

THE CITY OF THOMPSON
BY-LAW 1691-2004
[As amended by AM B/L 1748-2007]

BEING A BY-LAW OF THE CITY OF THOMPSON TO REGULATE SMOKING IN PUBLIC AREAS.

WHEREAS subsection 232(1) of The Municipal Act L.M. 1996, C.58 provides inter alia authority for a municipality to pass by-laws respecting the safety, health, protection and well-being of people;

AND WHEREAS subsection 6(1) of The Non-Smokers Health Protection Act S.M. 1989-90 C.S125 provides authority for a municipality to pass a by-law to limit or ban smoking in any enclosed public place in the municipality;

AND WHEREAS the City of Thompson is dedicated to sustain a good quality of life and provide a safe and friendly environment in the community.

NOW THEREFORE the City of Thompson, in Council assembled, enacts as follows:

1. TITLE:

This by-law shall be known as “The Smoking Regulation By-Law.”

2. DEFINITIONS:

In this by-law

“**enclosed public place**” means any part of an enclosed place to which members of the public have access, including, without restricting the generality of the foregoing.

- (a) any part of
 - (i) an office building
 - (ii) a retail store or other commercial establishment, or
 - (iii) the common areas of a residential building or shopping mall,
- (b) a health care facility,
- (c) a day care centre or nursery,
- (d) an educational institution or facility,
- (e) a restaurant,
- (f) an elevator, and
- (g) a bus shelter.

“health care facility” means a place where a person may receive medical examination, treatment or care and includes a hospital, clinic and medical practitioner’s office.

“proprietor” means the corporation, employer, partnership, owner or any person in charge to control, govern or direct the activity carried on within the premises designated as prohibited areas under this by-law and includes the person who is actually in charge there of at any particular time.

“smoke and smoking” means an act of inhaling or exhaling the smoke from a cigarette, cigar or pipe and includes having control of a lighted cigarette, cigar, pipe or other equipment used for smoking tobacco or any other lighted smoking material or instrument.

“inspector” means any R.C.M. Police Officer, License Inspector or any other person authorized and entrusted to enforce this by-law.

3. SMOKING PROHIBITED:

Subject to section 4, no person shall smoke in, and no proprietor shall permit any person to smoke in:

- (a) any enclosed public place;
- (b) any motor vehicle used for the public transportation of persons or property including buses, taxis and limousines.
- (c) any area of a private club or private function to which a member or persons invited has access.

4. EXCEPTIONS:

A proprietor may allow smoking in:

- (a) guest room in hotels, motels and inns;
- (b) an enclosed public place for the purpose of religious, traditional, cultural, ceremonial and medicinal uses of tobacco provided that a permit authorizing such activities is obtained in advance by the proprietor.
- (c) an in-patient or resident of a Personal Care Home, may smoke in a separate room in the facility, but only if the separate room;

- (i) is designated as a smoking room by the board of the personal care home;
- (ii) is not frequented by non-smoking in-patients or residents;
- (iii) is fully enclosed by floor-to-ceiling walls, a ceiling and doors that separate it physically from any adjacent area in which smoking is prohibited by this By-law; and
- (iv) has a separate ventilation system.

5. SIGNS:

- (a) a proprietor of any place to which this by-law applies shall ensure that a sufficient number of signs as prescribed by section 6 are conspicuously posted so as to identify that smoking is prohibited.
- (b) notwithstanding subsection 4(a), the signs referred to in this by-law shall be posted at every entrance to any area to which this by-law applies and within such an area in a number which, at the sole discretion of the proprietor, is considered adequate to ensure compliance.
- (c) no person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this by-law.

6. The signs referred to in this by-law shall consist of graphic symbols that comply with the provisions of this section.

- (a) the following graphic symbol shall be used to indicate “no smoking” areas.



On a clear/white background with a circle and interdictory stroke in red.

- (b) with respect to the size of the graphic symbol referred to in subsection 5(a), the diameter of the circle in the symbol shall be of a size which will make it clearly discernible by persons within the area to which the symbol relates, but in any case, not less than 100 millimetres.
- (c) notwithstanding the fact that the symbol referred to in subsection 5(b) illustrates a cigarette, it shall also represent a lighted cigar, pipe or any other lighted smoking instrument.

7. ENFORCEMENT:

Upon receipt of a complaint pursuant to the provisions of this by-law, the Inspector(ate) shall investigate such complaint and enforce the applicable provisions of this by-law.

- 8. No person or proprietor shall hinder or obstruct a person lawfully carrying out the enforcement of this by-law.

9. OFFENCE AND PENALTY:

Penalties will be assessed in accordance with the terms and provisions of the City of Thompson Compliance By-law no. 1735-2007.

[AM B/L 1748-2007]

10. SEVERABILITY:

A decision of a court that one or more provisions of this by-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions of or parts of the provisions of this by-law.

11. REPEAL:

By-law No. 1371-90, 1481-94 and 1651-99 are hereby repealed.

12. EFFECTIVE DATE:

This by-law comes into force and effect on July 1, 2004.

READ A FIRST TIME THIS 23RD DAY OF FEBRUARY 2004 A.D.

READ A SECOND TIME THIS 15TH DAY OF MARCH 2004 A.D.

READ A THIRD TIME THIS 5TH DAY OF APRIL 2004 A.D.

APPROVED AND ADOPTED THIS 5TH DAY OF APRIL 2004 A.D.

THE CITY OF THOMPSON

PER: _____
MAYOR

PER: _____
CITY MANAGER