

CITY OF PORTAGE LA PRAIRIE  
BY-LAW NO. 7321

Whereas an act to protect the health of non-smokers S125 C.C.S.M. is now in effect in the Province of Manitoba.

And whereas the Act provides as follows:

6(1) Notwithstanding the provisions of this Act, a municipal council may pass a by-law to limit or ban smoking in an enclosed public place in the municipality.

And whereas the Council of the City of Portage la Prairie deems it advisable to regulate smoking in municipal facilities;

Therefore the Council of the City of Portage la Prairie, in meeting assembled, enacts as follows:

1. In this by-law

"City" means the City of Portage la Prairie;

"the Act" means An Act To Protect The Health of Non-Smokers S125 C.C.S.M.;

"manager" means the person who carries on or manages the activities carried on in a municipal facility other than a facility described in Sections 1 and 2 and other than an enclosed public place within the meaning of the Act;

"person" includes an association, firm or corporation;

"municipal facility" means a vehicle or a building owned by the City and includes a vehicle or a building owned by the City and leased or licensed to any person, but does not include a residential premise;

"residential premise" means any building, part of a building, trailer or mobile home, the whole or any portion of which is used for the purpose of human habitation and includes the land appurtenant thereto;

"smoking" and "smoking area" have the meanings given to those words in the Act.

2. No person shall smoke in the following municipal facilities:

Graders  
Fire trucks  
Sweepers  
Back hoes  
Loaders  
Trucks

3. Subject to Section 4, no person shall smoke in the following municipal facilities:

City Hall  
City Garage  
Wastewater Treatment Plant  
Water Treatment Plant  
Fire Hall  
Public Safety Building  
Purchasing Department  
Arena  
Swimming Pool  
Cemetery Offices  
Pollution Control Centre  
Lift Stations  
Pumphouses and resevoirs  
Park Washrooms

4. When the Arena is leased or licensed to any person for a special event that is not an athletic, sporting or spectator event, the lessee or licensee may apply to the City for a permit to designate a smoking area which shall not exceed 50% of the total area of that part of the Arena to be used for the event.
5. (1) Subject to subsection (2), no person shall smoke in any other municipal facility that is not an enclosed public place within the meaning of the Act.  
  
(2) The manager of such other municipal facility may designate a smoking area within that facility.
6. Every person who contravenes a provision of this by-law is guilty of an offence and liable on summary conviction to a fine of not more than \$500.00 for a first offence and not more than \$1,000.00 for each subsequent offence.

Done and passed in Council, duly assembled this 29th day of April 1991.

MAYOR

CITY CLERK

Read a 1st time this 29th day of Apr, 1991  
Read a 2nd time this 29th day of Apr, 1991  
Read a 3rd time this 29th day of Apr, 1991