco or other weed of substance;
  - f) "**Town**" means the Town of Stonewall and its duly appointed officers;
  - g) "**e-cigarette**" means either of the following:
    - (i) a product or device, whether or not it resembles a cigarette, containing a power source and heating element designed to vapourize an e-substance for inhalation or release into the air, OR
    - (ii) a product or device prescribed by regulation similar in nature or use to a product or device described in clause (a);
  - h) "**e-substance**" means a solid, liquid or gas that, on being heated, produces a vapour for use in an e-cigarette;

- i) **"vapour product"** means any of the following:
  - (i) an e-cigarette,
  - (ii) an e-substance,
  - (iii) a cartridge for or a component of an e-cigarette;
- j) **"vape or vaping"** means to inhale, exhale, or release into the air a vapourized e-substance by means of an e-cigarette or vapour product

3. PROHIBITION and REGULATION

No person shall smoke, vape, or use a vapour product in any of the following places:

- a) the grounds of a Town building with the exception of the following specific areas provided the person(s) smoking is (are) not within 7.5 meters (25 feet) of a door or other entrance or entry way to a Town building
  - the west, north and south parking lots of the Veterans Memorial Sports Complex arena and curling rink
  - the parking areas of Kinsmen Lake
  - the parking areas of the Quarry Park ball diamonds
  - the parking areas of the Quarry Park Heritage Arts Centre
- b) outdoor facilities owned by the Town and in particular the following
  - within the fenced area of the Veterans Memorial Sports complex soccer fields and washrooms, storage and concession building
  - on the diamonds, in the dug outs, in the bleachers, in the sound booths and in the rain shelter of the Quarry Park baseball diamonds
  - within the fenced area of Kinsmen Lake at Quarry Park which includes the beach, volleyball and picnic areas with the exception of the designated smoking area
- c) playgrounds within the Town including but not limited to
  - Helen Montgomery Park,
  - Archie Gray Park
  - the playground in the Quarry Park campground

4. OFFENCE and PENALTY

Every person who violates a provision of this By-Law is guilty of an offence and is liable, upon summary conviction to a fine not exceeding \$250.00 for each violation and offence.

5. SEVERABILITY

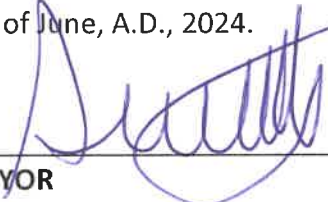
In the event that any provision of this By-Law becomes or is declared by a court of competent jurisdiction to be illegal or unenforceable, the remainder of this By-Law will continue in full force and effect.

6. REPEAL

By-Law No. 08-21 is hereby repealed.

**DONE AND PASSED** by the Council of the Town of Stonewall, in Council Meeting duly assembled in Stonewall, Manitoba, this 12<sup>th</sup> day of June, A.D., 2024.



  
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 MAYOR

  
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 CHIEF ADMINISTRATIVE OFFICER

Read a first time this 15<sup>th</sup> day of May, A.D., 2024.

Read a second time this 12<sup>th</sup> day of June, A.D., 2024.

Read a third time this 12<sup>th</sup> day of June, A.D., 2024.