

**TOWN OF STONEWALL
BY-LAW NO. 08-21**

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. 08-21".
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, volley ball and picnic areas
- 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. 30-10 is hereby repealed.

DONE AND PASSED by the Council of the Town of Stonewall, in Council Meeting duly assembled in Stonewall, Manitoba, this 6th day of October A.D., 2021.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 15th day of September, A.D., 2021.

Read a second time this 6th day of October A.D., 2021.

Read a third time this 6th day of October A.D., 2021.