

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 145 - 2007

**A BY-LAW TO REGULATE SMOKING IN OR NEAR ALL BUILDINGS
OWNED BY THE CORPORATION OF THE CITY OF KENORA**

WHEREAS Section 11(2) of The Smoking in the Workplace Act, R.S.O., 1990, Chap. S.13, allows a municipality to adopt by-laws to regulate, or prohibit smoking in the workplace; and

WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for many employees of the City of Kenora, and

WHEREAS it is desirable for the health, safety and welfare of the employees and citizens of the City of Kenora, to prohibit smoking in buildings and prohibit smoking within 30ft (9m) from the entrance or exit of any facility owned by The Corporation of the City of Kenora, as in this By-law more particularly set out;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. DEFINITIONS:

“city clerk” means the Municipal Clerk of the Corporation of the City of Kenora;

"smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

2. a. No person shall smoke in any building or within 30ft (9m) from the entrance or exit of any facility owned by the City of Kenora, including, but not limited to the following:

- Child care facility
- Library
- Museum
- Swimming pool

b. No Smoking signs, as set out in this by-law, shall be conspicuously posted in all areas of City of Kenora buildings to which the public have access, as of right or by invitation, express or implied, and including, without limiting the generality of the foregoing, lobbies, washrooms and sports facilities and within 30ft (9m) from any entrance or exit way of a City owned facility.

3. DESIGNATED SMOKING AREAS

- a.** If required from time to time, the City Clerk of the Corporation of the City of Kenora may establish a designated smoking area in any building owned by the City of Kenora, except for those referred to in Section 2a), provided that the designated smoking area:
 - i.** is an enclosed room, which is separately ventilated directly to the outside;
 - ii.** does not exceed 25 per cent of the indoor floor area; and
 - iii.** is not required by the public for access or thoroughfare.

4. EXEMPTIONS TO THIS BY-LAW

- a.** Any club, organization, group or person, upon written request to the City Clerk may be exempted from certain sections of this by-law. The request should contain the location to be exempted, the date and time of the event and reason for the exemption. The Clerk, at his/her discretion, may issue a letter approving such requested exemption. From time to time it may be necessary for the Clerk to seek Council approval on a particular exemption.

5. SIGNS

- a.** For the purpose of Subsection b. hereof, the letter height means the actual height of the letter regardless of whether it is a capital or lower case letter.
- b.** Where by a Section of this By-law, a sign is to be in accordance with this Section, such sign shall:
 - i.** carry the text "No Smoking", in capital or lower case letters, or a combination thereof;
 - ii.** consists of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour,
 - iii.** with respect to size of lettering, subject to Clause iv of this Subsection, be not less than the following height based upon the maximum viewing distance in direct line of sight for:
 - (1)** ten (10') feet or less - letter height on one inch (1");
 - (2)** twenty (20') feet or less - letter height of two inches (2");
 - (3)** forty (40') feet or less - letter height of three inches (3");

- (4) eighty (80') feet or less - letter height of four inches (4");
- (5) one hundred and sixty (160') feet or less - letter height of six inches (6");
- (6) two hundred and forty (240') feet or less - letter height of eight inches (8").

iv. include in the text at the bottom of each sign, "City of Kenora By-law Maximum Penalty \$5,000.00" in letters not less than one-half (1/2) of an inch in height for signs with letter size of one (1") inch, and not less than one-quarter (1/4) of the height of the letters on all other sizes of signs.

6.

a. Notwithstanding the provisions of Section 5 hereof, one of the following graphic symbols may be used to indicate "no smoking areas". Each symbol shall include the text "City of Kenora By-law, Maximum Penalty \$5,000.00" in letters and figures at least 5 percent of the diameter of the circle in the symbol and there may be added appropriate symbols such as directional arrows. Any 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.

b. With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in Subsection a. hereof, shall not be less than the number of inches prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:

- i. ten (10') feet or less - four (4') inches;
- ii. twenty (20') feet or less - six (6") inches;
- iii. forty (40') feet or less - eight (8") inches;
- iv. eighty (80') feet or less - twelve (12") inches;
- v. one hundred and sixty (160') feet or less - sixteen (16") inches; and
- vi. two hundred and forty (240') feet or less - twenty-four (24") inches.

c. Notwithstanding that the symbol in Subsection (a.) is a cigarette, it shall include a lighted cigar, cigarette, pipe or any of the lighted smoking equipment.

7. PENALTY

Any person who smokes in contravention of this By-law is guilty of an offence.

8. ADMINISTRATION

The By-law Enforcement Officer for the City of Kenora shall administer this By-law.

9. By-law Number 39-2001 be hereby repealed.
10. This By-law shall take effect and come into force upon third and final reading thereof.

**BY-LAW READ A FIRST & SECOND TIME THIS 10th DAY OF DECEMBER 2007.
BY-LAW READ A THIRD & FINAL TIME THIS 10th DAY OF DECEMBER 2007.**

THE CORPORATION OF THE CITY OF KENORA:-

_____ **MAYOR**
Len Compton

_____ **CITY CLERK**
Joanne McMillin