



**The Corporation of the Town of Espanola**

**Bylaw No. 2476/12**

**Being a Bylaw of the Town of Espanola  
To Regulate Smoking in Exterior Areas**

**WHEREAS** the Municipal Council of The Corporation of the Town of Espanola has the authority to pass bylaws prohibiting and regulating the smoking of tobacco and the carrying of lighted tobacco products in public places within the Town pursuant to Section 115 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;

**AND WHEREAS** it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants of the Town of Espanola;

**AND WHEREAS** it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants of the Town of Espanola to ensure that municipal property including playing fields, playground area and municipal buildings will be free from second hand smoke;

**NOW THEREFORE** the Council of the Corporation of the Town of Espanola enacts as follows;

**DEFINITIONS:**

1. In this Bylaw:

- 1.1 "Municipal Building" means any building that is owned or operated by the Corporation of the Town of Espanola;
- 1.2 "playground area" means municipal property in an outdoor area established and fitted with equipment (slides, swings, etc.) for the enjoyment of youth;
- 1.3 "playing field" means municipal property in an area designed and designated for the playing of sports including but not limited to soccer fields, baseball diamonds and football fields.

**THAT** further to the Smoke Free Ontario Act, S.O. 1994, Chapter 10 and the Ontario Regulations 48/06;

2. No person shall smoke within a 9 metre radius of any entrance to an enclosed municipal building at the following locations;
  - 100 Tudhope Street – Municipal Offices / POA
  - 76 Centre Street – Police Services
  - 175 Avery Drive – Complex / Library
  - 91 Tudhope Street – Cambrian College
  - 592 Second Avenue – Public Works
  - 596 Second Avenue – Fire Services
3. No person shall smoke within a 9 metre radius of any playing field or any playground area at the following locations;
  - Red McCarthy Athletic Fields including;
    - a 9 metre radius of any entrance to the Pavilion;
    - the playground area; and
    - all soccer / ball fields
  - Espanola Track and Field
  - Sherwood Park
  - Pinegrove Park
  - Algoma Park
  - Clear Lake Beach

**SIGNS**

4. All signs shall be posted in a conspicuous manner and shall not be obstructed from view.

**PENALTY**

5. Every person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction under the Provincial Offences Act is liable to a fine and another other penalty imposed under the Act as defined in this bylaw.

**EFFECTIVE**


6. This Bylaw shall come into effect upon receipt of approval of Schedule 'A' Short For Wording by the Ontario Court of Justice.

**REPEAL**

7. Bylaw No. 2222/09 is hereby repealed as per the conditions of Section 5.0 above.

**Read a first, second and third time in open Council on this 11<sup>th</sup> day of September 2012.**

  
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**Mike Lehoux**  
Mayor

  
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**Cynthia Townsend**  
Clerk Treasurer/Administrator



**PART I Provincial Offences Act**

**Bylaw 2476/12, Regulate Smoking in Exterior Areas**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Smoking within a 9 metre radius of any entrance to an enclosed municipal building	Section 2	\$120.00
2	Smoking within a 9 metre radius of any playing field or any playground area	Section 3	\$120.00

NOTE: The penalty provision for the offence above is Section 5 of Bylaw 2476/12, certified copy of which has been filed.