

Appendix A: Proposed Amendments to Municipal Code Chapter 709 - Smoking

1. Amend Chapter 709, Smoking by repealing Articles I to IV and Article VI and renumbering Article V as Article IV.
2. Add the following new articles:

Article I – Interpretation

(1) Definitions

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, apartments 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 smoking material.

(2) Interpretation

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

Article II – Public Buildings

- A. No person shall smoke within a nine metre radius surrounding any entrance or exit of a public building;

- B. The Prohibition in A does not apply to any part of the nine metres that is located on the public highway.
- C. 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 buildings;
 - (3) Prohibit ashtrays and like paraphernalia in areas where smoking is prohibited.

Article III – Signage Requirements

- A. Where a non smoking sign is required to be posted pursuant to this Chapter, the sign shall
 - (1) Have the proportions, characteristics and minimum measurements illustrated in Appendix B;
 - (2) Consist of two contrasting colours, or if the lettering and 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;
 - (3) Be posted in English and any other language the Medical Officer of Health may decide.