

BY-LAW NO. 21, 2003

A BY-LAW OF THE CORPORATION OF THE COUNTY OF HURON TO REGULATE SMOKING IN PUBLIC PLACES AND WORKPLACES IN HURON COUNTY AND TO REPEAL BY-LAW NO. 9, 2003.

WHEREAS Section 115 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes the Council of a municipality to pass a by-law regulating 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 this by-law will come into force upon receiving consent from a majority of the Councils of the lower-tier municipalities within the Corporation of the County of Huron who represent a majority of the electors in the County;

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 health hazard because of its adverse effects and risk to the health of the inhabitants and workers in Huron County;

AND WHEREAS it is desirable for the health, safety, and welfare of the inhabitants and workers of the County of Huron 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 COUNTY OF HURON ENACTS AS FOLLOWS:

PART I

1. DEFINITIONS

1.0 In this by-law,

1.1 "**charitable home for the aged**" means an approved charitable home for the aged as defined in the Charitable Institutions Act;

1.2 "**County**" means the County of Huron;

1.3 "**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;

1.4 "**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;

1.5 "**home for the aged**" means a home defined under the Homes for the Aged and Rest Homes Act;

1.6 "**home for special care**" means a home for special care as defined under the Homes for Special Care Act;

1.7 "**nursing home**" means a home defined in the Nursing Homes Act;

- 1.8 **"person"** includes a corporation;
- 1.9 **"proprietor"** means the person who ultimately controls, governs or directs the activity carried on within the premises referred to in Part III, and includes the person actually in charge of a premises at any particular time;
- 1.10 **"public place"** means the whole or part of an indoor area, to which the public has access as of right or by invitation, expressed or implied, whether or not a fee is charged for entry and includes public transit vehicles;
- 1.11 **"public transit vehicle"** means any vehicle used for transporting the public and includes a school bus and a passenger vehicle used for hire;
- 1.12 **"smoke"** or **"smoking"** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;
- 1.13 **"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 conveyance in which an employee works and which is provided by an employer.

PART II

2. WORKPLACES

- 2.1 Except as provided in Section 2.2, 2.3 and 2.4 no person shall smoke in any workplace within Huron County whether or not a No Smoking sign is posted.
- 2.2 The prohibition set out in subsection 2.1 does not apply to any part of a workplace that is used as a private residence. For the purposes of this by-law private residence does not include rooms used for temporary accommodation such as hotel/motel rooms, bed and breakfast rooms and similar facilities.
- 2.3 The prohibition set out in subsection 2.1 does not apply to patients in a psychiatric facility as defined in the Mental Health Act.
- 2.4 The prohibition set out in subsection 2.1 does not apply to residents in a nursing home, home for the aged, home for special care or a charitable home for the aged.
- 2.5 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 in washrooms in the workplace indicating that smoking is prohibited in the workplace;

- (iv) ensure that no ashtrays or similar items 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 public place within Huron County 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 in washrooms in the public place indicating that smoking is prohibited in the public place;
 - (iv) ensure that no ashtrays or similar items are placed or permitted to remain in any public place where smoking is prohibited under this by-law.

PART IV

4. SIGNAGE REQUIREMENTS

- 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 "County of Huron; Maximum Fine: \$5,000".
- 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 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.

PART V

5. OFFENCES AND ENFORCEMENT

- 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.

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 County Council 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 therefrom and to be enacted as such.

PART VIII

8. EFFECTIVE DATE

8.1 This by-law shall come into effect on September 4, 2004.

Read a first time September 4, 2003
Read a second time September 4, 2003
Read a third time September 4, 2003

BARBARA A. LEAMEN, County Clerk

DAVE URLIN, Warden

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WARDEN

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COUNTY CLERK