



## TOWN OF KENTVILLE BY-LAW CHAPTER 99 SMOKE-FREE PUBLIC PLACE

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### 1.0 PURPOSE

1.1 Sections 172 (a), (b), and (d) of the Municipal Government Act provides municipalities with the power to make bylaws respecting the health, well-being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours and fumes.

### 2.0 DEFINITIONS

In this bylaw:

2.1 “Cannabis” means: any part of cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not; any substance or mixture of substances that contains or has on it any part of such a plant; and/or any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

2.2 “Electronic Cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapor intended to be inhaled;

2.3 “Public Place” means

2.3.1 all lands, structures and facilities located within the boundaries of the Town owned by or leased to the Town and, without restricting the generality of the foregoing, includes streets (and sidewalks), parks, and trails; and

2.3.2 all lands, structures and facilities located within the boundaries of the Town not owned by or leased to the Town accessible by the public and where smoking is prohibited by visible signage which notifies the public of the prohibition.

2.4 “Smoke” means smoke, inhale or exhale smoke or vapour from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, bong, Water Pipe, Electronic Cigarette, or any other device that burns or heats Tobacco or Cannabis . In the absence of evidence to the contrary, where smoke is given off from a cigarette, cigar, pipe, Water

Pipe, Electronic Cigarette, or any device that burns or heats a substance intended to be smoked or inhaled, it shall be presumed that the substance being smoked is Tobacco or Cannabis.

2.5 “Tobacco” means tobacco in any form.

2.6 “Town” means the Town of Kentville.

2.7 “Water Pipe” means any lighted or heated smoking equipment used to burn Tobacco or Cannabis or any combination thereof and draw the resulting Smoke through a liquid before it is inhaled.

### **3.0 SCOPE**

3.1 No person shall Smoke in any Public Place.

### **4.0 BY-LAW**

#### Offences and Penalties

4.1 Any person who contravenes or fails to comply with Section 3.1 of this bylaw shall be liable to a penalty not less than \$50 and not exceeding \$200 for a first offence and a fine of not less than \$100 and not more than \$300 for a second or subsequent offence.

#### Effective Date

4.2 This bylaw shall become effective upon publication of Notice of Passing.

#### Repeal

4.3 This bylaw hereby repeals Chapter 84 Smoke Free Public Places.

**CLERK'S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Date of first reading: April 29, 2019  
Date of advertisement of Notice of Intent to Consider: May 7, 2019  
Date of second reading: May 27, 2019  
\*Date of advertisement of Passage of By-Law: June 4, 2019  
Date of mailing to Minister a certified copy of By-Law: May 28, 2019  
*\*Effective Date of the By-Law unless otherwise specified in the By-Law*

I certify that this Smoke-Free Public Places Bylaw – Chapter 99 was adopted by Council and published as indicated above.

May 28, 2019

  
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**Clerk and Chief Administrative Officer  
Mark Phillips**