



TOWN OF WINDSOR BYLAW # 28 PROTECTION FROM SECOND-HAND SMOKE BYLAW

BE IT ENACTED by the Council of the Town of Windsor as follows:

SHORT TITLE

1. This Bylaw shall be known as Bylaw No. 28, and may be cited as the ***Protection from Second-hand Smoke Bylaw***.

BACKGROUND

2. The *Municipal Government Act (MGA)*, in Section 172(1)(a), (c) and (d) authorizes a Council to make bylaws for municipal purposes respecting the health, well-being, safety and protection of persons; persons and activities in public places and places open to the public; and nuisances, including burning, odours and fumes.

INTERPRETATION

3. In this Bylaw:
 - (a) “grounds of a town building” means the outdoor part of any lot containing a building owned or leased by the town, and any sidewalk immediately adjacent to the lot.
 - (b) “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 within the town.
 - (c) “smoke” means to smoke, hold or otherwise have control over lighted tobacco.
 - (d) “street” means a public or private street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith.
 - (e) “town property” means real property owned or leased by the town, directly or through the medium of a board or commission, and any motor vehicle owned or leased by the town.

PROHIBITION

4. No person shall smoke in any of the following places:
- (a) a park on town property or property the town is licensed to maintain;
 - (b) a playground on town property;
 - (c) an outdoor recreational facility on town property, including but not limited to a sports field, grandstand, seating area or bleacher;
 - (d) the grounds of a town building;
 - (e) the grounds of an event on town property 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;
 - (f) a trail or path on town property or property the town is licensed to maintain;
 - (g) a street along a parade route while the parade is in progress;
 - (h) a street within a school area designated under the *Motorized Vehicle Act*, except within an enclosed motor vehicle.

OFFENCE AND PENALTY

5. Anyone who violates any section of this bylaw 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 bylaw becomes or is declared by a court of competent jurisdiction to be illegal or unenforceable, the remainder of this bylaw will continue in full force and effect.

FORCE AND EFFECT

7. This bylaw has effect from and after _____

Clerk's Annotation for Official Bylaw Book

Date of first reading of Bylaw: **October 27, 2009**


Date of advertisement of Notice of Intent to Consider: **November 5, 2009**

Date of second reading of Bylaw: **November 24, 2009**

* Date of advertisement of Passage of Bylaw: **December 3, 2009**

Date of mailing to Minister a certified copy of Bylaw: **December, 3, 2009**

I certify that this PROTECTION FROM SECOND-HAND SMOKE BYLAW was adopted by Council and published as indicated above.



Louis Coutinho
Chief Administrative Officer
Town of Windsor

December 3, 2009
Date