

BY-LAW N° 2374

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

Consolidated

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

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A. ¹

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^e Jonathan Shecter, City Clerk

¹ The list of those present represents the councillors present at the meeting of February 12, 2012.

AMENDMENTS

By-laws no. 2374-1 and 2374-2

NOTICE

This consolidation has not been officially adopted by the Municipal Council.

It has been compiled on October 7, 2022, by the Assistant City Clerk in order to facilitate the reading of the texts. The official text is to be found in the text of the original By-law and each of its amendments.

No warranty is given as to the accuracy of the text. For all legal purposes, the reader should consult the official version of the By-law and each of its amendments.

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 Control Act, R.S.Q, chapter L-6.2* (“Tobacco Act”).

Amended on August 12, 2019, by “By-law 2374-2 to amend By-law 2374 to regulate smoking in the City of Côte Saint-Luc in order for said By-law to now apply to cannabis”.

- 1.17 “Electronic Cigarettes”:
A cigarette-shaped device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

Amended on October 20, 2014, by By-law 2374-1 entitled: “By-law 2374-1 to amend by-law 2374 to regulate smoking in the City of Côte Saint-Luc in order for said By-law to now apply to electronic cigarettes”.

- 1.18 “Cannabis”:
All cannabis products, its concoctions or derivatives, in whichever form.

Amended on August 12, 2019, by “By-law 2374-2 to amend By-law 2374 to regulate smoking in the City of Côte Saint-Luc in order for said By-law to now apply to cannabis”.

SECTION 2: GENERAL PROHIBITIONS

This by-law applies to harvested tobacco in any processed or unprocessed form, however presented. The term “tobacco” includes any product containing tobacco and any other product or class of product considered to be tobacco under a government regulation.

This by-law further applies to Electronic Cigarettes and Cannabis.

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;
- playground, splash pool or sports activity;
- in all municipal parks, during a Special Event, greenspaces, municipal dog runs and Community Gardens;
- all municipal outdoor pools.

Amended on October 20, 2014, by By-law 2374-1 entitled: “By-law 2374-1 to amend by-law 2374 to regulate smoking in the City of Côte Saint-Luc in order for said By-law to now apply to electronic cigarettes”.

Amended on August 12, 2019, by “By-law 2374-2 to amend By-law 2374 to regulate smoking in the City of Côte Saint-Luc in order for said By-law to now apply to cannabis”.

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: **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 12: **REPLACEMENT**

ANNEX A of By-law 2374 to Regulate Smoking in the City of Côte Saint-Luc is replaced by various signage delineated within ANNEX A of By-law 2374-2 which form an integral part of the present By-law.

SECTION 14: **COMING INTO FORCE**

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

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
CITY CLERK

COPY

ORIGINAL

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

Consolidated

BY-LAW No. 2374

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

ADOPTED ON: _____

IN FORCE ON: _____

COPY