



TOWN OF WINDSOR

BYLAW # 28

RESPECTING SMOKE FREE PUBLIC SPACES BYLAW

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

SHORT TITLE

1. This Bylaw shall be known as Bylaw # 28, and may be cited as the *Respecting Smoke Free Public Spaces 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" "smoke" means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette, vape or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;
 - (d) "street" means a public 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; and
 - (g) a street within Town boundaries.

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 less than two hundred and fifty dollars (\$250.00) for the first offence and to a fine of between two hundred and fifty dollars (\$250.00) and five hundred dollars (\$500.00) for a second or subsequent offence.

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 December 04, 2018.

Clerk's Annotation for Official Bylaw Book (Amended Bylaw)

Date of First Reading of Bylaw: **Tuesday, October 23, 2018**

Date of Advertisement of Notice of Intent to Consider: **Tuesday, October 30, 2018**

Date of Second Reading of Bylaw: **Tuesday, November 27, 2018**

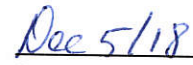
*Date of Advertisement of Passage of Bylaw: **Tuesday, December 04, 2018**

Date of Mailing to Minister a certified copy of Bylaw: **Wednesday, December 05, 2018**

I certify that this ***RESPECTING SMOKE FREE PUBLIC SPACES BY-LAW #28*** was
Adopted by Windsor Town Council and published as indicated above.



Shelleena Thornton
Municipal Clerk
Town of Windsor



Date

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