WHEREAS Section 10(2) of the Municipal Act, 2001, as amended, permits councils of local municipalities to pass by-laws and make regulations for the health, safety and well-being of persons within the municipality;

AND WHEREAS it has been determined that the use of water pipes to smoke tobacco or herbal products is a health hazard because of the creation of second hand smoke and is otherwise a public nuisance because of its irritating and discomforting properties to the inhabitants of the City of Peterborough;

AND WHEREAS it is desirable for the health, safety, and well-being of the inhabitants for of the City of Peterborough to prohibit the use of water pipes in enclosed public places and in certain other places in the City of Peterborough for the better protection of persons from conditions injurious to health in accordance with the provisions of this by-law.

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

DEFINITION

Employee – means a person whose services are contracted for.

Enclosed Public Place – means any enclosed indoor area to which the public have access as of right or by invitation, whether expressed or implied, whether or not an admission fee is charged, but only during such times as the public have such access, including, without limiting the generality of the foregoing, any area that is licensed under the Liquor License Act, restaurants, bowling centers, bingo halls, theatres, recreational facilities, banquet halls, banquet rooms, meeting rooms, reception areas, washrooms, stairwells, corridors, elevators, escalators, and common areas of residential buildings such as lobbies, lounges, mail rooms, laundry rooms and reception areas.

Peterborough Utilities Group – means City of Peterborough Holdings Inc. and any of it subsidiary companies.

Proprietor – means the person, governing body or agency which controls, governs or directs activity carried on within an enclosed public place, workplace, sidewalk patio or roof top patio and includes the person who is actually in charge thereof;

Water Pipe – means any lighted or heated smoking equipment used to smoke tobacco or non-tobacco substances or any combination thereof in a form that may be smoked or inhaled.

Workplace – means any portion of a building, structure or enclosure in which or upon which an employee works.

PROHIBITIONS

1. No person shall use a Water Pipe on any land owned by the City of Peterborough, the Peterborough Utilities Group, the Peterborough County-City Health Unit or by the Peterborough Regional Health Centre.
2. No person shall use a Water Pipe in any Workplace or in any Enclosed Public Place.

3. No person shall use a Water Pipe on any sidewalk patio or roof-top patio that is a licensed area under the Liquor License Act.

4. No person shall use a Water Pipe within the Riverview Park and Zoo.

5. No person shall use a Water Pipe within any City park except in an area designated to allow smoking or holding lighted tobacco.

6. No Proprietor or Employee shall permit the use of a Water Pipe in an Enclosed Public Place.

7. No Proprietor or Employee shall supply to any person a Water Pipe for use in an Enclosed Public Place.

ENFORCEMENT

8. This by-law may be enforced by any:

   a) person holding the title of Health Promoter or Health Inspector who is employed by the Peterborough County-City Health Unit;
   b) police officer; or
   c) peace officer.

EXCEPTIONS

9. This by-law does not apply to any portion of a public road allowance.

OFFENCES

10. Any person who contravenes any provision of this by-law is guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the Provincial Offences Act.

SHORT TITLE

11. This by-law may be known as the “Water Pipe By-law”.

EFFECTIVE DATE

12. This by-law comes into effect on the day it receives third reading.

By-law read a first, second and third time this 10th day of December, 2012.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk