

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2011 - 62

A By-law of The Corporation of the Township of Essa to prohibit smoking outdoors on Township owned property.

WHEREAS the *Municipal Act*, S.O. 2001, c. 25, s. 115 provides that a municipality may prohibit or regulate the smoking of tobacco in public places and provide for the definition of a "public place" for the purpose of the by-law; and

WHEREAS it has been determined that smoking and second hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for individuals residing in or visiting the Township of Essa; and

WHEREAS the Council of The Corporation of the Township of Essa deems it expedient to prohibit smoking in certain outdoor areas on property owned by the Township of Essa.

NOW THEREFORE the Council of The Corporation of the Township of Essa enacts as follows:

SMOKING OUTDOORS – TOWNSHIP OWNED PROPERTY

1.0 DEFINITIONS

For the purpose of this By-law, the following definitions shall apply.

"Authorized person" means an individual employed by or otherwise authorized by the Township of Essa whose duties include the monitoring of Township owned property and ensuring that unauthorized activities are not permitted;

"Council" means the Council of The Corporation of the Township of Essa;

"Municipal facility" means any building, structure or premise to which the Township holds right of ownership to, but does not include a building, structure or premise which is leased by the Township;

"Designated parking area" means that area of parking lot or parking area which has been established or set out for the legal parking of vehicles, but does not include that area of the parking lot designed only for the passage of vehicles;

"Municipal sidewalk" means a sidewalk intended for pedestrians located between that portion of a highway intended for the general passage of vehicles and the lateral property line, but does not include a sidewalk located within the boundary of any Township owned property;

"Inspector" means a person appointed by Council as a Municipal By-law Enforcement Officer, a person or persons or agency contracted by the Municipality to enforce this by-law;

"Outdoors" means any open space which is outside of a facility, building, structure, premise including any temporary building, structure or part thereof, whether covered by a roof or not;

“Person” includes an individual or corporation and shall include the plural where the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neuter gender wherever the context so requires;

“Property” means that which belongs exclusively to the Township of Essa and to which legal rights apply;

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

“Walkway” means that area of land designated or designed specifically for the passage of pedestrians and shall include a pathway but shall not include a sidewalk.

2.0 SMOKING PROHIBITED

- 2.1 No person shall smoke outdoors on any property owned and occupied by the Township including but not limited to property upon which is located a Township facility, parkland, playground, sports field, spectator seating area, ice surface, etc. whether or not a “No Smoking” sign is posted as listed on Schedule “A” attached and forming part of this By-law.
- 2.2 No person shall smoke outdoors on any walkway or pathway set out on or through Township owned and occupied property whether or not a “No Smoking” sign is posted.

3.0 EXEMPTIONS

- 3.1 Notwithstanding Section 2.1 such prohibition shall not apply to a municipal sidewalk.

4.0 OBSTRUCTION

- 4.1 No person shall hinder or obstruct an officer in the enforcement of this by-law.

5.0 OFFENCE

- 5.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 5.2 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
- 5.3 Any person found guilty of an offence under the provision of this by-law shall, be liable to a minimum fine of \$500.00 and a maximum fine not exceeding \$100,000. (*Municipal Act*, S.O. 2001, c. 25).

6.0 ENFORCEMENT

- 6.1 The provisions of this by-law respecting smoking outdoors on Township owned property shall be enforced by an Officer or person deemed to be an agent of The Corporation of the Township of Essa for the purpose of addressing unauthorized activity on Township property.

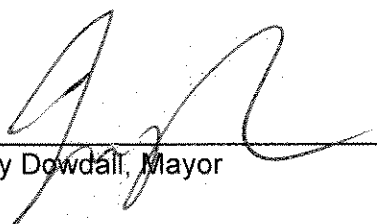
7.0 CONFLICTS

7.1 If any provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

8.0 ENACTMENT

8.1 This By-law shall come into force and have effect on the 1st day of November 2011.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY
PASSED on this 19th day of October, 2011.



Terry Dowdall, Mayor



Bonnie Sander, Clerk

Schedule "A"
to
By-law 2011-62

No Smoking will be permitted at all Parks and Recreation facilities, including but not limited to the following locations:

Municipal Facilities and Properties

Angus Recreation Centre	8529 County Road #10 Angus, ON L0M 1B0
Nottawasaga Community Centre	380 Mill Street Angus, ON L0M 1B1
Angus Community Park Lion's Hall	6 Huron Street Angus, ON L0M 1B0
Thornton Arena	246 Barrie Street Thornton, ON L0L 2N0

Outdoor Pads and Properties

Glen Eton/Wildflower Park	42 McCarthy Crescent Angus, ON L0M 1B3
Stonemount Park	152 Greenwood Drive Angus, ON L0M 1B4
Thornton Arena	246 Barrie Street Thornton, ON L0L 2N0
Baxter Outdoor Pad	119 Murphy Road Angus, ON L0M 1B1

Baseball Diamonds and Properties

Angus Community Ball Diamond	6 Huron Street Angus, ON L0M 1B0
Lions' Ball Diamond	4 Park Road Angus, ON L0M 1B2
New Ball Diamond situated west of Sewage Treatment Plant laneway	147 Centre Street Angus, ON L0M 1B0
Thornton Ball Diamond	246 Barrie Street Thornton, ON L0L 2N0
Ivy Ball Park	5079 20 th Sideroad Thornton, ON L0L 2N0

Nottawasaga Fishing Park	380 Mill Street Angus, ON L0M 1B0
Peacekeeper Park	12 Commerce Drive Angus, ON L0M 1B0
Robson Parkland	23 Berwick Crescent & Walkway east from Sandsprings Crescent & Walkway east from Ashburton Crescent Angus, ON L0M 1B0
Stonemount Park	152 Greenwood Drive Angus, ON L0M 1B4
Thornton Arena Park	246 Barrie Street Thornton, ON L0L 2N0
Thornton Creek Park	91 Davis Trail Thornton, ON L0L 2N0
Cunningham Parkland Phase 1	3 Henry Street Thornton, ON L0L 2N0
Cunningham Acres Phase 2	35 Kevin Crescent and 19 Meadowland Boulevard Thornton, ON L0L 2N0
Ivy Ball Park	5079 20 th Sideroad Thornton, ON L0L 2N0
Baxter Ball Park	119 Murphy Road Angus, ON L0M 1B1
Marshall Parkland	6 Marshall Crescent Angus, ON L0M 1B1
Pioneer Ridge Park	5200 10 th Sideroad Egbert, ON L0L 1N0
Elmgrove Ball Park	6580 5 th Sideroad Elmgrove, ON L9R 1V2

Trails and Properties

Thornton to Cookstown Trail

Pine River Trail from Nottawasaga Fishing Park to Tree Top Soccer Park