

The Corporation of the Municipality of Temagami

By-law No. 03-556

By-law to regulate smoking in various Municipal Buildings in the Municipality of Temagami.

WHEREAS authority for the by-law is contained in the *Municipal Act, 2001, S. O. 2001, c25*;

AND WHEREAS it has been determined that second hand tobacco smoke is a public nuisance because of its irritating and discomforting properties and is a health hazard because of its impairment, adverse effects and risk to health of the inhabitants of the Municipality of Temagami;

AND WHEREAS it is desirable to provide for the prohibiting and abating of second hand smoke in accordance with the provisions of this by-law;

NOW THEREFORE the Council of the Corporation of The Municipality of Temagami ENACTS AS FOLLOWS:

1 Definitions

In this by-law:

- 1.1 “Town” means the Municipality of Temagami.
- 1.2 “Municipal building” means the buildings and facilities owned by the Corporation of the Municipality of Temagami listed in Schedule “A” attached to and forming part of this by-law.
- 1.3 “Second hand smoke” means:
 - 1.3.1 Exhaled smoke.
 - 1.3.2 Smoke from an idling cigarette, cigar, pipe or any other burning tobacco but does not include smoke that has drifted into a place or area in which smoking is prohibited from a place or area in which smoking is not prohibited.
- 1.4 “Smoke” or “Smoking” means produce or production of second hand smoke.

2 Municipal Buildings

- 2.1 No person or persons shall smoke in any Municipal building or area thereof as set out in Schedule “A” to this by-law.
- 2.2 Where smoking is prohibited in any Municipal building, the Municipality shall post or cause to be posted one or more signs in accordance with Section 3.

3 No Smoking Signs

- 3.1 Every sign that indicates that smoking is prohibited shall comply with the following requirements:
- 3.1.1 Carry the text of "NO SMOKING" in uppercase or lower case letters, or a combination of both.
 - 3.1.2 Consist of two contrasting colors, or consist of lettering contrasting to the background color where the letter is applied directly to a surface or is mounted on a clear panel.
- 3.2 Notwithstanding Sub-Section 3.1, a graphic symbol in accordance with subsection 3.3 may be used to indicate no smoking areas.
- 3.3 Every graphical symbol to indicate no smoking shall comply with the following requirements:
- 3.3.1 Consist of white background having a circle and interdictory stroke in red upon the background, and a cigarette, letters and figures in black.
- 3.4 Notwithstanding that the content of a graphic symbol contains a cigarette, the prohibition shall include a cigar, pipe or any other lighted smoking equipment.

4 Offence

Every person who contravenes and of the provisions of this by-law is guilty of an offence and is liable to the penalty provided for under the *Provincial Offence Act*.

5 Repeal

This by-law is to repeal By-law No. 91-268 and all resolutions dealing with smoking matters.

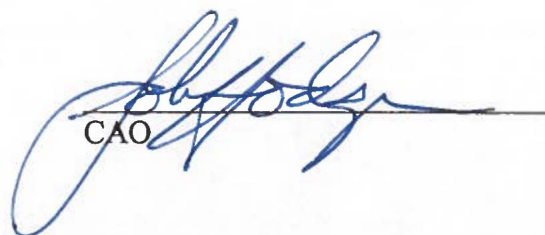
6 Enactment and Date

This by-law comes into force following adoption by Council of the Municipality of Temagami on January 1, 2004.

READ A FIRST AND SECOND TIME THIS 17TH DAY OF DECEMBER 2003.

READ A THRID AND FINAL TIME AND PASSED ON THIS 17TH DAY OF DECEMBER 2003


Mayor


CAO

Schedule “A”
To by-law No. 03-556

Municipal Buildings include:

Welcome Center

Community Center

Public Works buildings

Train Station

Chalet