

TOWN OF BERWICK

A BY-LAW PROHIBITING SMOKING IN INDOOR PUBLIC PLACES

Short Title

1. This By-law shall be known as the Bylaw Prohibiting Smoking in Indoor Public Places and may be cited as the “Smoke-free Indoor Public Places By-law”.

Interpretation

2. In this By-law,
 - (a) “drinking establishment” means a lounge, pub, tavern, cabaret, or beverage room licensed under the Liquor Control Act;
 - (b) “place of public assembly” means
 - (i) a building or part thereof used, or intended to be used, by the public, whether gratis or for a fee, for civic, political, travel, religious, social, educational, entertainment, recreational or like purposes;
 - (ii) the lobby or hallways of an institution or office building;
 - (iii) a shopping center or shopping mall;
 - (iii) a food court used or intended to be used by the public, in any building;and includes a retail store
 - (c) “reception area” means the space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;
 - (d) “restaurant” means an establishment engaged in the sale and service of food to the public for consumption on the premises.
 - (e) “retail store” means a building or part of a building, booth, stall or place used for the purpose of retail trade or services.
 - (f) “service line” means an indoor line of two (2) or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money including but not limited to:

(i) sales;

(ii) provision of information, transactions or advice; and

(iii) transfers of money or goods

- (g) “smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

General Prohibition

3. No person shall smoke in any of the following places:

- (a) a place of public assembly;
- (b) within a radius of 1 metre (3.28 feet) of all public entrances and air intake to buildings
- (c) any service counter in any premises including unenclosed areas behind such service counters
- (d) any service line on any premises;
- (e) any reception area including any unenclosed area adjoining a reception area;
- (f) any elevator, escalator, or stairway which is generally used by and open to the public;
- (g) any public transportation facilities and vehicles excluding taxis;
- (h) any rest room generally used by and open to the public;
- (i) any drinking establishment;
- (j) any restaurant
- (k) any arena, bowling alley, pool hall; or
- (l) any retail establishment

Signs Required

4. The person in charge of any place mentioned in Section 3 shall ensure that signs giving sufficient notice of the prohibition of smoking within the establishment are displayed at the entrance to the establishment and within the establishment to be clearly visible from all parts of the premises.

Offence and Penalty for Individual

5. The proprietor of any place listed in Section 4 shall ensure that any person found smoking by the proprietor, or an employee or agent of the proprietor, is immediately directed to stop smoking and, failing his or her compliance, is directed to leave that place.
6. Any person who fails to comply with a directive lawfully given by a proprietor, or an employee or agent of the proprietor pursuant to Section 5 of this By-law, is guilty of an offence
7. Any individual who violates any section of this By-law is guilty of an offence and, on summary conviction is liable to a fine of not less than fifty dollars (\$50) and not more than two hundred dollars (\$200).

Offence and Penalty for Corporation

8. Any corporation that violates this By-law is guilty of an offence and on summary conviction is liable to a fine of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

Payment in Lieu of Prosecution

9. A person who is alleged to have violated this by-law and is given notice of the alleged Violation may pay a penalty in the amount of \$50.00 to an official designated by the Chief Administrative Officer, which official and place of payment shall be designated on the notice, provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

Coming Into Force

10. This bylaw has effect from and after April 1, 2002.

History of this bylaw:

Enacted - 9 October 2001

Amended - 9 April 2002