

THE CORPORATION OF THE TOWNSHIP OF SABLES-SPANISH RIVERS

BYLAW NO.# 2003-29

Being a Bylaw to
Regulate Smoking in Public Places

WHEREAS it has been determined that environmental tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes), also known as second hand smoke, is a health hazard because of the adverse effects and risk to the health of the inhabitants and workers of the Township of Sables-Spanish Rivers;

AND WHEREAS it is desirable for the health, safety, and welfare of the inhabitants and workers of the Township of Sables-Spanish Rivers to provide for the prohibiting and abating of smoking and second-hand smoke in accordance with the provisions of this Bylaw;

AND WHEREAS Section 115 of the Municipal Act, 2001 provides the authority for this Bylaw;

NOW THEREFORE the Council of the Township of Sables-Spanish Rivers enacts as follows:

1. DEFINITIONS:

In this Bylaw

- a) "Bar" means a building or structure or portion thereof which has all of the following features:
 - i) the consumption of alcohol takes place;
 - ii) at least 75 percent of sales in the previous year are from the sale of alcohol; and
 - iii) the sale of food is incidental

For greater, certainly without limiting, the generality of the foregoing, this may include taverns, night clubs, pubs, public houses, lounges, adult entertainment parlours and other establishments, licensed under the Liquor License Act, R.S.O. 1990, C.I. 19 or its regulations as amended.

- b) "Billiard Hall" means a building or structure, or part thereof, the primary purpose of which is the playing of the game of snooker, pool or billiards.
- c) "Amusement Arcade" means a place to which the public has access and which is equipped with three (3) or more amusement machines or devices that may be used for playing games solely for the entertainment and amusement of players.
- d) "Eating Establishment" means a building or part of a building, booth, stall or place where food or drink is offered for sale or sold to the public for immediate consumption and includes restaurants, cafés, take-out restaurants, dining facilities in lodges or camps, motel dining facilities, golf club dining facilities. This does not include outdoor eating areas and does not include a food courts or bars.
- e) "Enclosed Public Places" means an enclosed indoor area or vehicle that is open to the public and includes, but is not limited to:
 - (i) a building, structure or portion thereof for the gathering of persons for the purposes of education, worship, business, recreation, entertainment or amusement and includes without limiting the

generality of the foregoing; eating establishments, bars, billiard halls, amusement arcades, arenas, public sports facilities, retail stores, shopping centres, laundromats, commercial establishments, office buildings, education, financial, religious, public halls or other places or portions thereof that are normally open to the clients, patients, students, patrons or other members of the general public.

- ii) multiple unit residential buildings with common access to 6 or more dwelling units, containing common areas such as corridors, passageways, laundry rooms, washrooms, amenity areas, meeting rooms and lobbies to which all residents or the public have access, except for private residential units or apartments located therein’.
- iii) a bus, including a school bus, or other vehicle, including taxi cabs and limousines that are used to provide transportation to the general public; and an elevator, escalator, stairway, lobby, entrance way, corridor, public washroom, or other common area in any enclosed public place.
- h) “Inspector” means member of the Public Health Inspectors employed by the Sudbury and District Health Unit.
- i) “Municipal facility” means any building, structure or vehicle owned , leased, controlled or used by the Township of Sables-Spanish Rivers. This includes recreational facilities including arenas, indoor spectator areas and common areas.
- j) “Open to the Public” means that members of the public have access to the premises either by right or by invitation, express or implied, whether by payment of money or otherwise.
- k) “Owner” means the owner of the building containing one or more Enclosed Public Places.
- l) “Proprietor” means the person who controls, governs or directs the activity carried on within a particular Enclosed Public Place and includes the owner or a person who is actually in charge thereof.
- m) “Smoke/Smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking material or equipment.

2. SMOKING IN ENCLOSED PLACES

- a) No person shall smoke or hold lighted tobacco in any Enclosed Public Place within the Township whether or not a No Smoking sign is posted.
- (b) Despite Section 2 (1) where a permitted area for smoking has been designated under this Bylaw, smoking shall be permitted in the area so designated.

3. LIMITATION ON DESIGNATED SMOKING AREAS

Notwithstanding Section 2(b), effective on the designated dates listed below, a proprietor of an Enclosed Public Place shall designate not more than the specified percentage of the total indoor seating area for smoking.

January 1, 2004	-	50%
January 1, 2005	-	25%
January 1, 2006	-	0%

4 (a) TAXI CABS AND LIMOUSINES

Notwithstanding Section 3, smoking in taxi cabs and limousines shall not be permitted effective January 1, 2004.

(b) BARS

Notwithstanding Section 2(b), effective January 1, 2004, a proprietor of a Bar shall designate not more than 50% of the total indoor seating area for smoking.

5. PERMITTED AREA FOR SMOKING

An area designated under this Bylaw as a permitted area for smoking shall:

- a) be comprised of seats or standee spaces that are contiguous to each other; and
- b) shall not be required as a means of access or thoroughfare between areas in which smoking is prohibited; and
- c) shall not be located in the centre of an indoor space or the entrance to an establishment or any other area in which any person must wait to be seated; and
- d) shall be identified by signs posted in accordance with Section 13.

6. PROPRIETOR'S DUTIES

- (a) Every Proprietor shall ensure that "No Smoking" signs are conspicuously posted so that the signs are clearly visible in all areas where smoking is prohibited under this Bylaw;
- (b) Every Proprietor shall ensure that health warning signs are conspicuously posted so that the signs are clearly visible from all parts of the place where smoking is permitted under this Bylaw;
- (c) Where smoking is prohibited under this Bylaw, a Proprietor shall inform any person who is smoking in a prohibited area that smoking in that area is prohibited.
- (d) No Proprietor shall permit a person to smoke in a place where smoking is prohibited under this Bylaw.
- (e) Every Proprietor shall ensure that ashtrays and other paraphernalia used in connection with smoking are not present in areas where smoking is prohibited under this Bylaw.

7. SIGNS

A. "No Smoking" sign which is required to be posted pursuant to this Bylaw shall:

- (a) carry the text "No Smoking" in capital or lower-case letters, or a combination of them;
- (b) consist of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;
- (c) Every employer and every proprietor shall post and maintain in conspicuous locations at each entrance to the facility and in the washrooms, a sign at least 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes depiction of the international No Smoking symbol at least 7.5 centimetres (3 inches), and lettering at least 0.8 centimetres (5/16 inch) high and at least 0.2 centimetres (1/16 inch) wide at the narrowest point, with the rest of the letters sized proportionately, which reads "Corporation of the Township of Sables-Spanish Rivers; Bylaw Number 2003-29.
- (d) Where a No Smoking sign is required to be placed or posted under this By-law, the sign shall have the proportions, characteristics and minimum measurements as set out in Section 7(c) as depicted in "Schedule A" and consists of two (2) contrasting colours, or if the lettering and graphic symbol is to be applied directly to surface or to be mounted

on a clear panel, the lettering and graphic symbol shall contrast with the background.

8. OBSTRUCTION

No person shall obstruct an Inspector carrying out an inspection, examination, investigation, or inquiry as are necessary to determine whether there is compliance with the Bylaw.

9. PENALTY

- (a) Any Proprietor who fails or neglects to perform the duties imposed by this Bylaw or who otherwise contravenes or who otherwise contravenes
- (b) Any person who smokes or otherwise contravenes the provisions of this Bylaw is guilty of an offence and subject to penalty pursuant to the Provincial Offences Act, R.S.O. 1990.
- (c) A Proprietor who fails or neglects to post or cause to be posted signs in accordance with the provisions of this Bylaw or who establishes or maintains a smoking area which does not comply with all requirements of this Bylaw is guilty of an offence and subject to penalty pursuant to the Provincial Offences Act, R.S.O. 1990.

10. INTERPRETATION

- (a) Nothing in this Bylaw shall prohibit employees who work in Enclosed Public Places from smoking in designated smoking areas that are not accessible to the public.
- (b) Different components of the definition of Enclosed Public Place may be present within the same building or structure, and as components or one another. In a “mixed use” establishment or facility, where separate portions of the establishment or facility can be clearly distinguished and each portion meets a separate definition, the definition most appropriate to the use in that area of the establishment or facility will apply, but in the event of two or more conflicting definitions applying, the one most restrictive of smoking shall apply.

11. ENFORCEMENT

- (a) Any person who contravenes the provisions of this Bylaw and fails to vacate a premises when requested to do so by the proprietor may be deemed to be trespassing.
- (b) The provisions of this Bylaw may be enforced by the Bylaw Enforcement Officer of the Township of Sables-Spanish Rivers upon direction of the Council of the Township of Sables-Spanish Rivers or Township Clerk or designate. The provisions of this Bylaw may also be enforced by any Inspector employed by the Sudbury and District Health Unit.

READ a first time this 10th day of September, 2003.

READ a second time this 24th day of September, 2003.

READ a third and final time and passed in open Council this 8th day of October, 2003.

MAYOR – L. Gamble

CLERK – E. Jordan

THE CORPORATION OF THE TOWNSHIP OF SABLES-SPANISH RIVERS

BYLAW NO. 2007-37

Being a Bylaw to Amend Bylaw No. 2003-29
Being a Bylaw to Regulate Smoking in Public Places

WHEREAS Section 115 of the Municipal Act, 2001 provides the authority for this Bylaw;

NOW THEREFORE the Council of the Township of Sables-Spanish enacts as follows:

1. Bylaw 2003-29 is hereby amended and states as follows:
 2. *c) No person shall smoke or hold lighted tobacco within 10 meters of the entrance of any building owned by the Corporation of the Township of Sables-Spanish Rivers.*
2. This Bylaw shall come into force and take effect on the date of the third and final reading.

READ A FIRST AND SECOND TIME THIS 12th DAY OF December , 2007.

READ A THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL THIS 12th DAY OF December, 2007.

Leslie GAMBLE, Mayor

Ellen JORDAN, Clerk