

CITY OF SARNIA SMOKING BY-LAW FACT SHEET FOR EATING ESTABLISHMENTS

The City of Sarnia Smoking By-Law 125 of 1999 was passed on June 28, 1999. This Fact Sheet provides some specific information for restaurant/eating establishments to assist in implementing those sections of the By-Law that apply to them.

The By-Law sets minimum standards for reducing exposure to environmental tobacco smoke. Every eating establishment owner/manager may, if he or she wishes, prohibit smoking entirely.

How Is An Eating Establishment Defined?

An Eating Establishment is a place where the primary activity is the sale of food and/or beverages (whether alcoholic or otherwise) for immediate consumption. It includes businesses like restaurants, cafeterias, lunch counters, canteens, coffee shops, donut shops, snack bars and that portion of hotels and motels used in the provision of food services including the eating area. It does not include Bars, Billiard Parlours, Casinos, Bowling Centres, Food Courts or Teen Bars.

How Is A Bar Defined?

In order to be considered a Bar, the establishment must prohibit entry to minors. If at some point in the evening an Eating Establishment prohibits entry to minors, it would be considered a Bar only when there are no longer any minors in the establishment.

Where an Eating Establishment has a clearly distinguishable area where entry is prohibited to minors, each area would be subject to its own standards. After May 1st, 2001, in order to have different standards apply; the Bar area must be separately enclosed from the Restaurant Area.

Requirements/Eating Establishments

Until January 1, 2000, the Proprietor of an Eating Establishment may maintain a Designated Smoking Area occupying not more than 50% of the total seating capacity or not more than 50% of the eating area available to the public, whichever is less.

Commencing January 1, 2000, and prior to January 1, 2002, the proprietor of an Eating Establishment may maintain a Designated Smoking Area occupying not more than 25% of the total seating capacity or not more than 25% of the eating area available to the public, whichever is less.

Commencing January 1, 2002, and thereafter, the Proprietor of an Eating Establishment may maintain a Designated Smoking Area occupying not more than 15% of total seating capacity or not more than 15% of the eating area available to the public, whichever is less.

At any time, a Designated Smoking Area which is enclosed and separately ventilated may occupy not more than 50% of the seating capacity or 50% of eating area available to the public, whichever is less. There are technical requirements that must be met in order to be considered separately ventilated. Those criteria are to be reviewed prior to

January 1, 2002.

Food Courts

Not more than 25% of the total seating capacity of a food court area may be maintained as a Designated Smoking Area. Separately ventilated and enclosed Designated Smoking Areas of the same size are also permitted. In shopping mall concourses where there is more than one food court area, the food court areas are treated as a whole.

What is a Designated Smoking Area?

A Designated Smoking Area means an area designated by the proprietor of an establishment as an area where smoking is allowed. It is a contiguous area in a location not required by the public for thoroughfare to the washrooms, food service areas or entrances.

Enforcement of the By-Law

The Building Enforcement and/or Fire Prevention Officers of the City of Sarnia shall enforce the presence or absence of proper signage and the non-compliance of a Designated Smoking Area with the size, layout and other applicable provisions.

The entire By-Law may be enforced by the Police Force of the City of Sarnia.

Penalties

Any person who contravenes any of the provisions of the By-Law is guilty of an offence, and upon conviction is liable to a fine and the provisions of the Provincial Offences Act.

Signage

An employer or the proprietor of any building or structure affected by this By-Law shall post in the non-smoking areas, in a prominent location so as to be conspicuous at all times, “No Smoking” signs in the form prescribed by the By-Law. They shall also take all reasonable steps to ensure compliance with the By-Law.

An employer or the proprietor of any building or structure affected by this By-Law shall post in the Designated Smoking Areas, in a prominent location so as to be conspicuous at all times, “Warning” signs in the form prescribed by the By-Law. They shall also take all reasonable steps to ensure compliance with the By-Law.

Signs are available from the City of Sarnia’s Building Department.

Information or Complaints

This Fact Sheet provides an overview of the City of Sarnia’s Smoking By-Law 125 of 1999, as it applies to restaurants, and is not intended as a legal document. The full text of the By-Law may be obtained from the City Clerk’s Office at City Hall.

Any person who wishes to make inquiries about the By-Law may contact the Clerk’s Office, City Hall, 332-0330, Ext. 259.

Any person who wishes to register a complaint about non-compliance with the By-Law may contact the City Solicitor’s Office, City Hall, 332-0330, Ext. 248.