

**Schedule A**

**CORPORATION OF THE TOWN OF ARNPRIOR  
REGULATION OF SMOKING ON MUNICIPALLY-OWNED  
PROPERTY & PUBLIC PLACES IN  
THE TOWN OF ARNPRIOR**

**BY-LAW NO. 6076-12**



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BEING a By-law for the regulation smoking in the Town of Arnprior.

**WHEREAS** Section 115 of the *Municipal Act, S.O. 2001, C.25*, as amended, authorizes the council of a local municipality to pass a by-law to prohibit or regulate the smoking of tobacco in public places and workplaces;

**AND WHEREAS** on March 26, 2012, Council adopted a resolution to enact a by-law to regulate smoking on municipally-owned property and public places in the Town of Arnprior and rescinded both By-law No. 5739-09 (being a by-law to regulate smoking on public beaches and playgrounds in the Town of Arnprior) and By-law No. 4040-91 (being a by-law to control smoking in the Arnprior District Civic Centre) and any amendments to such by-laws.

**AND WHEREAS** it is desirable to put in place regulations for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of the Corporation of the Town of Arnprior by requiring that municipally-owned property and public places within the Town of Arnprior are free from second-hand smoke;

**NOW THEREFORE** the Council of the Corporation of the Town of Arnprior enacts as follows:

### **1.0 TITLE**

This By-Law shall be known and may be cited as “***The Regulation of Smoking By-law***”

### **2.0 DEFINITIONS**

For the purpose of this by-law, the following definitions and interpretations shall apply:

- (a) “**council**” means the Town Council of the Corporation of the Town of Arnprior.
- (b) “**enforcement officer**” means any person appointed by Council as a Provincial Offences Officer, special constable or any police officer of the Ontario Provincial Police.
- (c) “**municipally-owned property**” means all **buildings, lands**, landfill facility, beaches, playgrounds, sports fields and cemeteries owned by the Town which **are accessible by the public; (See Schedule A)**
- (d) “**public property**” means any public areas such as beaches, playgrounds or sports fields located within the Town that are privately owned. **(See Schedule A)**
- (e) “**smoke or smoking**” means the smoking of tobacco and includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (f) “**town**” means the Corporation of the Town of Arnprior.

### **3.0 GENERAL PROHIBITION**

- 3.1 No person shall smoke on or in any municipally-owned property.
- 3.2 No person shall smoke within nine (9) metres of an entrance or exit to a municipally owned building or facility.
- 3.3 No person shall smoke within nine (9) metres of a spectator or team area at a sports field.

**4.0 SIGNAGE**

4.1 The proprietor or other person(s) in charge of a public beach, public playground or sports field shall ensure that a sufficient number of signs are conspicuously posted so as to clearly identify that smoking is prohibited.

**5.0 EXEMPTION**

5.1 The traditional use of tobacco that forms part of Aboriginal culture and spirituality is exempt from this by-law.

**6.0 OFFENCES AND PENALTIES**

6.1 Any person violating any of the provisions of this by-law is guilty of an offence and upon conviction shall be liable to a penalty pursuant to the *Provincial Offences Act*, Chapter P.33, R.S.O. 1990 as amended.

6.2 Each day a contravention continues may be deemed to be a separate offence.

**7.0 CONFLICTS**

7.1 If any provision of this by-law conflicts with an Act, regulation or another by-law of the Town, the provision that is most restrictive shall apply with the exception of provisions applying to Aboriginal people who are performing a traditional ceremony.

**8.0 PENALTY**

8.1 A person who contravenes any provision of this By-law is guilty of an offence; and upon conviction, is liable to a fine, recoverable under the provisions of the *Provincial Offences Act*.

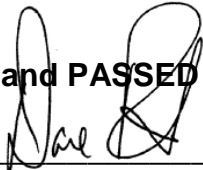
**9.0 SEVERABILITY**

9.1 If any section or sections of this by-law, or parts thereof, are found by any court to be illegal or beyond the power of Council to enact, such section or sections, or parts thereof, shall be deemed to be severable; and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

**10.0 EFFECTIVE DATE**

10.1 This by-law shall come into effect on the date of passing.

ENACTED and PASSED in Open Council this 9th day of April, 2012.

  
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Mayor

  
\_\_\_\_\_  
Clerk

**Schedule A to By-law No. 6076-12 Regulation of Smoking**

**Locations Where Smoking Is and Is Not Prohibited in the Town of Arnprior**

Smoking is not permitted at the following locations or is otherwise restricted, and such listing is not deemed to be all inclusive:

***Municipally-Owned Property***

Allen Dr municipal green space  
Arnprior Landfill Site  
Atkinson Park (basketball court)  
Atkinson playground  
Caruso Park (playground)  
CN Roadway Trail  
Jack Crescent playground  
Legion park and playground  
McLean Avenue Beach  
Robert Simpson Park (at all times)  
Robert Simpson Park beach  
Seventh Avenue Baseball Diamonds  
Veteran's Park, Friday St

***Public Property***

A.J. Charbonneau Public School playground  
Arnprior District High School sports field (9 metres from spectators/team area)  
St. Joseph's Catholic School playground  
John XXIII Catholic School playground  
Walters Zadow Public School playground

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The following locations are exempt from the Regulation of Smoking By-law:

Designated Outdoor Market areas  
The Gillies Trail  
The Heritage Trail  
The McLachlin Trail  
The McNamara Trail

**Schedule B to By-law No. 6076-12 Regulation of Smoking**

**TOWN OF ARNPRIOR  
PART 1 PROVINCIAL OFFENCES ACT  
BY-LAW NUMBER 6076-12: REGULATION OF SMOKING BYLAW,  
A BY-LAW TO REPLACE BY-LAW NOS. 5739-09 & 4040-91**

<b>Item*</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Offence Creating provision</b>	<b>Column 3 Set Fine</b>
1.	<b>Prohibited Smoking – municipal property</b>	<b>Section 3.1</b>	<b>\$195.00</b>
2.	<b>Prohibited smoking - municipal building</b>	<b>Section 3.2</b>	<b>\$195.00</b>
3.	<b>Prohibited smoking – sport field</b>	<b>Section 3.3</b>	<b>\$195.00</b>

\* Note: The general penalty provision for the offences indicated above is Section 6 of By-law No. 6076 -12, a certified copy of which has been filed.