

The Corporation of the Town of LaSalle

By-Law Number 7775

Being a By-Law to Prohibit Smoking within Town of LaSalle Owned Parks, Facilities, Playgrounds and Sports Fields

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 prohibiting or regulating the smoking of tobacco in public spaces within the municipality;

And whereas it has been determined that environmental tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes), also known as second hand smoke, is a health hazard and a discomfort for inhabitants of the Town of LaSalle;

Now therefore, the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

Definitions:

1. In this by-law:
 - a) **“Council”** means the Council for the Corporation of the Town of LaSalle;
 - b) **“Designated Smoking Area”** means a space located on municipally owned or leased property which has been designated by the Town of LaSalle with signage and smoking disposal equipment to permit smoking away from areas where persons congregate or travel;
 - c) **“Municipality”** means the Corporation of the Town of LaSalle;
 - d) **“Municipal Building”** means any building or structure, owned, leased, controlled or used by the Town for municipal purposes;
 - e) **“Officer”** means a person employed by the Windsor Essex Health Unit who has been appointed to enforce the *Smoke Free Ontario Act, S.O. 1994, c. 10* and such persons are hereby appointed as by-law enforcement officers of the Municipality for this purpose;
 - f) **“Public Place”** means the places as described in Schedule A attached hereto and forming part of this by-law, whether or not a “No Smoking” sign is posted;
 - g) **Smoking** means the carrying of a lighted cigar, cigarette, e-cigarette, pipe or any other lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product;
 - h) **“Use of Smokeless Tobacco”** shall mean the use of chew, plugs, snus or snuff.

Prohibition:

2. No person shall engage in Smoking or use of Smokeless Tobacco in any Public Place.
3. No person shall engage in Smoking or the use of Smokeless Tobacco at the entrance or exit of any Municipal Building and any point within a nine (9) metre radius of the outside area of any entrance or exit.

Exemptions:

4. Notwithstanding Section 2, such prohibition of Smoking shall not apply to:
 - (a) municipal roads;
 - (b) areas designated for smoking by the Town of LaSalle

Obstruction:

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

Penalty:

6. (a) Every person who contravenes any provision of this by-law is guilty of an offence.
 - (b) Every person who is convicted of an offence under this by-law is liable to a fine pursuant to the *Provincial Offences Act, R.S.O 1990.cc.P.33*, as amended.
 - (c) Every person who contravenes any of the provisions of this by-law is guilty of an offence, and upon conviction shall pay:
 - i. a minimum fine of \$100 and a maximum fine of \$300 for a first offence;
 - ii. a minimum fine of \$300 and a maximum fine of \$1000 for each subsequent offence.

Enforcement:

7. This by-law may be enforced by a Provincial Offence Officer designated under the Smoke-Free Ontario Act from the Windsor-Essex County Health Unit.

Conflicts:

8. In the event that this By-law conflicts with another law or with a policy, or more than one provision of this By-law conflict, the law or policy or provision which is more restrictive of smoking prevails.

Severability:

9. If any Court declares any sections or part of a section of this By-law invalid, the remainder of the By-law shall continue in force unless the Court adjudges otherwise.

Effective Date:

10. This By-law shall come into force and take effect on July 14, 2015.

Short Title:

11. This by-law may be cited as the "Smoke-free Outdoor Spaces By-law"

Read a first and second time and finally passed this 14th day of July, 2015.

1st reading – July 14, 2015

Mayor – K. Antaya

2nd reading – July 14, 2015

3rd reading – July 14, 2015

Clerk – B. Andreatta

Schedule A

Brian Briggs Park

Brunet Park

Civic Centre

Dossenbach Park

Front Road Park

Gerry Craig Park

Gilbert Park

Gil Maure Park

Heritage Park

James Jenner Park

Jim Chappus

John Dupuis Park

Kenwood Park

Lafferty Park

LaSalle Conservation Area

Vollmer Culture & Recreation Complex

Natalie Park

Ojibway Park

Optimist Park

Paul Wilkinson Park

Rivervila Park

Steve Budimir Park

Sandwich West Park

Senator Paul Lucier Park

St. Clair Street Park

Trillium Park

Vince Marcotte Park

Victory Park

Petite Cote Conservation Park

Meo Boulevard Park

Rosati Park

Town of LaSalle Cenotaph Park