WHEREAS it has been recognized that environmental tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars or pipes), also known as second-hand smoke, is a health hazard because of its adverse effects and risk to the health and well-being of the residents and workers in the Township of Central Manitoulin;

AND WHEREAS the residents and workers in the Township of Central Manitoulin have a fundamental right to live, work and enjoy community amenities in the absence of environmental tobacco smoke in public places;

AND WHEREAS this may be accomplished by providing for the prohibiting or limiting of smoking and second-hand smoke in accordance with the provisions of this By-law;

NOW THEREFORE the Council of the Township of Central Manitoulin enacts as follows:

DEFINITIONS

1. “Enclosed Public Place” means an enclosed indoor area or vehicle that offers ready access or transport to the public.

SMOKING IN ENCLOSED PUBLIC PLACES

2. The following provisions shall regulate where smoking is prohibited under this By-law;
   (1) No person shall smoke or hold lighted tobacco in any enclosed public place, including Taxicabs or Limousines, unless otherwise exempted under this By-law.
   (2) Where a permitted area for smoking has been designated under this By-law, smoking shall be permitted in that designated area.

LIMITATION ON DESIGNATED SMOKING AREAS

3. Effective on the designated dates listed below for specified classes of enclosed public places, a proprietor of such facility may designate not more than the specified percentage of the total indoor seating as a permitted area for smoking, if the criteria in Section 5 are met.

<table>
<thead>
<tr>
<th>Classification – Enclosed Public Place</th>
<th>May 31, 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Eating Establishments and Bars:</td>
<td>50% smoking</td>
</tr>
<tr>
<td>(2) Billiard Halls</td>
<td>50% smoking</td>
</tr>
<tr>
<td>(3) Community Centres</td>
<td>50% smoking</td>
</tr>
</tbody>
</table>

PRIVATE FUNCTIONS

4. Despite any other provision of this By-law the following shall apply:
   (1 ) where a building is owned by the municipality and a function is taking place in the said building and is sponsored by the municipality or an agent of the municipality, no smoking shall be permitted unless the public building is a Community Centre in which case Section 3 ( 3 ) shall apply; and
   (2 ) where a building is owned by the municipality and rented to a private individual or organization that is not an agent of the municipality, smoking shall be at their discretion ; and
   ( 3 ) a Proprietor ( business owner ) of an Enclosed Public Place may permit unrestricted smoking when the facility or portion thereof is used for a private function.

PERMITTED AREA FOR SMOKING

5. An area designated under this By-law as a permitted area for smoking:
   (1) shall be comprised of seats that are contiguous to each other; and
   (2) shall not be located in the centre of an indoor space, or a waiting area within an establishment; and
   (3) shall be identified with signs posted in accordance with Section 7.
RESPONSIBILITIES OF OWNERS AND PROPRIETORS

6. Every Owner and Proprietor shall:
   (1) ensure that “No Smoking” signs are conspicuously posted so that the signs are clearly visible in all areas where smoking is prohibited under this By-law; and
   (2) ensure that ashtrays and other articles used in connection with smoking are not present in areas where smoking is prohibited under this By-law; and
   (3) inform any person who is smoking in a prohibited area that smoking in that area is prohibited; and

   No Owner or Proprietor shall permit a person to smoke in a place where smoking is prohibited under this By-law.

SIGNS

7. A “No Smoking” sign which is required to be posted under this By-law shall:
   (1) carry the text “No Smoking”
   (2) consist of two (2) contrasting colours, or with lettering in contrast to the background colour; and
   (3) have letter heights that render the sign clearly visible and readable, based on the maximum viewing distance (in direct line of sight) in the area where smoking is prohibited.

INSPECTIONS

8. Will be carried out by the Municipal By-law Enforcement Officer upon receiving either a verbal or written complaint.

PENALTY

9. Shall apply to any owner or Proprietor who permits a person to smoke in a place where smoking is prohibited under this By-law and/or to any individual who smokes in a place where smoking is prohibited under this By-law and shall be subject to a penalty up to a maximum of $1,000.00 for each violation.

EFFECTIVE DATE

10. This By-law shall come into effect on the 31st day of May, 2001.

READ A FIRST, SECOND, THIRD TIME AND PASSED THE __________________ DAY OF ____________, 2001

_________________________________ _____________________________
REEVE CLERK

I, Mark Read, Clerk of the Township of Central Manitoulin, do hereby certify, that the foregoing is a true copy of by-law number 2001-07, passed by the Council of the Township of Central Manitoulin on the ____________ day of __________, 2001.

_________________________________
CLERK