

The Corporation of the
TOWNSHIP OF THE ARCHIPELAGO

BY-LAW NO. 03-44

To Amend By-Law No. 03-19, being a By-Law to Prohibit or Regulate Smoking in Public Places and Workplaces in the Township of The Archipelago

WHEREAS the Council of the Corporation of the Township of The Archipelago adopted By-Law No. 03-19, being a By-Law to Prohibit or Regulate Smoking in Public Places and Workplaces in the Township of The Archipelago, at the Regular Meeting of Council held on May 23, 2003;

AND WHEREAS Council deems it necessary to amend By-Law No. 03-19;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO AS FOLLOWS:

1. That the following definition be amended to Part 1 as follows:
 - 1.6 **"public place"** means the whole or part of an indoor area, to which the public has access as of right or by invitation, express or implied, whether or not a fee is charged for entry and includes enclosed public areas in corridors, passageways, public restrooms, enclosed public seating areas and enclosed public standing areas whether or not the seating area or standing area is leased and includes public transit vehicles";
2. That the following definition be added to Part 1 as follows:
 - 2.0 **"enclosed public area"** means a structure, patio or any other public area that has more than 50% of its area enclosed with roofs, walls, tarps, partitions or physical barriers whether or not they may be removed.
3. That the following subsection be added to Part 8 as follows:
 - 8.2 That By-law 03-19 as amended, be reviewed by Council for any further amendments one year following the date of the passing of this amendment.
4. That this By-Law shall come into force and take effect on the day of the final passing thereof.

READ and FINALLY PASSED in OPEN COUNCIL this 18th day of July, 2003.

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO


REEVE


CHIEF ADMINISTRATIVE OFFICER/CLERK

CONSOLIDATED BY-LAW
The Corporation of the

TOWNSHIP OF THE ARCHIPELAGO

BY-LAW NO. 03- 19
as Amended by By-Law 03- 44

Being a By-Law to Prohibit or Regulate Smoking in Public Places
and Workplaces in the Township of The Archipelago

WHEREAS section 115 of the Municipal Act, 2001, c. 25, authorizes the Council of a municipality to pass a by-law to prohibit or regulate the smoking of tobacco in public places and workplaces within the municipality and designating public places or workplaces or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco is prohibited;

AND WHEREAS it has been determined that environmental tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars or pipes), also known as 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 Township of The Archipelago;

AND WHEREAS it is desirable for the health, safety, and welfare of the inhabitants and workers of the Township of The Archipelago to provide for the prohibiting and abating of smoking and second-hand smoke in accordance with the provisions of this By-Law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO ENACTS AS FOLLOWS:

PART 1

1. DEFINITIONS

1.0 In this By-Law;

1.1 "**Township**" means the Township of The Archipelago

1.2 "**employee**" means a person who performs any work for or supplies any service to 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, as the owner, proprietor, manager, contractor, superintendent or overseer of any activity, business, work, trade, occupation, or profession, has control over or direction of, or is directly or indirectly responsible for the employment of an employee;

1.4 "**person**" includes a corporation;

1.5 "**proprietor**" means the person who ultimately controls, governs or directs the activity carried on within a premise referred to in Part III and includes the person actually in charge of a premises at any particular time;

1.6 "**public place**" means the whole or part of an indoor area, to which the public has access as of right or by invitation, express or implied, whether or not a fee is charged for entry and includes enclosed public areas in corridors, passageways, public restrooms, enclosed public seating areas and enclosed public standing areas whether or not the seating area or standing area is leased and includes public transit vehicles";

1.7 "**public transit vehicle**" means any vehicle used for transporting the public and includes a school bus and a passenger vehicle used for hire;

- 1.8 **"smoke"** or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not include smoke or smoking where smoke or smoking is used in a stage production or a theatrical performance;
- 1.9 **"workplace"** means any indoor area or part thereof in which one or more employees work, including any other indoor area utilized by employees and includes a public transit vehicle and any other vehicle in which an employee works and which is provided by an employer.
- 2.0 **"enclosed public area"** means a structure, patio or any other public area that has more than 50% of its area enclosed with roofs, walls, tarps, partitions or physical barriers whether or not they may be removed.

PART II

2. WORKPLACES

- 2.1 No person shall smoke in any workplace within the Township of The Archipelago whether or not a No Smoking sign is posted.
- 2.2 Section 2.1 does not apply to any part of a workplace that is used as a private residence.
- 2.3 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 Part IV of this By-Law in conspicuous locations at every entrance and washrooms in the workplace indicating that smoking is prohibited in the workplace;
 - (iv) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in any workplace where smoking is prohibited under this By-Law.

PART III

3. PUBLIC PLACES

- 3.1 No person shall smoke in any place within the Township of The Archipelago whether or not a No Smoking sign is posted.
- 3.2 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 Part IV 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.

PART IV

4. SIGNAGE

- 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 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 letter sized proportionately, which reads "Township of The Archipelago; By-Law No. 03- 19 Maximum Fine is \$5,000.00".
- 4.2 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 4.1 and shall consist of two (2) contrasting colours, or if the lettering and graphic symbol is to be applied directly to a surface or to be mounted on a clear panel, the lettering and graphic symbol shall contrast with the background.

PART V

5. OFFENCES

- 5.1 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.

5.2 ENFORCEMENT

- a) By-Law Enforcement Officers employed by The Archipelago are hereby appointed as inspectors for the purposes of enforcing this By-Law and may:
- i) at any reasonable time, enter any workplace or public place other than a dwelling unit, for the purpose of determining whether there is compliance with the By-Law;
 - ii) make such examinations, investigations and inquiries as are necessary to determine whether there is compliance with this By-Law.
- b) No person shall obstruct or hinder an inspector carrying out an inspection under this By-Law.

PART VI

6. CONFLICTS

- 6.1 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.

PART VII

7 SEVERABILITY

- 7.1 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 Township of The Archipelago 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.

PART VIII


8. EFFECTIVE DATE

8.1 This By-Law shall come into effect on the day of the final passing thereof.

8.2 That By-law 03-19 as amended be reviewed by Council for any further amendments one year following the date of the passing of this amendment.

READ and FINALLY PASSED in OPEN COUNCIL this 23rd day of May, 2003.

THE CORPORATION FO THE TOWNSHIP OF THE ARCHIPELAGO



Reeve



Chief Administrative Officer/Clerk

