

BYLAW NO. 1277

A BYLAW OF THE TOWN OF VULCAN
TO REGULATE SMOKING
IN THE TOWN OF VULCAN

WHEREAS the residents of the Town of Vulcan have indicated that they wish the practice of smoking and the resulting exposure of members of the public to second hand smoke to be controlled:

AND WHEREAS it is the desire of the residents of the community of Vulcan to reduce the exposure of the public to environmental hazards and in particular second hand smoke and therefore to promote healthy lifestyles:

AND WHEREAS the Council of the Town of Vulcan intends to control smoking in all enclosed public places by requiring the posting of those places to indicate smoking allowed or not by August 1, 2002:

NOW THEREFORE, The Council of the Town of Vulcan, duly assembled, enacts as follows:

1. In this bylaw:

- (a) "Town" means the Town of Vulcan
- (b) "place of public assembly" means a building or portion thereof used for the gathering of persons for purposes such as deliberations, entertainment, recreation, or business but does not include a place where a private social function is being held.
- (c) "private social function" means a specific social event for which an entire room or hall has been reserved, at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include an event which is held primarily for the purpose of business, sales, or education.
- (d) "proprietor" means the owner, or his agent or representative of the premises referred to in this bylaw, and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein.
- (e) "reception area" means the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment.
- (f) "restaurant" means a business premises primarily serving food and/or beverages for consumption on the premises, but does not include a "lounge".
- (g) "retail shop" means a building or part of a building, booth, stall or place where goods are displayed or offered for sale but does not include a place where the only trade or business carried on is that of a hotel or restaurant.
- (h) "smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (i) "employer" includes any person who as the owner, proprietor, manager, 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 a person therein.

- (j) "place of employment" means any enclosed area of a building or structure in which an employee works and includes any area used exclusively by employees but does not include a private residence.
- (k) "indoor area" means a building or part of a building to which persons have legal access and which includes a foyer, entranceway, or passage/hallway but does not include a private residence or place of accommodation.
- (l) "lounge" means a business premises primarily serving alcoholic beverages for consumption on the premises, and where entry to individuals under the age of 18 years is prohibited.
- (m) "sign" means a sign as prescribed by Sections 14, 15, 16.

DESIGNATION OF BUSINESS OR FACILITY

- 2. Every proprietor shall designate their business or facility as a "smoking" or "non smoking" establishment by August 1, 2002.
- 3. All proprietors shall post, or cause to be posted, their business or facility as a smoking or non-smoking business or facility by August 1, 2002.

RETAIL SHOP

- 4. No person shall smoke in any retail shop except in a private portion of the business inaccessible to the public if the business is posted as a non-smoking premise.
- 5. The proprietor of every retail shop shall ensure that a sign or signs, is conspicuously posted to indicate the designation as required under Section 2.

PATIENT CARE FACILITY

- 6. No person shall smoke in any area of a hospital, nursing home, auxiliary hospital, community health, physician, or dental offices to which members of the public have access.
- 7. Smoking may be allowed by the proprietor in private rooms and in designated areas and signs shall be posted "SMOKING IN THIS AREA ONLY".

PLACE OF EMPLOYMENT

- 8. A place of employment shall be designated as a no smoking area except as provided for under Section 9.
- 9. An employer may designate a part of the place of employment as a smoking area. If the business chooses to designate a part of the business as a smoking area that area must be posted as clearly as possible that smoking is permitted.
- 10. A smoking area must be arranged to restrict smoke, by ventilation or physical barriers from entering into any area in the place of employment, which is not designated as a smoking area.

RESTAURANTS

- 11. The proprietor of an enclosed indoor restaurant shall ensure the restaurant is conspicuously posted as either a smoking or non-smoking establishment. The proprietor may provide both smoking and non-smoking areas in the establishment subject to section 12 and 13.

12. The smoking area must be posted as clearly as possible that smoking is permitted.
13. The smoking area must be arranged to restrict smoke, by ventilation or physical barriers from entering into any area in the restaurant where smoking is prohibited.

SIGNS

14. The following graphic symbol shall be used to indicate a "NO SMOKING AREA". 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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15. In any facility, place of public assembly, shop, building, restaurant or establishment where smoking is permitted, pursuant to the provisions of this Bylaw and the proprietor permits smoking, the proprietor shall conspicuously post on the entrance a sign at least "EIGHT" (8) inches in diameter. The following graphic symbol shall be used to indicate "SMOKING AREA". The sign will advise all patrons that smoking is permitted in designated sections of the said facility, place of public assembly, shop, building, restaurant or establishment.



Warning!

THIS AREA CONTAINS TOBACCO SMOKE.

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16. Notwithstanding anything contained herein to the contrary, **no person after 12:01 a.m. August 1, 2002 shall smoke in an enclosed public premise** unless the proprietor chooses to allow smoking, including, commercial establishments, places of public assembly, restaurants, and common public areas.
17. For the purposes of Section 16 the following definition shall apply:
 - a) Commercial Establishment: Any place or premises where goods or services are displayed, offered for sale or rental or sold or rented either retail or wholesale.

PENALTY


18. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to:
- a) upon the issuance of an offence ticket, the specified fine listed in Schedule "A"; or
 - b) upon the issuance of a summons, a maximum fine of \$500.00 exclusive of costs.
19. Any proprietor, who fails or neglects to perform the duties imposed on him by any section of this bylaw, is guilty of an offence and is liable to:
- a) upon the issuance of an offence ticket, the specified fine listed in Schedule "A"; or
 - b) upon the issuance of a summons, a maximum fine of \$1,000.00 exclusive of costs.
 - c) Where any Bylaw Enforcement Officer believes that any person has committed a breach of any of the provisions of this Bylaw he may serve upon such person a notice or tag as provided herein.
 - d) Service of any such notice or tag shall be sufficient if it is:
 - i) Personally served;
 - ii) Served by double registered mail;
 - iii) Upon production of any such notice or tag within fourteen days from the date of service of such notice, together with the payment of the sum specified in Schedule "A" hereto to a person authorized by the Chief Administrative Officer of the Town to receive such payment an official receipt of such payment shall be issued and such payment shall be accepted in lieu of prosecution;
 - iv) If the person upon whom any such notice or tag is served fails to pay the said sum within the time allotted the provisions of Section 19. d) iii) shall no longer apply.
20. This Bylaw shall come into full force and effect August 1, 2002.

READ a first time this 14th day of January 2002 A.D.

READ a second time this 14th day of January 2002 A.D.

READ a third time, by unanimous consent of the Councillors present, and finally passed this 14th day of January 2002 A.D.


Mayor


Municipal Administrator

SCHEDULE "A"

Offences and Fines

Smoking in any "No Smoking Area":

Fine	1st Offence	\$ 50.00
	2 nd Offence	\$100.00
	3 rd Offence	\$200.00

Failure to post any required sign/signage:

Fine	1 st Offence	\$ 200.00
	2 nd Offence	\$ 500.00
	3 rd Offence	\$ 700.00