

THE CORPORATION OF THE TOWN OF LAKESHORE

BY-LAW NUMBER 6-2012

BEING A BY-LAW TO PROHIBIT TOBACCO USE WITHIN THE TOWN OF LAKESHORE OWNED PARKS, FACILITIES, PLAYGROUNDS AND SPORTS FIELDS

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

AND WHEREAS it has been determined that smoking and the inhalation of second hand smoke is a health hazard for persons.

NOW THEREFORE, the Council of the Corporation of the Town of Lakeshore hereby enacts as follows:

Definitions

1. In this by-law:
 - a) **“Council”** means the Council for the Corporation of the Town of Lakeshore;
 - b) **“Municipality”** means the Corporation of the Town of Lakeshore;
 - c) **“Officer”** means a By-law Enforcement Officer, Police Officer, or any other person appointed by Council to enforce the By-Laws of the Municipality;
 - d) **“Public Place”** means the:
 - a. Parks, playgrounds or sports fields listed in Schedule “A” whether or not a “No Smoking” sign is posted.
 - b. Recreational Facilities listed in Schedule “B” whether or not a “No Smoking” sign is posted.
 - d) **“Smoking of Tobacco”** has the same meaning as in Section 115 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

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 and a maximum fine of \$300 for a first offence; and
 - b. a minimum of \$300 and a maximum of \$1000 for each subsequent offence.

Enforcement

5. This by-law shall be enforced by a Municipal By-law Enforcement Officer, Police Officer, or any other person appointed by Council to enforce the By-Laws of the Municipality.


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, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
8. The headings in this By-law are for convenience only and do not form part of this By-law.
9. This By-law shall come into force and take effect upon the final passing thereof.
10. All By-laws of the former Town of Belle River, the Townships of Lakeshore, Maidstone, Rochester, Tilbury North and Tilbury West that deal with the same subject matter are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
9 DAY OF October, 2012



Tom Bain
Mayor



Mary Masse
Clerk

Schedule “A”

Smoking is prohibited on the property at the following municipally owned Parks, Playgrounds and Sports Fields.

Parks, Playgrounds and Sports Fields	Municipal Address
Centennial Park	1031 Cty Rd 22, Puce, ON
Comber Fairground Park	7100 Community Centre St., Comber, ON
Duck Creek Park	130 Duck Creek, Belle River, ON
Geralyn Tellier Perdu Park	1250 Cty Rd 31, St. Joachim, ON
Girard Park	1410 Traditional Trail, Belle River, ON
Helena Park	743 Helena Cres, Belle River, ON
Johnson Park	Abutting the Belleriver
Ladouceur/Lions Park	245 St Peter Blvd., Belle River, ON
Lakeshore Soccer Park	304-306 Rourke Line Road, belle River, ON
Lakeview Park	535 Lakeview Dr, Belle River, ON
Leffler Peace Park	405-557 Old Tecumseh Rd., Puce, ON
Legion Park	185 Tenth Street, Belle River, ON
Lighthouse Cove Lions Park	17845 Melody Drive, Lighthouse Cove, ON
Maidstone Park	4562 Oakwood Av. Belle River, ON
Millen Community Center	1925 South Middle Rd., Woodslee, ON
Oakwood Parkette	396 Puce Road, belle River, ON
Optimist Park	775 Notre Dame, Belle River, ON
Pleasant Park	1465 Lakeshore Road 203, maidstone, ON
Puce Sports & Leisure Centre	962 Old Tecumseh Road, Belle River, ON
River Downs Park	510 River Downs Dr., Belle River, ON
Russell Woods Parkette	North Side of Old Tecumseh Rd., Belle River, ON
Staples Community Center	3052 Rochester Townline, Staples, ON
St Clair Shore Park	203 Amycroft Dr., Belle River, ON
Terra Lou Parkette	302 Lambert Crt., Belle River, ON
Tilbury North Park	800 Comber Sideroad, Stoney Point, ON
Woodslee Memorial Park	52 King St., Woodslee, ON
West Beach Park	121 West Rivr St., Belle River, ON

Schedule “B”

Smoking is prohibited on the property at the following municipally owned Recreational Facilities.

Municipal Recreational Facility	Municipal Address
Lakeshore Arena	304 Rourke Line
Puce Sports and Leisure Centre	962 Old Tecumseh Rd.
Comber Community Centre	7100 Community Centre St.
Woodslee Millen Centre	1925 South Middle Rd.