

THE CORPORATION OF LOYALIST TOWNSHIP
BY-LAW 98-122

A By-law to Regulate Smoking in Municipal Facilities

WHEREAS Section 102 of The Municipal Act, R.S.O. 1990, Chapter M.45 provides that Council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law;

AND WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and smoke from idling cigarettes, cigars and pipes) is a public nuisance because of its irritating and discomforting properties and is a health hazard because of its impairment, adverse effect and risk of health, to the inhabitants of Loyalist Township;

AND WHEREAS it is desirable for the health, safety and welfare of the inhabitants of Loyalist Township to provide for regulating smoking and second-hand smoke for the better protection of persons from conditions injurious to health in accordance with the provision of this by-law;

AND WHEREAS it is desirable to provide for the prohibiting and abating of second-hand smoke in accordance with the provisions of this by-law.

NOW THEREFORE the Council of the Corporation of Loyalist Township enacts as follows:

1. Definitions:

In this by-law,

- a) "Municipally owned and municipally operated buildings" shall include but not be limited to the following buildings:
 - i) Amherst Island Library;
 - ii) Bath Library;
 - iii) Bath Museum;
 - iv) Fairfield House;
 - v) Loyalist Community Sharing Centre (a portion of the building known as the Amherstview Community Hall);
 - vi) Municipal Offices;
 - vii) Odessa Library;
 - vii) Roads Garages;
 - ix) Violet Landfill Site Office;
 - x) Water and Sewer Department Offices;
 - xi) W.J. Henderson Recreation Centre including pool, arena and library.
 - b) "manager" means the person who ultimately controls or directs the activity carried on within the premises referred to in this by-law and includes the person actually in charge thereof;
 - c) "smoke" or "smoking" includes the carrying or holding of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;
2. No person shall smoke in municipally owned and municipally operated buildings.
 3. No person shall smoke inside any portion or on any outside area of the Amherst Island Ferry identified by "no smoking" signs.
 4. The managers of all municipally owned buildings shall ensure that a sufficient number of signs as prescribed by Sections 5 and 6 of this by-law shall be sufficiently and conspicuously posted so as to be clearly visible.

5. The managers of all municipally owned buildings shall post or cause to be posted at the entrance to each building or on the doors of each building, a sign clearly identifying that the building is a "Smoke-free building" in which smoking is prohibited.
6. i) For the purpose of Subsection (ii) hereof, the letter height means the actual height of the letter regardless of whether it is a capital or lower case letter;
- ii) Signs shall be as follows:
- a) carry the text "No Smoking" in capital or lower case letters, or a combination thereof;
 - 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 with the background colour;
 - c) with respect to size of lettering, be not less than the following heights based upon the maximum viewing distance in direct line of sight shown:
 - 1) viewing distance of 3.05 metres (10 feet) or less - letter height of 2.54 centimetres (1 inch);
 - 2) viewing distance of 6.10 metres (20 feet) or less - letter height of 5.08 centimetres (2 inches);
 - 3) viewing distance of 12.20 metres (40 feet) or less - letter height of 7.62 centimetres (3 inches);
 - 4) viewing distance of 24.40 metres (80 feet) or less - letter height of 10.16 centimetres (4 inches);
 - 5) viewing distance of 48.80 metres (160 feet) or less - letter height of 15.24 centimetres (6 inches);
 - 6) viewing distance of 73.20 metres (240 feet) or less - letter height of 20.32 centimetres (8 inches).
 - d) include the text at the bottom of each sign "Loyalist Township By-law No. 98-122. Maximum Penalty \$5,000.00", in letters not less than 1.27 centimetres (one-half of an inch) in height for signs with letters size of 2.54 centimetres (one inch) and not less than one-quarter (1/4) of the height of the letters on all other sizes of signs.
- (iii) Except with the consent of the manager of the premises, no person shall remove, deface, damage or otherwise vandalize any sign required to be displayed in any of the premises regulated under this by-law and any person contravening this section shall be subject to the penalty provided in Section 10 of this by-law.
7. (i) Notwithstanding the provisions of Section 6 hereof, a graphic symbol, similar to that shown on page 3 of this by-law, may be used to indicate "No Smoking" areas. This symbol shall include the text "Loyalist Township By-law No. 98-122 Maximum Penalty \$5,000.00" in letters

and figures at least 5 percent of the diameter of the circle such as directional arrows. Any such symbol shall be on a white background with the circle and the interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this section.



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- ii) With respect to the size of the graphic symbol, the diameter of the circle in the symbol referred to in Subsection (1) hereof shall not be less than the number of centimetres (inches) prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:
 - 1) viewing distance of 3.05 metres (10 feet) or less - diameter 10.16 centimetres (4 inches);
 - 2) viewing distance of 6.10 metres (20 feet) or less - diameter 15.24 centimetres (6 inches);
 - 3) viewing distance of 12.20 metres (40 feet) or less - diameter 20.32 centimetres (8 inches);
 - 4) viewing distance of 24.40 metres (80 feet) or less - diameter 30.48 centimetres (12 inches);
 - 5) viewing distance of 48.80 metres (160 feet) or less - diameter 40.64 centimetres (16 inches);
 - 6) viewing distance of 73.20 metres (240 feet) or less - diameter 60.96 centimetres (24 inches);
 - iii) Notwithstanding the symbol in Subsection i) is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking equipment;
- 9.
- i) A manager or Township employee shall inform a person who is smoking in a "No Smoking" area that they are in violation of a municipal by-law;
 - ii) The obligation specified in Subsection i) applies only in circumstances where and when the manager or employee has knowledge of the violation or probable violation of the by-law;
 - iii) The manager shall make reasonable efforts to prevent smoking in violation of this by-law and shall take all reasonable steps to ensure that employees are familiar with the provisions of this by-law so that they will be able to assist in achieving compliance.
10. This by-law shall be enforced by a Provincial Offences Officer.

11. Any person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay, at the discretion of the convicting Provincial Judge or Justice of Peace, a penalty of not more than \$5,000.00, exclusive of costs. Upon a conviction being entered, the Court in which the conviction was entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this by-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.
12. Any by-law or portions thereof conflicting with this by-law are hereby repealed.
13. This by-law shall be in force and take effect on the date of its passing.

ENACTED AND PASSED THIS 23rd DAY OF November, 1998.



REEVE



CLERK