

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 059-2019**

**A By-law of the Corporation of the City of Vaughan to amend Parks By-law 134-95, as amended, to regulate the smoking of tobacco, cannabis and electronic cigarettes in municipal parks.**

**WHEREAS** section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

**AND WHEREAS** paragraph 5 of section 11(2) of the *Municipal Act*, 2001 provides that an over-tier municipality may pass By-laws for the economic, social and environmental well-being of the City;

**AND WHEREAS** paragraph 6 of section 11(2) of the *Municipal Act*, 2001 provides that a lower-tier municipality may pass By-laws for the health, safety and well-being of persons;

**AND WHEREAS** section 115 of the *Municipal Act*, 2001 provides that a municipality may prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces;

**AND WHEREAS** section 18 of the *Smoke Free Ontario Act*, 2017 requires that where there is a conflict between a provision of that Act and a provision of a municipal by-law that deals with a matter to which the Act applies, the provision that is more restrictive of the matter to which the Act applies prevails;

**AND WHEREAS** Council deems the regulation of smoking tobacco and cannabis necessary to ensure the health, safety and well-being of residents and visitors;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. Amend Parks By-law 134-95, as amended, by adding the following section:

### 10.1 Smoking

While in any park, unless otherwise provided for in this By-law, no person shall smoke, except in accordance with the provisions of the Smoking By-law.

2. Amend the Parks By-law 134-95, as amended, by adding the following definitions in alphabetical sequence:

“Cannabis” has the same meaning as in subsection 2(1) of the *Cannabis Act*, S.C. 2018, c. 16;

“Electronic Cigarette” or “e-Cigarette” has the same meaning as subsection 1(1) of the *Smoke-Free Ontario Act, 2017*;

“Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer or any other lighted, heated or otherwise activated smoking or vaporizing equipment, that contains any *Tobacco, Cannabis* or other substance or product;

“Tobacco” includes any product that contains tobacco.

Enacted by City of Vaughan Council this 1<sup>st</sup> day of May, 2019.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

Authorized by Item No. 11 of Report No.11  
of the Committee of the Whole  
Adopted by Vaughan City Council on  
March 19, 2019.