

The Corporation of the Town of Thessalon
By-law No. 1123

A By-law to Regulate Smoking In Public Places and Workplaces in the municipality of the
Corporation of the Town of Thessalon

WHEREAS The Municipal Act, R.S.O. 2001, c.25, s.115 governs smoking in public places, etc.;

AND WHEREAS it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants and workers in the municipality of the Corporation of the Town of Thessalon;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants and workers of the municipality of the Corporation of the Town of Thessalon to ensure that all public places and workplaces will be free from second-hand smoke;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THESSALON ENACTS AS FOLLOWS:

1. DEFINITIONS

1.0 In this by-law;

1.1 “Town” means the municipality of the Corporation of the Town of Thessalon

1.2 “employee” means a person who performs any work for or supplies any service to an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer and includes a volunteer and a person who is self-employed and “employment” has a corresponding meaning;

1.3 “employer” means any person who, is the owner, proprietor, manager, contractor, superintendent, supervisor or overseer of a workplace;

1.4 “inspector” means any police officer of the OPP, or Provincial Offences Municipal Bylaw Officer, and any employee authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this by-law;

1.5 “person” includes a corporation;

1.6 “proprietor” means the person who ultimately controls, governs or directs the activity carried on within a public place and includes the person actually in charge of the premises at any particular time;

1.7 “public place” means any building, structure, vessel, vehicle or conveyance, or part thereof, to which the public has access as of right or by invitation, expressed or implied, whether or not a fee is charged for entry but does not include a street, road or highway;

1.8 “smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

1.9 “workplace” means a building, structure, vessel, vehicle or conveyance or part thereof in which one or more employees work, including any other area utilized by employees.

2. WORKPLACES

2.1 Except as provided in section 2.2 no person shall smoke in any workplace within the Town whether or not a No Smoking sign is posted.

2.2 Every employer shall:

(i) ensure compliance with this by-law;

(ii) give notice to each employee in the workplace that smoking is prohibited in the workplace;

(iii) post No Smoking signs in accordance with Section 4 of this bylaw in conspicuous locations at every entrance and washrooms in the workplace where smoking is prohibited indicating that smoking is prohibited in that part of the workplace; and

(iv) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in any part of the workplace where smoking is prohibited under this by-law.

3. PUBLIC PLACES

- 3.1 No person shall smoke in any public place within the Town whether or not a No Smoking sign is posted.
- 3.2 This by-law shall not cover an area(s) of a building that are deemed to be a private residence.
- 3.3 Every proprietor of a public place shall:
- (i) ensure compliance with this by-law;
 - (ii) give notice to each person in the public place that smoking is prohibited in the public place;
 - (iii) post No Smoking signs in accordance with Section 4 of this by-law in conspicuous locations at every entrance and washrooms in the public place indicating that smoking is prohibited in the public place;
 - (iv) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in any public place.

4. SIGNAGE REQUIRED

- 4.1 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 centimeters (5.5 inches) by 14 centimeters (5.5 inches) in size that includes depiction of the international No Smoking symbol at least 7.5 centimeters (3 inches), and lettering at least 0.8 centimeters (5/16 inch) high and at least 0.2 centimeters (1/16 inch) wide at the narrowest point, with the rest of the letter sized proportionately, which reads "Corporation of the Town of Thessalon; Bylaw # 1123; Maximum Fine \$200.00".
- 4.2 Where a No Smoking sign is required to be placed or posted under this bylaw, the sign shall have the proportions, characteristics and minimum measurements as set out in Section 4.1 and consist 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.

5. INSPECTIONS

- 5.1 An inspector may, at any reasonable time, enter any public place or workplace for the purposes of determining compliance with this by-law.

6. OFFENCES AND ENFORCEMENT

- 6.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than Five Thousand (\$5,000.00) as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter 33, or any successor thereof.

7. CONFLICTS

- 7.1 If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

8. SEVERABILITY

- 8.1 If any section or sections of the by-law or parts thereof, are found in any court of law to be illegal or beyond the power of the Town to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent thereof and to be enacted as such.

This By-Law shall become effective May 30, 2003.

READ A FIRST AND SECOND TIME THIS 27th DAY OF JANUARY, 2003.

READ A THIRD TIME AND FINALLY PASSED THIS 17th DAY OF FEBRUARY, 2003.

MAYOR

CLERK