

## **Smoking Bylaw**

- 1. This Bylaw shall be known and cited as the “Smoking Bylaw”.**

### **Interpretation**

- 2. In this Bylaw:**
  - (a) “drinking establishment” means a lounge, pub, tavern, cabaret, club or beverage room and special occasion licenses licensed under the Liquor Control Act of Nova Scotia;**
  - (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, including but not limited to 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 centre or shopping mall;**
    - (IV) a food court used or intended to be used by the public in any building;**
    - (V) retail or wholesale store.**
  - (c) “person” includes a body corporate, society and the heirs, executors, administrators, successors and other legal representatives of a person.**
  - (d) “proprietor” means a person who owns, manages, possesses or controls premises or directs activity carried out on premises.**
  - (e) “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.**

- (f) **“restaurant” means an establishment engaged in the sale and service of food to the public for consumption on the premises.**
- (g) **“retail or wholesale store” means a building or part of a building, booth, stall or place used for the purpose of retail or wholesale trade or services.**
- (h) **“service line” means an indoor line of one (1) more persons awaiting service of any kind, regardless of whether or not such service involves exchange of money including but not limited to:**
  - (I) **sales;**
  - (II) **provision of information, transactions or advice; or**
  - (III) **transfers of money or goods.**
- (i) **“smoke” or “smoking” means the act of smoking tobacco, including smoking a cigarette, cigar or pipe, as evidenced by the giving off of tobacco smoke and includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment. Where smoke is given off from a cigarette, cigar, or pipe, it shall be prima facie evidence that the substance being smoked is tobacco.**
- (j) **“tobacco” means tobacco as defined in the Revenue Act for the Province of Nova Scotia.**

### **Offences and Penalties**

- 3. **No person shall smoke in any of the following places; whether the area is ventilated or not;**
  - a. **a place of public assembly;**
  - b. **within a radius of 4 meters of all public entrances and air intake to building including windows capable of being opened;**
  - 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, including but not limited to taxis, taxi stands buses, bus stands and school buses within the Town limits**
- h. any rest room, washroom or toilets, generally used by and open to the public;**
- i. any drinking establishment including patios or sidewalk cafes;**
- j. any restaurant including patios or sidewalk cafes; or**
- k. any arena, bowling alley, pool hall or place used for Bingo and/or amusement.**
- l. the common area of a commercial building or multi unit residential building including but not limited to corridors, lobbies or eating areas;**
- m. offices of the Government of the Province, a municipality, a village or a school board, or any agency thereof;**
- n. a vehicle used in the course of employment while carrying two or more employees within the Town limits;**
- o. a recreational facility where the primary activity is physical recreation, including, but not limited to a bowling alley, fitness centre, gymnasium, pool or rink;**
- p. a multi service centre, community centre or hall, arena, fire hall or church hall;**
- q. a meeting or conference room, or hall, ballroom or conference centre;**
- r. a cinema or theater;**
- s. a health care facility and/or a hospital;**
- t. a library, art gallery or museum;**
- u. a school, community college, university or other educational or training facility;**
- v. a daycare;**
- w. a private club;**
- x. a jail or lockup;**
- y. a laundromat**

**4. The proprietor of any place listed in Section 3 shall be in violation if he/she permits or causes to be permitted smoking in any such place.**

**5. The proprietor of any place listed in Section 3 shall erect a sign at all public entrances to the establishment and erect signs within the establishment, clearly visible within all parts of the premises to which the prohibition applies, giving notice that smoking is prohibited.**

6. **The proprietor of any place listed in Section 3 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 compliance, is directed to leave that place.**
7. **Any person who fails to comply with a directive given by a proprietor or an employee or agent of the proprietor pursuant to Section 6 of this bylaw is guilty of an offence.**
8. **Any person who violates any section of this bylaw is guilty of an offence and, on summary conviction is liable to a fine of not less than five hundred dollars and not more than five thousand dollars and in default of payment to imprisonment for a period of not more than ninety days.**
9. **Every incident during which an offence pursuant to this bylaw continues is a separate offence.**
10. **Any Police Officer or Bylaw Enforcement Officer of the Town may issue a summary offense ticket to enforce this bylaw. In such cases a fine equal to \$250.00 may be paid if this amount is received within fourteen (14) days of issuance of the Summary Offence Ticket.**
11. **This bylaw shall come into effect on May 1, 2003.**

**I hereby certify that the foregoing is a true copy of a Bylaw duly passed at a duly called meeting of the Town Council of the Town of Antigonish duly held on the 22<sup>nd</sup> day of April, 2003.**

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**Brian R. MacNeil  
Town Clerk & Treasurer**