

**THE CORPORATION OF THE  
MUNICIPALITY OF POWASSAN**

**BY-LAW NO. 2001-24**

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**BEING A BY-LAW RESPECTING SMOKING**

**WHEREAS** Section 102 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides as follows:

“Every Council may pass such by-laws and make such regulation for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law”

**AND WHEREAS** Subsection 140 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M. 45 provides that by-laws may be passed by the councils of local municipalities:

“For prohibiting and abating public nuisances”

**AND WHEREAS** Section 11 (3) of the Act to Restrict Smoking in the Workplace provides that there shall be no smoking permitted in the Workplace.

**AND WHEREAS** it has been determined that second hand tobacco smoke (exhaled smoke and smoke from idling cigarettes, cigars, and pipes) is a public nuisance because of its irritating and discomforting properties and is a health hazard because of its impairment, adverse effect, and risk to health, to the inhabitants of the Municipality of Powassan;

**AND WHEREAS** it is desirable for the health, safety and welfare of the inhabitants of the Municipality of Powassan to provide for regulating smoking and second hand smoke for the better protection of persons from conditions injurious to health in accordance with the provisions of this by-law;

**AND WHEREAS** it is desirable to provide for the prohibition 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 Powassan enacts as follows:

**SECTION 1 DEFINITIONS:**

1. (a) “Municipality” shall mean the Municipality of Powassan.
- (b) “Second Hand Smoke” shall mean:
  - (i) exhaled smoke,
  - (ii) smoke from an idling cigarette, or cigar, or pipe, or any other tobacco using or constructed device 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.
- (c) “Smoke” or “Smoking” means produce or production of second hand smoke.

**SECTION 11 MUNICIPAL BUILDINGS:**

- 2. (a) No person shall smoke in a municipal building or municipally owned and operated vehicles except in the designated smoking areas detailed in Appendix “A”.
- (b) Not more than 50% of the total floor area of the municipal buildings may be designated under Subsection 2, smoking shall be permitted in the area so designated.
- (c) Where an area is designated under Subsection 2, smoking shall be permitted in the area so designated.
- (d) Where smoking is prohibited in an area of a municipal building, one or more signs shall be posted in accordance with the requirements of section 3.
- (e) The sign or signs shall be conspicuously posted,
  - (i) so as to be clearly visible from all parts of the municipal building; and
  - (ii) so as to clearly identify the areas in which smoking is and is not prohibited.
- (f) Designated smoking areas are shown on a Schedule “A” attached hereto.

**SECTION 111**

- 3. Except by the discretion granted by the municipality to the Sportsplex '78, Glendale Park Community Centre and the Trout Creek Community Centre, no person shall smoke in the Sportsplex '78, Glendale Park Community Centre and the Trout Creek Community Centre.

**SECTION 1V SIGNS:**

- 4. Every Sign that prohibits smoking shall comply with the following requirements:
  - (a) Carry the text “NO SMOKING” in upper case or lower case letters or a combination of both.
  - (b) Consist of two contrasting colours, or consist of lettering contrasting to the background colour where the lettering is applied directly to a surface or is mounted on a clear panel.
  - (c) Consist of lettering not less than the height set out in Column 2 of Table 1 for the corresponding maximum viewing distance in direct line of sign, in Column 1.

	Distance in Feet	TABLE 1	Height in Inches
	(Column 1)		(Column 2)
10 or less			1
20`			2
40			3
80			4
160			6
240			8

- (d) Include in the text at the bottom of each sign, 'MUNICIPALITY OF POWASSAN' BY-LAW NO. \_\_\_\_\_ in letters and figures not less than,
  - (i) ½ inch in height for signs with letter size of one (1”) and
  - (ii) ¼ of the height of letters for all other sizes of signs having lettering greater than one inch (1”) and
  - (iii) “Letter Height” means the actual height of the letter whether or not the letter is in lower case or in upper case.
  - (iv) A graphic symbol may be used to indicate no smoking.

**SECTION V SECOND HAND SMOKE:**

- 5. Second hand smoke shall not be permitted in any place or area in which smoking is prohibited under this by-law.

**SECTION VI PENALTY AND ADMINISTRATION:**

- (a) This by-law shall be administered by the By-law Enforcement Officer of the Municipality of Powassan.
- (b) Every person who contravenes any provision of this by-law is guilty of an offence and is punishable in accordance with the provisions of the Provincial Offences Act.
- (c) This by-law shall come into effect on the day of passing.

Resolution Number 2001-02 Moved by Rob Passmore

Seconded by Carole Dobbs

Be it resolved that the Council of the Corporation of the Municipality of Powassan approves the first and second reading of By-Law Number 2001-14 to 2001-25 and approves the third reading and final passing of said by-laws.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**SCHEDULE “A”**  
**TO**  
**BY-LAW NO 2001-24**

The following areas in municipal buildings in the Municipality of Powassan shall be designated as areas where smoking shall be permitted:

TROUT CREEK FIRE HALL situated at 130 Main Street West, Trout Creek

- Fire Department club room

SPORTSPLEX '78 situated at 433 Main Street, Powassan

- Sportsplex banquet hall on second floor
- Curling Club lounge on the second floor
- During an event deemed by the Sportsplex '78 Board to be a special event additional smoking areas may be designated. Such areas shall be listed in contract between the Board and the lessee.

TROUT CREEK COMMUNITY CENTRE situated at 180 Main Street West

- Banquet hall on second floor excluding kitchen

During an event deemed by the Trout Creek Community Centre Board to be a special event additional smoking areas may be designated. Such areas shall be listed in the contract between the Board and the lessee