

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 044-2025

A By-law to amend Smoking By-law 074-2019, as amended, to: reflect changes to the legislative authority for municipalities to appoint municipal by-law enforcement officers; and, to update other definitions, and clarify interpretation of the By-law.

WHEREAS paragraph 6 of section 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (*"Municipal Act"*) provides that a lower-tier municipality may pass by-laws for the health, safety and well-being of persons, and 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 the City of Vaughan enacted Smoking By-law 074-2019, as amended, in which municipal by-law enforcement officers have the authority to enforce the By-law;

AND WHEREAS section 55 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1 (*"Community Safety and Policing Act"*) gives municipalities the authority to appoint *Municipal By-law Enforcement Officers* and repeals and replaces the *Police Services Act*, R.S.O. 1990, c. P. 15 (*"Police Services Act"*) which previously gave municipal councils that authority;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems it necessary to amend the Smoking By-law, as amended, to reflect this change to legislative authority, and make other updates regarding definitions and interpretation of the By-law;

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

1. To amend By-law 074-2019, as amended, as follows:
 - (a) renumber section 3.0(1) to 3.0(7) and to add the following definition to section 3.0(7) in alphabetical order: "Administrative Penalties By-law" refers to the *City Administrative Penalties By-law 240-2024*;
 - (b) delete sections 3.0(2) to 3.0(4);
 - (c) add sections 3.0(1) to 3.0(6) as follows:
 - (1) In this By-law, unless the context otherwise requires, words

imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(7) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
 - (3) Any reference to a statute, regulation, by-law or other legislation shall include such statute, regulation, by-law or legislation as amended, re-enacted, replaced, or superseded.
 - (4) The provisions of Part VI of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F shall apply to this By-law.
 - (5) Where a term used in this By-law is not defined herein, but is defined in the *Smoke Free Ontario Act, 2017*, S.O. 2017, c. 26, Schedule 3, as amended, that definition shall apply to the term used in this By-law.
 - (6) The onus of proving an exception under Part 2.0 of this By-law is on the person claiming the exception, in accordance with section 47(3) of the *Provincial Offences Act, R.S.O. 1990, c.P.33*.
- (d) delete the letter beside each definition in section 3.0(7) and list all definitions in alphabetical order;
 - (e) delete references to “as amended” and “as amended, or its successor by-law” and “or its successor legislation or regulation” and “or its successor legislation” and “or its successor by-law”.
 - (f) delete and replace the definition of *Officer* with:
“Municipal By-law Enforcement Officer” means a *Person* appointed as a Municipal By-law Enforcement Officer, pursuant to section 15 of the *Police Services Act, R.S.O. 1990, c. P.15* or section 55 of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, to enforce the provisions of this By-law;

- (g) delete and replace reference to “administrative monetary penalties” with “administrative penalties”, and “Administrative Monetary Penalties By-law” with “*Administrative Penalties By-law*”.
- (h) delete and replace reference to “administrative monetary penalty” with “administrative penalty”.
- (i) delete and replace reference to “*Officer*” and “*Officers*” with “*Municipal By-law Enforcement Officer*, or a police officer appointed by the York Regional Police Service, Ontario Provincial Police, or Royal Canadian Mounted Police”;
- (j) add section 12.1 as follows:

12.1 Designated By-law

- (1) This is a designated by-law as per Schedule 1 of the *Administrative Penalties By-law*.

Voted in favour by City of Vaughan Council this 25th day of February, 2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 13 of Report No. 1 of the Committee of the Whole.
Report adopted by Vaughan City Council on January 28, 2025.
City Council voted in favour of this by-law on February 25, 2025.
Approved by Mayoral Decision MDC 002-2025 dated February 25, 2025.
Effective Date of By-Law: February 25, 2025