

WANGANUI DISTRICT COUNCIL

SMOKE FREE BYLAW 2010

EXPLANATORY NOTE

This Bylaw designates specific Parks and Reserves within the Wanganui District where persons are prohibited from smoking at any time.

The primary purpose of this Bylaw is to prevent young people, when engaging in sporting and leisure activities within the Districts Parks and Reserves, from being exposed to persons who are smoking. Smoking is no longer a socially acceptable activity; nicotine is a drug, it is one of the most addictive drugs and young people should not be exposed to any message that would suggest otherwise.

Smoking related diseases are possibly the greatest preventable cause of death in New Zealand caused by a single common factor. It is believed that a strong link exists between the frequency that children and young people observe smoking in various locations, and the likelihood that they will become smokers.

It is anticipated that through advertising and enforcement of the Smoke Free Bylaw it will have a positive effect on those members of the public who currently consider it acceptable to smoke while in a Park or Reserve by reducing and eventually eliminating smoking in these public areas.

The Smoke-free Environments Act allows Councils the ability to make smoke free bylaws with greater reaching powers than contained under the Act. To do so is promoting the broad objectives of the Local Government Act 2002 and the Health Act 1956.

This Explanatory Note is for information purposes only and does not form part of this Bylaw.

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1.0 Interpretation

- 1.1. **COUNCIL:** means the Wanganui District Council
- 1.2. **DISTRICT:** means the district of the Wanganui District Council
- 1.3. **SMOKE:** means
- (a) to smoke, hold, or otherwise have control over an ignited tobacco product, weed, or plant; and
 - (b) includes to smoke, hold, or otherwise have control over an ignited product or thing whose customary use is or includes the inhalation from it of the smoke produced from its combustion or the combustion of any part of it; but
 - (c) does not include to hold or have control over an ignited product or thing customarily used as incense.
- 1.4. **SMOKE FREE PUBLIC PLACE –**
- (a) means a public place –
 - (i) that is under the control of the Council; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
 - (iii) the Council has, by resolution, specified as a smoke free public place; and
 - (iv) the Council has erected suitable smoke free information signs clearly identifying the area designated as smoke free and the penalty for breaching the Bylaw.
- 1.5. **RESERVE** includes any land set apart for a park, domain or recreational area of a public nature and includes all land designated as a reserve under the Reserves Act 1977.

2.0 Smoking Prohibition

- 2.1 No person shall, at any time, smoke in a smoke-free public place as specified by Council under section 3.1 of this Bylaw.

3.0 Power to specify a smoke free public place

- 3.1 The Council may, from time to time, by resolution specify any part or parts of the District's parks and reserves as a smoke free public place provided every such resolution of the Council is publicly notified at least fourteen (14) days before it takes effect and further notified by the erection of suitable smoke free information signs stating clearly the area designated as smoke free and the penalty for breaching this provisions of this Bylaw.

4.0 Breach of Bylaw and Penalty

- 4.1 Any person who acts in breach of section 2.1 of this bylaw commits an offence and on summary conviction is liable to a fine not exceeding \$20,000.

This By-law was confirmed at the Ordinary Meeting of the Council held on the 30 August 2010, when it was ordered to come into force on the 31 August 2010.

THE COMMON SEAL OF THE WANGANUI DISTRICT COUNCIL