

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

By-law Number 2001-07

**BEING A BY-LAW TO FOSTER COMMUNITY HEALTH  
AND WELL-BEING BY LIMITING THE EMISSION OF  
SECOND-HAND TOBACCO SMOKE  
IN PUBLIC PLACES**

**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.

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

**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 31<sup>st</sup> 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**