

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 081-2019

A By-law to make technical amendments to the City's new consolidated Special Events By-law 045-2018, as amended, and Smoking By-law 074-2019, as amended.

WHEREAS section 8(1) of the *Municipal Act, 2001, S.O. 2001, c.25* provides that sections 8 and 11 shall be interpreted broadly as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS 8(3) of the *Municipal Act, 2001, S.O. 2001, c.25* provides that a by-law under sections 10 and 11 respecting a matter may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS section 11(2)6 of the *Municipal Act, 2001, S.O. 2001, c.25* provides for a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS section 11(3)5 of the *Municipal Act, 2001, S.O. 2001, c.25* provides for a municipality to pass by-laws respecting culture, parks, recreation and heritage;

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

AND WHEREAS section 126 of the *Municipal Act, 2001, S.O. 2001, c.25*, without limiting its powers to regulate or prohibit respecting a matter under sections 10 and 11, provides that a local municipality may regulate cultural, recreational and educational events, including public fairs, prohibit such activities unless a permit is obtained from the municipality, impose conditions for obtaining, and continuing to hold and renewing permits;

AND WHEREAS Section 128 of the *Municipal Act* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council are or could become or cause public nuisances;

AND WHEREAS the Council of The Corporation of the City of Vaughan wishes to maintain public safety, control nuisances, and promote community standards, by regulating smoking, including that of cannabis, and the manner in which public events organized by individuals or organizations are conducted;

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

1. Amend the definition of *Park* in the Smoking By-law 074-2019, as amended, to read as follows:
“Park” means any land within the boundaries that are under the jurisdiction of the City of Vaughan, including any land covered by water, and all portions thereof that is or hereafter may be established, dedicated, set apart or made available for use as public open space, including any and all buildings, structures, facilities, erections, and improvements located in or on such land, and including all such lands under the control of other levels of government, including their agencies, boards and commissions;
2. Amend the definition of *Public Place* in the Smoking By-law 074-2019, as amended, to read as follows:
“Public Place” includes *Property* to which the public has access as of right or invitation, express or implied, regardless of whether it is owned by a public or private entity, and also includes any motor vehicle located on such *Property* or in any place open to public view, including any place in or on which a *Special Event* takes place, but excludes public highways;
3. Amend the definition of *Smoke* or *Smoking* in the Smoking By-law 074-2019, as amended, to read as follows:
“Smoke” or “Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, *Electronic 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, but the term shall apply to only one or more of these products or items when they are explicitly identified;
4. Add the definition of *Special Event* in the Smoking By-law 074-2019, as amended, as follows:
“Special Event” has the same meaning as in the Special Events By-law 045-2018, as amended, or its successor by-law.
5. Replace section 4.0(2) of Smoking By-law 074-2019, as amended, as follows, and renumber the subsequent sections accordingly:

No person shall *Smoke Cannabis* in a *Public Place*, except in accordance with section 2.0(2) of Smoking By-law 074-2019.

6. Replace subsection 2.0(2)(a) of the Smoking By-law 074-2019, as amended, with the following:
with Part 14 of the Cannabis Regulations, SOR/2018-144 or its successor legislation;
7. Add section 2.0(5) to Smoking By-law 074-2019, as amended, as follows:
Where there is a conflict between this and any other by-law of the *City*, the more restrictive provisions shall apply.
8. Add the following definition to the Special Events By-law 045-2018, as amended:
“Chief Building Official” means the Chief Building Official for the City of Vaughan and his or her designate;
9. Add subsection 5.0(1)(d) to the Special Events By-law 045-2018, as amended, as follows:
include the consumption of *Cannabis*, except in accordance with Smoking By-law 074-2019, as amended, section 2.0(2) or the promotion of *Cannabis* in any form.
10. Amend section 4.0(17) of the Special Events By-law 045-2018, as amended, to include the Chief Building Official.
11. Amend section 4.0(19) of the Special Events By-law 045-2018, as amended, to refer to section 4.0(15) instead of 4.0(14).

Enacted by City of Vaughan Council this 12th day of June, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk