

Town of Amherst

SMOKE-FREE RECREATIONAL PLACES BY-LAW

1. TITLE

- a) This By-law shall be known and may be cited as the “Smoke Free Recreational Places By-Law” of the Town of Amherst.

2. BACKGROUND

- a) The Municipal Government Act, in Section 172(1) (a), (c) and (d) authorizes a council to make by-laws for municipal purposes respecting the health, well-being, safety and protection of person: persona and activities in public places and places open to the public and nuisances, including burning, odours and fumes.

3. INTERPRETATION

- a) In this By-law:
 - i) ‘playground’ means any park or recreational area designed in part to be used by youth that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located in the town;
 - ii) ‘Smoke’ means to *smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;*
 - iii) ‘Cannabis’ means a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form.

4. PROHIBITION

- a) No person shall smoke in any of the following places:
 - i) a park or a playground on Town property or property maintained by the Town;
 - ii) an outdoor recreational facility on Town property, or property maintained by the Town, including, but not limited to a sports field, grandstand, seating area or bleacher;
 - iii) *the grounds of an event on Town property or property maintained by the Town, that is open to the public, including, but not limited to a festival, market or concert whether admittance to the event is gratis or for a fee’.*

- iv) Smoking at the Amherst Stadium shall be restricted to a designated area in the parking lot that may be anywhere on the property except at the front of the building

5. OFFENCE AND PENALTY

- a) Anyone who violates any section of this By-law is guilty of an offence and is liable, on summary conviction, to a fine of not more than two hundred dollars (\$200.00).

6. SEVERABILITY

- a) In the event that any provision of this By-law becomes or is declared by a court of competent jurisdiction to be illegal or unenforceable, the remainder of this By-law shall continue in full force and effect

7. FULL FORCE AND EFFECT

- a) This By-law has effect from and after the date of publication.