

CITY OF NIAGARA FALLS

**A Consolidated Bylaw
Being By-law No. 2011 - 51 as amended by:
By-law No. 2011 - 152**

A by-law to prohibit the smoking of tobacco and other substances upon or within any land or buildings owned by The Corporation of the City of Niagara Falls.

WHEREAS the Council of The Corporation of the City of Niagara Falls has been advised by reputable authorities that second hand tobacco and other smoke, exhaled smoke and the smoke from cigarettes, cigars and pipes is a health hazard and causes discomfort to the vast majority of the residents of the City of Niagara Falls;

AND WHEREAS the Council of The Corporation of the City of Niagara Falls is empowered, pursuant to section 128 of the *Municipal Act*, 2001, S.O. 2001 c. 25 to declare any act a public nuisance;

AND WHEREAS the Council of the Corporation of the City of Niagara Falls does, by enacting this by-law, declare the practice of smoking tobacco and other substances within public buildings and upon public property, with the exception of municipal highways, to be a public nuisance;

AND WHEREAS the practice of the smoking of tobacco has already been banned by the laws of Ontario from the vast majority of public buildings;

AND WHEREAS the Council of the City of Niagara Falls intends to invoke every authority available to it at law to enact, uphold and enforce this by-law as provided by the *Municipal Act*, 2001 and other applicable Acts and the common law;

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. Purpose

1.1 The purpose of this by-law is to prohibit the smoking of tobacco and other substances upon or within any land or buildings owned by The Corporation of the City of Niagara Falls.

2. Regulations

2.1 No person shall smoke tobacco or any other substance upon or within any lands or buildings owned by The Corporation of the City of Niagara Falls.

2.2 Notwithstanding section 2.1 above, it shall be permissible for persons to smoke tobacco or any other substance other than substances prohibited by federal or provincial law, upon the road allowances owned and controlled by the City of Niagara Falls and those of the Regional Municipality of Niagara that are located within the boundaries of the City of Niagara Falls.

- 2.3 Notwithstanding the exemption granted in section 2.2 above, no person shall smoke in a bus shelter owned by The Corporation of the City of Niagara Falls.
- 2.4. Notwithstanding section 2.1 above, it shall be permissible for persons to smoke tobacco or any other substance other than substances prohibited by federal or provincial law, in the three (3) designated smoking areas at the Scotiabank Convention Centre, 6815 Stanley Avenue, as outlined in the map in Schedule “A”.

3. Offence and Penalty

- 3.1 Any person who contravenes the prohibition of this by-law is guilty of an offence and, upon conviction, is liable to a fine of up to Five Thousand Dollars (\$5,000.00).

4. General

- 4.1 Each provision of this by-law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law remain valid and enforceable.
- 4.2 Nothing in this by-law relieves a person from complying with any provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit, order or license.
- 4.3 The short title of this by-law is the *Anti-Smoking By-law*.
- 4.4 This by-law shall come into force and effect on the day it is passed.

(Original Bylaw 2011-51) Passed this eighteenth day of April, 2011.

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DEAN IORFIDA, CITY CLERK

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JAMES M. DIODATI, MAYOR

First Reading: April 18, 2011.
Second Reading: April 18, 2011.
Third Reading: April 18, 2011.

