

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2014-60

Being a by-law to prohibit Smoking and the Use of Smokeless Tobacco in all public parks, sports fields and outdoor recreation facilities and within nine (9) metres of a transit stop or any entrance of any building or structure under the control, supervision, ownership and/or operation of The Corporation of the Town of Tecumseh.

WHEREAS the Council of The Corporation of the Town of Tecumseh [Town] has the authority to pass by-laws respecting the health, safety and well-being of persons pursuant to Subsection 10(2) of the *Municipal Act, S.O. 2001, c.25*;

AND WHEREAS the Town Council has the authority to pass by-laws prohibiting or regulating the smoking of tobacco in public places within the municipality pursuant to Section 115 of the *Municipal Act, S.O. 2001, c.25*;

AND WHEREAS the Town Council has the authority to pass by-laws prohibiting activities that constitute unreasonable interference with the public interest in relation to health, safety, morality, comfort or convenience pursuant to Section 128 of the *Municipal Act, S.O. 2001, c.25*;

AND WHEREAS the Town Council has the authority to pass by-laws prohibiting activities that produce odours pursuant to Section 129 of the *Municipal Act, S.O. 2001, c.25*;

AND WHEREAS it has been determined that second hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard and poses increased health risks to children and youth;

AND WHEREAS smoke-free policy interventions are effective mechanisms to reduce exposure to smoke, prevent initiation of smoking, encourage cessation of smoking, support recent quitters and contribute to the de-normalization of tobacco use;

AND WHEREAS the Town therefore wishes to prohibit Smoking in outdoor public places for the health of the public generally, and particularly for the benefit of children and youth, and to improve the environmental and social conditions of public places;

AND WHEREAS pursuant to the *Municipal Act, S.O. 2001, c.25*, the powers of the municipality shall be exercised by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH HEREBY ENACTS AS FOLLOWS:

Definitions

1. In this by-law:
 - a) "Council" shall mean the elected council of The Corporation of the Town of Tecumseh;
 - b) "Municipality" shall mean The Corporation of the Town of Tecumseh;
 - c) "Officer" shall mean any officer referred to in Section 7 of this by-law;
 - d) "Parking Lots" shall mean those areas at parks, sports fields or recreational facilities permanently designated for the parking of vehicles;

- e) "Public Place" shall mean the parks, sports fields and recreational facilities listed in Schedule A, whether or not a "No Smoking" sign is posted;
- f) "Smoking" means the carrying of a lighted cigar, cigarette, pipe, or any other lighted or heated smoking equipment used to smoke or vaporize any tobacco or non-tobacco substance;
- g) "Transit Stop" shall mean the points, designated by a sign, at which the Tecumseh Transit Bus stops to allow passengers to board or disembark; and
- h) "Use of Smokeless Tobacco" shall mean the use of chew, plugs, snus or snuff.

Prohibition

- 2. No person shall engage in Smoking or the Use of Smokeless Tobacco in a Public Place.
- 3. No person shall engage in Smoking or the Use of Smokeless Tobacco within a nine (9) metre radius of any entrance of any building or structure under the control, supervision, ownership and/or operation of the Town of Tecumseh.
- 4. No person shall engage in Smoking or the Use of Smokeless Tobacco within a nine (9) metre radius of a Transit Stop.

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 of the provisions 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 as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*.
 - 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.
 - d) Where a person has been convicted of an offence under this by-law,
 - i. the Ontario Court of Justice, or
 - ii. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

Enforcement

- 7. This by-law may be enforced by any Municipal By-law Officer, Police Officer, Provincial Offence Officer designated under the *Smoke-Free Ontario Act* from the Windsor-Essex County Health Unit or any other person appointed by Council to enforce the By-laws of the Municipality.

Conflicts

- 8. If a provision of this by-law conflicts with an Act or Regulation, the provision that is most restrictive of the Smoking of Tobacco shall prevail.

Severability

- 9. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, then the remainder of this by-law shall be valid and shall remain in force.

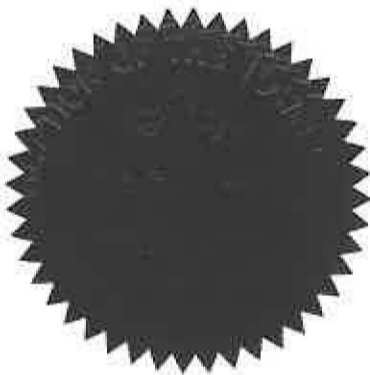
Effective Date


- 10. This by-law shall come into force and take effect on January 1, 2015.

Short Title

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

READ a first, second, third time and finally passed this 8th day of July, 2014.




Gary McNamara, Mayor


Laura Moy, Clerk

SCHEDULE A**BY-LAW NUMBER 2014-60**

The following parks, sport fields and recreation facilities constitute Public Places in this by-law:

Name	Municipal Address
B.I.A. Parkette	12305 Tecumseh Rd.
Baillargeon Park	2560 Strawberry Cres.
Brighton Beach Park	50 Cove Dr.
Buster Reaume Park	12962 Lanoue St.
Carling Park	1155 Lacasse Blvd.
Century Park	2044 Murray Cres.
Chippewa Park	12280 Riverside Dr.
Colonel Paul Poisson Park	111 Lesperance Rd.
Cranbrook Park	12046 Cranbrook Cres.
Dorset Park	571 Dorset Pk.
Dresden Park	563 Dresden Pl.
Edgewater Beach Park	13730 Riverside Dr.
Fairplay Woods Park	4371 Manning Rd.
Gerry Lesa Park	355 Michael Dr.
Green Acres Park	13731 St. Gregory St.
Lacasse Park	590 Lacasse Blvd.
Lakewood Park (north)	13400 Riverside Dr.
Lakewood Park (south)	13451 Riverside Dr.
Tecumseh Soccer Fields	13575 St. Gregory St.
Little River Park	13151 Little River Blvd.
Little Turtle Park	199 Grace Rd.
McAuliffe Park	2391 St. Alphonse Rd.
Millenium	12761 St Thomas Cr.
Oldcastle Heritage Park	
Peace Park	14000 Tecumseh Rd.
Peter Cecile	14080 Riverside Dr.
Piqua Park	13000 Dillon Dr.
Rocheleau Park	12100 Gouin St.
Scully Beach Park	13698 Riverside Dr.
Shawano Park	13158 St. Gregory St.
Southfield Park	1350 Southfield Dr.
St Mark's Beach Park	13770 Riverside Dr.
St. Mary's Park	12020 County Rd. 34
Star of the Lake Park	13102 Riverside Dr.
Tecumseh Arena Play Structure	12021 McNorton St.
Tecumseh Centre Park	12021 McNorton St.
Tecumseh Dog Park	12021 McNorton St.
Tecumseh Skateboard Park	12021 McNorton St.
Ticonderoga Park	12375 Tecumseh Rd.
West St Louis Pumping Station	12920 Riverside Dr.
Weston Park	5284 North Talbot Rd.