



Town of Amherst  
**Smoke-Free  
Recreational Places  
Bylaw**

Bylaw No: C-12

Effective: June 26, 2019



I, Kimberlee Jones, Municipal Clerk of the Town of Amherst, do hereby certify that the following is a true copy of the **Smoke-Free Recreational Places Bylaw** adopted by Council at a meeting held on June 24, 2019.

Given under the hand and seal of the Town of Amherst this 26<sup>th</sup> day of June, 2019.

Kimberlee Jones  
Kimberlee Jones  
Municipal Clerk

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First Reading of Council – May 21, 2019  
Notice of Intention to Adopt – June 5, 2019  
Second Reading of Council – June 24, 2019  
Sent to Municipal Affairs – June 26, 2019  
Effective Date – June 26, 2019

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**BY-LAW TO AMEND THE  
SMOKE-FREE RECREATIONAL PLACES BYLAW C-12**

The Town of Amherst Smoke-Free Recreational Places By-law C-12, approved by Council on May 28, 2012, is hereby amended as follows:

Delete Section 3. b . in it's entirety:

~~"smoke" means to smoke, hold or otherwise have control over lighted tobacco;~~

And replace it with the following:

'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;

Add Section 3. c. as follows:


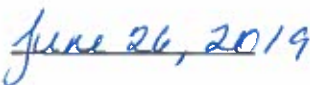
- c. 'Cannabis' means a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form.

Add Section 4.c. as follows:

- c. 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'.

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<b>Annotation for Official Bylaw Book</b>	
Date of First Reading	May 21, 2019
Date of advertisement of Notice of Intent to Consider	June 5, 2019
Date of Second Reading	June 24, 2019
Date of mailing to Municipal Affairs	June 26, 2019
Effective Date of Bylaw	June 26, 2019
I certify that this Bylaw to Amend the Smoke-Free Recreational Places Bylaw was adopted by Council and published as indicated above.	
 <hr/> Kimberlee Jones Municipal Clerk	 Date

First Reading of Council – May 21, 2019  
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## Town of Amherst

### SMOKE-FREE RECREATIONAL PLACES BY-LAW

#### TITLE

1. This By-law shall be known and may be cited as the "Smoke Free Recreational Places By-Law" of the Town of Amherst.

#### BACKGROUND

2. 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.

#### INTERPRETATION

3. In this By-law:
  - a. '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;
  - b. '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;*
  - c. 'Cannabis' means a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form.

#### PROHIBITION

4. No person shall smoke in any of the following places:
  - a. a park or a playground on Town property or property maintained by the Town;
  - b. 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;
  - c. 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'.

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

### **OFFENCE AND PENALTY**

5. 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).

### **SEVERABILITY**

6. 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

### **FULL FORCE AND EFFECT**

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