



**THE CORPORATION OF THE TOWN OF GODERICH  
BY-LAW NO. 66 OF 2010**

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**BEING A BY-LAW TO RESTRICT SMOKING IN VICTORIA PARK  
PURSUANT TO SECTION 115 (1) OF THE MUNICIPAL ACT**

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**WHEREAS** Section 115 (1) of the Municipal Act reads as follows:

“without limiting Sections 9, 10 and 11 a Municipality may prohibit or regulate the smoking of tobacco in public places and work places.”

**AND WHEREAS** Section 11 (9) reads as follows:

“if there is a conflict between a By-Law passed by an upper tier and a lower tier Municipality under this provision, the By-Law that is the most restrictive of the smoking of tobacco prevails. Section 115(10) makes the same provision in the event that there is a conflict between the By-Law and any Act. Therefore, although the Province and the County have both legislated in this area, neither restricts smoking in this particular Park. Therefore, the Town’s By-Law would be the more restrictive and should prevail.

**AND WHEREAS** it is desirable of the Council of the Corporation of the Town of Goderich to define Victoria Park as an Unenclosed Public Place;


**AND WHEREAS** we hereby reference Section 115 as noted above and acknowledge that the Province and County have passed legislation regarding smoking and that this By-Law is more restrictive than the County and Provincial Legislation pertaining to smoking.

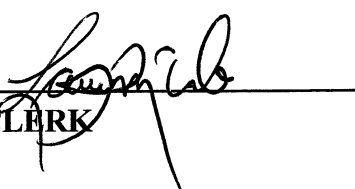
**AND WHEREAS** the Smoke-Free Ontario Act, 1994 restricts smoking in the Province of Ontario;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:**

1. That the Mayor and Clerk be authorized to sign the By-Law and conditions as follows:
  - a) That there be no smoking allowed in Victoria Park since it is a unenclosed public place defined as follows: it is the whole of an unenclosed place or premises where persons other than the owner or occupier have access as of the right or by invitation, expressed or implied.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
14th DAY OF JUNE, 2010.**

  
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**MAYOR**

  
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**CLERK**