

Authority: Board of Health Item 24.3,
as adopted by City of Toronto Council on November 13, 14, 15 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1642-2013

To amend City of Toronto Municipal Code Chapter 709, Smoking, to regulate and prohibit smoking at entrances and exits to public buildings and to repeal certain Articles.

Whereas authority is given to Council to regulate smoking in public places and workplaces; and

Whereas Council wishes to further reduce second hand smoke exposure;

The Council of the City of Toronto enacts:

1. Chapter 709, Smoking, is amended as follows:
 - A. By repealing Article I, Article II, Article III, Article IV, Article VI and Schedules A and B.
 - B. By renumbering Article V as Article IV.
 - C. By adding the following:

ARTICLE I Interpretation

§ 709-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE - A person who performs any work for or supplies any services to an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer and includes a volunteer and a person who is self-employed.

EMPLOYER - includes an owner, operator, proprietor, manager, superintendent, overseer, receiver or trustee of an activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it.

HIGHWAY - A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided includes a portion of the highway.

MEDICAL OFFICER OF HEALTH - The Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority.

PROPRIETOR - The person who ultimately controls, governs or directs the activity carried on within a public building and includes the person actually in charge of a public building.

PUBLIC BUILDING - An enclosed building to which the public and employees generally have access including:

- A. Places of employment; and
- B. Condominium buildings, apartment buildings and other similar residential buildings;

that are generally accessible to the public.

SMOKE OR SMOKING - Includes the carrying of a lighted cigar or cigarette, pipe or any other lighted material.

§ 709-2. Interpretation.

Areas where smoking is regulated and prohibited in this Chapter are public places for the purposes of section 98 of the *City of Toronto Act, 2006*.

ARTICLE II
Public Buildings

§ 709-3. Smoking restrictions.

- A. No person shall smoke within a nine metre radius surrounding any entrance or exit of a public building.
- B. The prohibition in Subsection A does not apply to any part of the nine metres that is located on the public highway.

§ 709-4. Responsibilities of proprietors.

- A. Every proprietor of a public building shall:
 - (1) Prohibit smoking in an area within a nine metre radius surrounding any entrance or exit of a public building except that part of the nine metres which is located on the public highway;
 - (2) Post no-smoking signs conspicuously at the entrances and exits of public building; and
 - (3) Prohibit ashtrays and like paraphernalia in areas where smoking is prohibited.

ARTICLE III
Signage Requirements

§ 709-5. No smoking signs.

- A. Where a non-smoking sign is required to be posted pursuant to this Chapter, the sign shall:
- (1) Display the graphic symbol illustrated in Schedule A at the end of this chapter having the following proportions, characteristics and minimum measurements:
 - (a) A circle with a diameter of no less than 15 centimetres; and
 - (b) Text above the graphic symbol stating "No Smoking within 9 metres of Building Entrance or Exit" and text below the graphic symbol stating "Toronto Municipal Code Chapter 709" in letters and figures at least five percent of the diameter of the circle in the symbol; and
 - (2) Consist of two contrasting colours, or if the lettering and the graphic symbol are to be applied to a surface or to be mounted on a clear panel, the lettering and the graphic symbol shall contrast to the background colour; and
 - (3) Be posted in English and any other language the Medical Officer of Health may decide.

Enacted and passed on December 17, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

