

# *The City of* **BARRIE**

By-law 2009-086  
(Consolidated – as amended)

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City of Barrie

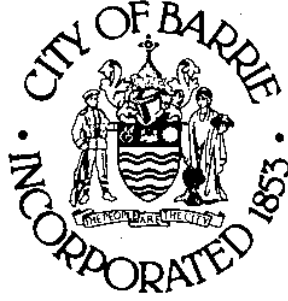
A By-law of The Corporation of the City of Barrie to  
prohibit smoking outdoors on City Owned Property.

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**BY-LAW NUMBER 2009-086**

**A By-law of The Corporation of the City of Barrie to prohibit smoking outdoors on City Owned Property.**

**WHEREAS** the Municipal Act, S.O. 2001, c. 25, s. 10 provides that single tier municipalities have the authority to pass by-laws respecting the health, safety and well being of persons;

**AND WHEREAS** the Municipal Act, S.O. 2001, c. 25, s. 115 provides that without limiting section 10, 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 City of Barrie;

**AND WHEREAS** pursuant to motion 09-G-109 the Council of The Corporation of the City of Barrie deems it expedient to prohibit smoking in certain outdoor areas on property owned by the City of Barrie.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts as follows:

**SMOKING OUTDOORS – CITY OWNED PROPERTY**

**1.0.0 DEFINITIONS**

- 1.1.0 For the purpose of this By-law, the following definitions shall apply.
- 1.1.1 "Authorized person" means an individual employed by or otherwise authorized by the City of Barrie whose duties include the monitoring of City owned property and ensuring that unauthorized activities are not permitted;
- 1.1.2 "City" means The Corporation of the City of Barrie;
- 1.1.3 "Council" means the City Council of The Corporation of the City of Barrie;
- 1.1.4 "City facility" means any building, structure or premise to which the City holds right of ownership to, but does not include a building, structure or premise which is leased by the City;
- 1.1.5 "Designated parking area" means that area of a 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;
- 1.1.6 "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 City owned property.
- 1.1.7 "Officer" means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, or other individual duly appointed to enforce this by-law;
- 1.1.8 "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.
- 1.1.9 "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;
- 1.1.10 "Property" means that which belongs exclusively to the City of Barrie and to which legal rights apply;

1.1.11 "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;

1.1.12 "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.

**2.0.0 SMOKING PROHIBITED**

2.1.0 No person shall smoke outdoors on any property owned and occupied by the City including but not limited to property upon which is located a City facility, parkland, playground, sports field, spectator seating area, ice surface, etc. whether or not a "No Smoking" sign is posted.

2.2.0 No person shall smoke outdoors on any walkway or pathway set out on or through City owned and occupied property whether or not a No Smoking sign is posted.

**3.0.0 EXEMPTIONS**

3.1.0 Notwithstanding Section 2.2.0 such prohibition shall not apply to a municipal sidewalk.

3.2.0 Notwithstanding Section 2.1.0 and Section 2.2.0, above such prohibition of smoking shall not apply to those Designated parking areas of City facilities and parklands set out in Schedule "A" to this By-law.

**4.0.0 OBSTRUCTION**

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

**5.0.0 OFFENCE**

5.1.0 Any person who contravenes any of the provisions of this by-law is guilty of an offence.

5.2.0 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

5.3.0 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).

**6.0.0 ENFORCEMENT**

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

**7.0.0 CONFLICTS**

7.1.0 If a 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.

**8.0.0 ENACTMENT**

8.1.0 This By-law shall come into force and have effect on the 1<sup>st</sup> day of July, 2009.

**READ** a first and second time this 11<sup>TH</sup> day of May, 2009.

**READ** a third time and finally passed this 11<sup>TH</sup> day of May 2009.

**THE CORPORATION OF THE CITY OF BARRIE**

**"D. ASPDEN"**

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**MAYOR – D. ASPDEN**

**"DAWN A. MCALPINE"**

\_\_\_\_\_  
**CITY CLERK – DAWN A. MCALPINE**

**Schedule "A"**

**By-law 2009-086**

<b>DESIGNATED PARKING AREAS</b>	
<b>FACILITIES</b>	
<b>Name of Facility</b>	<b>Municipal Address</b>
2NTower - Bayfield 2N Tower	444 Bayfield Street
2S Reservoir - Harvey Road Reservoir	90 Harview Road
3NTower - Ferndale Tower	434 Ferndale Drive South
3STower - Maplevue 3S Tower	65 Maplevue Drive
Allandale Recreation Centre	190 Bayview Drive
Allandale Station Park Centre	205 Lakeshore Drive
Barrie Molson Centre - <ul style="list-style-type: none"> <li>▪ East end lot,</li> <li>▪ West end lot,</li> <li>▪ Near north lot, and</li> <li>▪ North lot</li> </ul>	555 Bayview Drive
Barrie Sports Dome	99 Hanmer Street
BPS1 – Codrington Booster Station	64 Codrington Street
BPS2 - Anne Steet Booster Station	164 Anne Street North
BPS3 - Innisfil Booster Station	380 Innisfil Street
BPS3N - Leacock Booster Station	319 Leacock Street
BPS3S - Big Bay Booster Station	20 Big Bay Point Road
Dorian Parker Centre	227 Sunnidale Road
East Bayfield Centre	80 Livingstone Street
Eastview Arena	453 Grove Street East
Environmental Centre (except designated parking areas that are within 9 metres of a building)	272 Ferndale Drive N.
Fire Station #1	155 Dunlop Street West
Fire Station #2	15 Bell Farm Road
Fire Station #3	340 Big Bay Point Road
Fire Station #4	250 Ardagh Road
Grove Street Sewage Pumping Station	238 Penetanguishene Road
Holly Community Centre	171 Mapleton Avenue
Holly Sewage Pumping Station	65 Logan Crescent
Huronian Road Sewage Pumping Station	644 Huronia Road
Lakeshore Mews	North side of Mulcaster Street between Lakeshore Drive and Dunlop Street East
Little Lake Sewage Pumping Station	510 Duckworth Street
Lockhart Road Sewage Pumping Station	799 Bayview Drive
Operations Centre (except designated parking areas that are within 9 metres of a building)	165 Ferndale Drive
Parkview Centre (north parking lot)	189 Blake Street
Police Station (main)	29 Sperling Drive
Surface Water Treatment Plant	20 Royal Parkside Drive

<b>DESIGNATED PARKING AREAS</b>	
<b>FACILITIES</b>	
Water Pollution Control Centre (Secondary Pumping Station Designated Parking Area) and (Southeast Designated Parking Area except southeast designated parking areas that are within 9 metres of a building)	249 Bradford Street
WPS10 – Huronia Road Well and Pumping Station	294 Huronia Road
WPS16 – Brownwood Drive Well and Pumping Station	101 Brownwood Drive
WPS17 & 18 – Cross Street Well	34 Cross Street
WPS3A – Anne Street Well and Pumping Station	54 Anne Street South
WPS4 – Perry Street Well and Pumping Station	83 Perry Street
WPS5 – John Street Well and Pumping Station	217 John Street
WPS6 – Wood Street Well	12 Wood Street
WPS7 – Tiffin Street Well and Pumping Station	44 Sarjeant Drive
WPS9 & WPS13 – Johnson Street Wells and Pumping Station	168 Johnson Street

<b>PARKS</b>	
<b>Name of Park</b>	<b>Municipal Address</b>
Centennial Park	75 Lakeshore Drive
East Bayfield	80 Livingstone Street East
Eastview	455 Grove Street East
Ferndale	150 Ferndale Drive South
Golden Meadow	139 Hurst Drive
Harvie Park	9 Brown Street
Holly Community	171 Mapleton Avenue
Huronia Park – North	311 Huronia Road
Lennox Park	319 Big Bay Point Road
Marsellus	125 Marsellus Drive
Osprey Ridge	321 Livingstone Street E.
Painswick	231 Ashford Drive
Sandringham	69 Sandringham Drive
Southshore Park	Lakeshore Drive
Stollar	245 Livingstone Street East
Sunnidale	227 Sunnidale Road
Tyndale	45 Tyndale Road

**AMENDMENTS TO BY-LAW 2009-086 TO PROHIBIT SMOKING**

**By-law 2009-107**  
**By-law 2011-106**

**Adding – Section 5.3.0**  
**Schedule A – address Fire**  
**Station #1 and Surface Water**  
**Treatment Plan**

**June 15, 2009**  
**August 15, 2011**