



## THE CORPORATION OF THE COUNTY OF WELLINGTON

### BY-LAW NUMBER 4585-03

A By-law to regulate smoking in public places and workplaces in the County of Wellington.

**WHEREAS** Section 115 of the Municipal Act, 2001, 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** a majority of the Councils of the lower-tier municipalities within the Corporation of the County of Wellington have consented to such a by-law by 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 Wellington County;

**AND WHEREAS** it is desirable for the health, safety, and welfare of the inhabitants and workers of the County of Wellington 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 WELLINGTON ENACTS AS FOLLOWS:**

#### PART I

##### 1. DEFINITIONS

1.0 In this by-law,

1.1 A County@ means the County of Wellington;

1.2 A 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 A 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 A person@ includes a corporation;

1.5 A 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;

1.6 A 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;

1.7 A 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 A **smoke** or **smoking** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- 1.9 A **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.
- 1.10 A **legion** means any branch of the Royal Canadian Legion within Wellington County.
- 1.11 A **nursing home** means a residence as defined in the Nursing Home Act, within Wellington County.
- 1.12 A **legion** constitutes a different class for the purpose of this by-law, as permitted by the Municipal Act S. 10 (2).
- 1.13 A **nursing home** constitutes a different class for the purpose of this by-law, as permitted by the Municipal Act S. 10 (2).

## **PART II**

### **2. WORKPLACES**

- 2.1 Except as provided in Section 2.2 no person shall smoke in any workplace within Wellington 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
- 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 in 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 public place within Wellington 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 like paraphernalia 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 ACounty of Wellington; Maximum Fine: \$5,000@.

- 4.2 Where a No Smoking sign is required to be placed or posted under this bylaw, 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. CLASS EXEMPTIONS**

- 8.1 The provisions of the smoking by-law shall not apply to the clubhouse area of a legion, within the class of Alegion,@ in Wellington County until five years after the date upon which the by-law takes effect.
- 8.2 The provisions of the smoking by-law shall not apply to the separate smoking rooms in nursing homes, within the class of the Anursing home,@in Wellington County until five years after the date upon which the by-law takes effect.

## **PART IV**

### **9. EFFECTIVE DATE**

- 9.1 This by-law shall come into effect the day upon which a majority of the Councils of the municipalities in Wellington County, representing the majority of the electors in Wellington County, have passed resolution consenting to the by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25<sup>th</sup> DAY OF JUNE,  
2003.

DAVE ADSETT - WARDEN

DONNA WAUGH - CLERK