

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. 285-2014

To amend City of Toronto Municipal Code Chapter 636, Public Squares, and to amend former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square, to ban smoking on public squares.

Whereas section 98 of the *City of Toronto Act, 2006*, S.O. 2006, c.11, Schedule A, as amended, (the "*Act*") provides the Council of the City of Toronto with the authority to regulate smoking in public places, excluding highways; and

Whereas the Council of the City of Toronto regulates activities on public squares through various by-laws; and

Whereas the Council of the City of Toronto, at its meeting of November 13, 14, 15, 16 and 19, 2013, adopted recommendation 2 of Board of Health Item 24.3 to include a prohibition on smoking in public squares through amendments to existing by-laws governing public squares;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 636, Public Squares, is amended as follows:

A. By adding the following definitions in alphabetical order as new definitions in § 636-1:

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.

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

B. By adding the following to § 636-11 as a new subsection M:

M. Smoke, except on that part of a Square which is located on a highway.

C. By adding the following:

§ 636-11.1. No-smoking signs.

A. No-smoking signs shall be posted conspicuously on a Square in accordance with this section.

B. A no-smoking sign posted in accordance with this section shall:

(1) Contain a no-smoking symbol containing a circle with a diameter of no less than 15 centimetres;

- (2) Contain the words "No Smoking" above the no-smoking symbol and the words "Toronto Municipal Code Chapter 636" below the no-smoking symbol;
 - (3) 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
 - (4) Be posted in English and any other language the Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority may decide.
- D. By adding "; smoking restrictions" immediately after the words "Human Rights Code" in the heading of § 636-22.
- E. By adding the following definitions in alphabetical order as new definitions in § 636-22A:
- 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.
- SMOKE OR SMOKING - Includes the carrying of a lighted cigar or cigarette, pipe or any other lighted material.
- F. By re-lettering § 636-22C as § 636-22D.
- G. By adding the following as a new § 636-22C:
- C. Smoking restrictions; no-smoking signs.
 - (1) No person shall smoke within the limits of a Square, except on that part of a Square which is located on a highway.
 - (2) No-smoking signs shall be posted conspicuously on a Square in accordance with this subsection.
 - (3) A no-smoking sign posted in accordance with this subsection shall:
 - (a) Contain a no-smoking symbol containing a circle with a diameter of no less than 15 centimetres;
 - (b) Contain the words "No Smoking" above the no-smoking symbol and the words "Toronto Municipal Code Chapter 636" below the no-smoking symbol;

- (c) 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
 - (d) Be posted in English and any other language the Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority may decide.

- 2. Former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square, is amended as follows:
 - A. By adding the following definitions in alphabetical order as new definitions in § 237-1:

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.

SMOKE OR SMOKING - Includes the carrying of a lighted cigar or cigarette, pipe or any other lighted material.
 - B. By adding the following to § 237-2 as a new subsection N:
 - N. Smoke, except on that part of a Square which is located on a highway.
 - C. By adding the following:

§ 237-2.1. No-smoking signs.

 - A. No-smoking signs shall be posted conspicuously on a Square in accordance with this section.
 - B. A no-smoking sign posted in accordance with this section shall:
 - (1) Contain a no-smoking symbol containing a circle with a diameter of no less than 15 centimetres;
 - (2) Contain the words "No Smoking" above the no-smoking symbol and the words "former City of Toronto Municipal Code Chapter 237" below the no-smoking symbol;
 - (3) 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

- (4) Be posted in English and any other language the Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority may decide.

Enacted and passed on April 3, 2014.

John Parker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)