

The Corporation of the Municipality of Leamington

By-law 311-13 (Consolidated)

Being a by-law to prohibit smoking tobacco at municipally owned recreational facilities and sports fields.

Whereas Section 115 of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides municipalities with the authority to pass by-laws prohibiting or regulating the smoking of tobacco in public places;

And whereas smoking of tobacco and the inhalation of second hand tobacco smoke is a health hazard,

Now therefore, the Council of The Corporation of the Municipality of Leamington hereby enacts as follows:

Definitions

1. In this by-law:
 - a. "Council" means the Council for The Corporation of the Municipality of Leamington;
 - b. "officer" means any officer referred to in Section 5 of this by-law;
 - c. "parking lots" means those areas at the sports fields or recreational facilities designed for the parking of vehicles.
 - d. "public place" means the:
 - i. ~~sports fields listed in Schedule "A" but does not include the parking lots;~~ (as per By-law 445-15)
 - ii. recreational facilities listed in Schedule "B" but does not include the parking lots;
 - iii. ~~within fifteen (15) metres of any playground located in a park; or~~ (as per By-law 445-15)
 - iv. within nine (9) metres of any entrance or exit to a building.
 - e. "smoking of tobacco" has the same meaning as in Section 115 of the Municipal Act, 2001, S. O. 2001, c. 25, as amended from time to time.

Prohibition

2. No person shall engage in the smoking of tobacco in any public place.

Obstruction

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

Penalty

4. Every person who contravenes any of the provisions of this by-law is guilty of an offence, and upon conviction shall pay:
 - a) a minimum fine of \$100.00 and a maximum fine of \$300.00 for a first offence; and
 - b) a minimum of \$300.00 and a maximum of \$ 1000.00 for each subsequent offence.

Enforcement

5. This by-law may be enforced by any Municipal By-law Enforcement Officer appointed by Council, any Ontario Provincial Police Officer, or any other person employed by the Windsor Essex Health Unit who has been appointed to enforce the Smoke Free Ontario Act.

Conflicts

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

Severability

7. 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.
8. This By-law shall come into force on May 31st, 2014.

Read a first, second and third time and finally enacted this 16th day of September, 2013.

Signature on file

John Paterson, Mayor

Signature on file

Brian R. Sweet, Clerk

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 311-13, of the Municipality of Leamington, attached hereto are the set fines for those offences. This Order is to take effect October 15, 2013.

Dated at London this 15th day of October 2013.

A handwritten signature in black ink, appearing to read 'K. McGowan', with a long horizontal flourish extending to the right.

Kathleen E. McGowan
Regional Senior Justice
West Region

Set Fine Schedule

The Corporation of the Municipality of Leamington

Part 1 Provincial Offences Act

By-law 311-13: Being a by-law to prohibit the smoking of tobacco at municipally owned recreational facilities and sports fields

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Smoking tobacco in a public place	Section 2	\$100.00
2	Hinder or obstruct an officer	Section 3	\$150.00

Penalty Provision for the offences indicated above is Section 4 of By-law 311-13, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.