

**PROVINCE OF QUEBEC  
CITY OF CÔTE SAINT-LUC**

**BY-LAW NO. 2374**

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**BY-LAW TO REGULATE SMOKING  
IN THE CITY OF CÔTE SAINT-LUC**

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At the Regular Council Meeting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, February 13, 2012 at 8:00 p.m., at which were present:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A.

Councillor Dida Berku, B.C.L.

Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Sam Goldbloom, B.A.

Councillor Ruth Kovac, B.A.

Councillor Allan J. Levine, B.Sc., M.A., DPLI

Councillor Glenn J. Nashen

**ALSO PRESENT:**

Ms. Tanya Abramovitch, City Manager

M<sup>e</sup> Jonathan Shecter, City Clerk

It is ordained and enacted by By-law No. 2374: as follows:

**SECTION 1: INTERPRETATION OF THE TEXT**

In this by-law, unless otherwise indicated by the context, the following words shall have the following meanings:

- 1.1 “Apartment Building”: shall mean and include a building containing three (3) or more dwelling units.
- 1.2 “Building”: shall mean and include a structure forming a shelter for persons or property and having a fixed and permanent roof, but does not include a private residence. Where the context allows, the word “building” shall be construed as though followed by the words “or part thereof”.
- 1.3 “City”: shall mean and include the City of Côte Saint-Luc.
- 1.4 “Commercial Establishment”: shall mean and include a building or part of a building, booth, stall or place where any kind of commercial, financial or professional services are rendered and/or where goods are exposed or offered for sale by retail.
- 1.5 “Employee”: shall mean and include a person who:
  - 1.5.1 performs any work for or supplies any services to an employer, or
  - 1.5.2 receives any instruction or training in the activity, business, work, trade occupation or profession of the employer.
- 1.6 “Laundry Room”: shall mean and include any facility, premises or area within a residential premise, facility or building, open to the public for the purpose of laundering, dry cleaning, washing and drying or any of these activities on a self-service basis.
- 1.7 “Lunch Counter and “Food Court”: shall mean and include an area, establishment or premise that is located in a place of public assembly or a commercial establishment and that is not enclosed and separated from other premises in the said place of public assembly or commercial establishment and in which area, establishment or premise, food is prepared and offered for sale for immediate consumption therein or elsewhere.
- 1.8 “Officer Responsible”: shall mean and include the Public Security Unit of the City, the Building Inspection Department or the Police Department (S.P.V.M.) or any provincially-appointed inspector entrusted with applying the Provincial Tobacco Act, including any members of the foregoing.
- 1.9 “Person in Charge”: shall mean and include the person who ultimately controls, governs or directs the activities carried on within the kinds of premises referred to in this by-law and includes the owner, administrator, tenant, operator and/or manager.
- 1.10 “Place of Public Assembly”: shall mean and include the whole or part of an indoor area to which the public has access as of right or by invitation, expressed or implied, and includes without limiting the generality of the foregoing, shopping malls, cinemas, theatres, public washrooms, common areas of an apartment building and sports facilities.
- 1.11 “Reception Area” or “Lobby”: shall mean and include the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment.

- 1.12 "Restaurant": shall mean and include a building or establishment in which food is prepared and offered for sale for immediate consumption in an enclosed area therein or elsewhere.
- 1.13 "Special Event": an event approved by the Parks and Recreation Department. .
- 1.14 "Workplace": shall mean and include any enclosed area of a building or structure in which an employee works.
- 1.15 "Municipal Building": shall mean and include a building owned, leased and/or occupied by the City.
- 1.16 *Tobacco Act R.S.Q. Chapter T-0.01* ("Tobacco Act").

**SECTION 2: GENERAL PROHIBITIONS**

Smoking is prohibited in the following places:

- any place as indicated within the Provincial Tobacco Act and any of its amendments (all of which apply on the entire territory of Côte Saint-Luc);
- all Laundry Rooms of Apartment Buildings;
- all elevators, escalators, or stairways in any Building or part thereof;
- all Lobbies, Reception areas, halls hallways, or stairwells in any Building or office or part thereof;
- Lunch Counters;
- Food Courts;
- transit shelters;
- within 20 meters of any playground, splash pool or sports activity;
- in all municipal parks during a Special Event
- all municipal outdoor pools.

**SECTION 3: MUNICIPAL BUILDINGS**

Smoking is prohibited in all Municipal Buildings and municipal vehicles.

**SECTION 4: COMMERCIAL ESTABLISHMENTS**

Smoking is prohibited in any Commercial Establishment .

**SECTION 5: PLACE OF PUBLIC ASSEMBLY**

Smoking is prohibited in a place of Public Assembly.

**SECTION 6: WORKPLACE**

- 6.1 Smoking is prohibited in the workplace.
- 6.2 Every employer shall:
- 6.2.1 Post "No Smoking" signs as prescribed in Section 7 of this By-law;  
and
- 6.2.2 Post signs at every entrance of the workplace indicating that smoking is prohibited in the workplace except where permitted by the Tobacco Act.

**SECTION 7:**            **SIGNS**

- 7.1     Where a section of this By-law requires a sign to be in accordance with this section, such sign shall have, as a minimum, the measurements, proportions and characteristics as illustrated in Schedule "A" of this By-law.
- 7.2     The person in charge of any kind of premises referred to in this By-law shall ensure that a sufficient number of signs, as prescribed in Section 7.1 hereof, be conspicuously and prominently displayed.

**SECTION 8:**            **NOTIFICATION**

Where smoking is prohibited under this By-law, the person in charge shall notify persons who are smoking in a prohibited area that smoking is prohibited in such area.

**SECTION 9:**            **ENFORCEMENT**

The enforcement of this By-law shall be the responsibility of the Officer Responsible.

**SECTION 10:**           **OFFENCE**

Every person who infringes any provision of this By-law commits an infraction and is liable to a fine. In the event of a first infraction, if the offender is a natural person, this fine shall not be less than \$50.00 (minimum fine) nor exceed \$300.00. In the case of a second or subsequent infraction, if the offender is a natural person, the fine shall not be less than \$100.00 (minimum fine) nor exceed \$600.00.

In the event of a first infraction, if the offender is a legal person, this fine shall not be less than \$400.00 (minimum fine) nor exceed \$2000.00. In the case of a second or subsequent infraction, if the offender is a legal person, the fine shall not be less than \$1000.00 (minimum fine) nor exceed \$4000.00.

**SECTION 11:**           **REPLACEMENT**

By-law No. 2202 entitled: "By-law 2202 to regulate smoking in the City of Côte Saint-Luc" is hereby replaced with this By-law as of its coming into force.

**SECTION 12:**           **INSPECTION AND SEIZURE**

The rules governing inspection and seizure contained within the Tobacco Act and the *Code of Penal Procedure* – R.S.Q. Chapter C-25.1 shall apply to this present By-law.

**SECTION 13:            COMING INTO FORCE**

This by-law comes into force on according to the law.

(s) Anthony Housefather

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ANTHONY HOUSEFATHER  
MAYOR

(s) Jonathan Shecter

\_\_\_\_\_  
JONATHAN SHECTER  
CITY CLERK

**CERTIFIED TRUE COPY**

\_\_\_\_\_  
JONATHAN SHECTER  
GREFFIER

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**ADOPTED ON:** February 13, 2012

**IN FORCE ON:** \_\_\_\_\_

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