

TORONTO MUNICIPAL CODE
CHAPTER 709, SMOKING

Chapter 709

SMOKING

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[HISTORY: Adopted by the Council of the City of Toronto 1999-07-08 by By-law No. 441-1999.¹ Amendments noted where applicable.]

GENERAL REFERENCES

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

¹ Editor's Note: This by-law was passed under the authority of subsection 213(2) of the *Municipal Act*, R.S.O. 1990, c. M.45. This by-law comes into force three months after the date it is enacted and passed by Council. This by-law further provided that: (1) This by-law repealed the following: Borough of East York By-law No. 148-96, as amended, being a by-law to Protect East York Workers and Inhabitants from Environmental Tobacco Smoke; City of Etobicoke Municipal Code Chapter 220, Smoking By-law; City of North York By-law No. 32931, as amended, being a by-law to regulate or prohibit smoking in public places or workplaces; City of Scarborough By-law No. 24983, being a by-law to protect City of Scarborough workers and inhabitants from second-hand tobacco smoke; former City of Toronto Municipal Code Chapter 301, Smoking, as amended; City of York By-law No. 3320-96, being a by-law to protect inhabitants and workers in the City of York from environmental tobacco smoke. (2) Despite subsection (1), the by-laws referred to in subsection (1) continue to apply to offences that occurred before the by-laws were repealed.

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ARTICLE I
Interpretation
[Amended 2013-12-17 by By-law No. 1642-2013²]

§ 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*.

² Editor's Note: By-law No. 1642-2013 repealed and replaced Art. I, Definitions with new Art. I, Interpretation.

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ARTICLE II
Public Buildings
[Amended 2013-12-17 by By-law No. 1642-2013³]

§ 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
[Amended 2013-12-17 by By-law No. 1642-2013⁴]

§ 709-5. No-smoking signs.

- A. Where a no-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

³ Editor's Note: By-law No. 1642-2013 repealed and replaced Art. II, Workplaces with new Art. II, Public Buildings.

⁴ Editor's By-law No. 1642-2013 repealed and replaced Art. III, Public Places with new Art. III, Signage Requirements

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"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.

ARTICLE IV
Offences⁵

§ 709-6. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.⁶

⁵ Editor's Note: By-law No. 1642-2013 renumbered previous Art. V, Offences to Art. IV, Offences.

⁶ Editor's Note: This section was passed under the authority of section 320 of the *Municipal Act*, R.S.O. 1990, c. M.45, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

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SCHEDULE A
[Amended 2013-12-18 by By-law No. 1642-2013]

