

**THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW 4346**

A BY-LAW to amend By-Law 3596, being a by-law to prohibit smoking in certain public places within the Town of Tillsonburg.

WHEREAS the Corporation of the Town of Tillsonburg deems it necessary and expedient to amend the Town's smoking by-law;

AND WHEREAS Section 115 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may prohibit or regulate the smoking of tobacco in public places and workplaces within the municipality and Section 128(1) of said Act provides that a municipality may prohibit and regulate with respect to a matter that in the opinion of Council are or could be public nuisances;

THEREFORE, the Municipal Council of the Corporation of the Town of Tillsonburg, enacts as follows:

1.0 THAT the following section 1.0 Definitions and Interpretations shall be added as follows;

1.16 **"Town Centre Mall"** means the building located at 200 Broadway in the Town of Tillsonburg.

1.17 **"Vaporizer"** means an inhalant-type device that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine, cannabis or any other substance.

1.18 **"Vaporizing," "Vape," and "Vaping"** means the act of carrying, holding or inhaling of cannabis, tobacco, an e-substance or other similar substance with a vaporizer or electronic cigarette for the purpose of inhalation and may produce vapour, emissions or aerosol.

1.19 **"Waterpipe"** means a device in which the vapours, gases or smoke of a smoking product passes through liquid prior to being inhaled, and shall include but is not limited to a bong or hookah.

2.0 THAT the following definition in section 1.11 shall be amended;

1.11 **"Smoke or Smoking"** includes the carrying of a lighted cigar, cigarette, electronic cigarette, pipe, waterpipe, vaporizer, or any other lighted smoking equipment or smoking product but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance;

3.0 THAT section 2.1 of By-Law 3596 shall be amended as follows:

2.4 No person shall smoke outdoors within 9 meters of any entrance to the Tillsonburg Town Centre Mall or within 9 meters of the designate patio area located at the front of said Mall.

4.0 THAT this by-law shall come into full force and effect upon final passing hereof.

READ A FIRST AND SECOND TIME THIS 15th DAY OF October, 2019.

READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF October, 2019.

MAYOR – Stephen Molnar

TOWN CLERK – Donna Wilson