

## **BY-LAW RESPECTING SMOKING IN THE MUNICIPALITY OF THE COUNTY OF INVERNESS**

### **BY-LAW # 42**

**BE IT ENACTED** by the Council of the Municipality of the County of Inverness as follows:

#### **Short Title:**

1. This By-Law shall be known as By-Law # 42 and cited as the **No Smoking By-Law.**

#### **Interpretation:**

2. In this By-Law:
  - a) "employer" includes any person who supervises employees in a place of employment;
  - b) "enclosed place" means the inside or the other enclosed part of a building, or other indoor space but does not include a private residence;
  - c) "manager" of a public place means any person who has responsibility for and control over the activities of the place, and includes the owner of the place;
  - d) "place of employment" means an enclosed place, other than vehicle, in which employees perform the duties of their employment and includes an adjacent corridor, lobby, stairwell, elevator, escalator, eating area, washroom, restroom or other common area frequented by employees during the course of their employment;
  - e) "school" means a public or private elementary or secondary school, and includes the grounds surrounding such school;
  - f) "smoke" means to smoke, hold or otherwise have control over ignited tobacco;
  - g) "tobacco" means tobacco as defined in the **Revenue Act**;
  - h) "public place" means any enclosed place to which the public have access as of right or by invitation express or implied for business, civic, political, travel, eating, drinking, health care, religious, social, educational, entertainment, cultural, recreational or related activities;

- i) For greater certainty "Public Place" shall be deemed to include any enclosed place which is or includes:
  - i) a daycare;
  - ii) a school, community college, university or other educational or training facility;
  - iii) a library, art gallery or museum;
  - iv) a health-care facility;
  - v) a cinema or theatre;
  - vi) a video arcade or pool hall;
  - vii) a recreational facility where the primary activity is physical recreation, including, but not limited to a bowling alley, fitness centre, gymnasium, pool or rink;
  - viii) a multi-service centre, community centre or hall, arena, fire hall or church hall;
  - ix) a meeting or conference room or hall, ballroom or conference centre;
  - x) a retail shop, boutique, market or store or shopping mall;
  - xi) a ferry, ferry terminal, bus, bus station or shelter, taxi, limousine or vehicle carrying passengers for hire;
  - xii) a vehicle used in the course of employment while carrying two or more employees;
  - xiii) the common area or a commercial building or multi-unit residential building including, but not limited to, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms and restrooms;
  - xiv) offices of the Government of the Province, a municipality, a village or a school board, or any agency thereof;
  - xv) a provincial jail, prison, detention centre, lock-up or reformatory or another provincial penal institution; or
  - xvi) a restaurant;
  - xvii) a lounge;

- xviii) a private club;
- xix) a cabaret, club, beverage room or other place licensed to serve alcoholic beverages;
- xx) a place that is being used for bingo, or
- xxi) a facility as defined in the **Hospitals Act**, a nursing home or residential care facility licensed under the **Homes for Special Care Act**, a home for aged or disabled persons to which that **Act** applies or a part of a health-care facility used for the acute or long-term care of veterans, except in an area that no person under the age of nineteen (19) years is permitted to enter or be in and that is separately enclosed and separately ventilated, as prescribed by Regulations made pursuant to the **Smoke Free Places Act**, from any part of an enclosed place in which smoking is prohibited by this By-Law.
- xxii) Any part of the premises or grounds of a public place where the Manager of the public place; and, in the case of a place of employment, the Employer has erected “**No Smoking**” signs.

#### **Smoking Prohibited:**

- 3. a) No person shall smoke in any public place;
- b) No person shall smoke in any place of employment;
- c) No employer shall permit smoking in any place of employment;
- d) No manager of a public place shall permit smoking in any public place;

#### **Aboriginal Persons' Exemption:**

- 4. a) Nothing in this By-Law affects the rights of aboriginal people respecting aboriginal spiritual or cultural practice or ceremonies.

#### **Penalties:**

- 5. a) Any person who violates any provision of this By-Law is guilty of an offence and, is liable, upon summary conviction, to a fine of not less than \$100.00 and not more than \$2,000.00.
- b) Every day during which an offence pursuant to subsection (a) continues is a separate offence.

**Payment in Lieu of Prosecution:**

6. A person who is alleged to have violated this by-law and is given notice of the alleged violation may pay a penalty in the amount of \$50.00 to an official designated by the Chief Administrative Officer, which official and place of payment shall be designated on the notice, provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for payment in this manner, such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonment incurred by the person for said violation.

**Enforcement Agreements:**

7. Any employer or manager of a public place may, through agreement with the Municipality of the County of Inverness, designate a person or persons to be appointed special constables for the purpose of enforcing this by-law on their property.

FIRST READING:               **October 7, 2002**

SECOND READING:           **November 12, 2002**

**THIS IS TO CERTIFY** that the foregoing by-law is a true copy of a by-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Inverness duly held on the **12<sup>th</sup>** day of **November** A.D., **2002**.

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**CHIEF ADMINISTRATIVE OFFICER**