

THE CITY OF THOMPSON
BY-LAW NUMBER 1651-99

BEING A BY-LAW OF THE CITY OF THOMPSON TO AMEND
BY-LAW NUMBER 1371-90, BEING A BY-LAW TO
REGULATE SMOKING IN PUBLIC PLACES.

WHEREAS Section 232(1) of The Municipal Act provides inter-
alia authority for a municipality to pass by-laws
respecting the safety, health, protection and well being of
people, and

WHEREAS pursuant to S.M. 1989-90, C.41 - CAP S215 The
Council of The City of Thompson did enact By-Law 1371-90
for the purpose of regulating smoking in public places
within The City of Thompson, and

WHEREAS it is now deemed necessary to amend said by-law.

NOW THEREFORE The Council of The City of Thompson in
regular session duly assembled enacts as follows;

1. THAT Section 4 of By-Law 1371-90 be amended to add new
subsection "(F) Taxicab as defined in the Taxicab By-
Law of The City of Thompson or other vehicle(s) used
for the commercial transportation of passengers."
2. THAT this by-law shall come into force and effect on
the day following the date of third reading being
given by Council.
3. THAT the proper officers be and they are hereby
authorized to execute and deliver, under the corporate
seal of The City of Thompson, the above by-law.

READ A FIRST TIME THIS 15th DAY OF March, 1999 A.D.

READ A SECOND TIME THIS 29th DAY OF March, 1999 A.D.

READ A THIRD TIME THIS 29th DAY OF March, 1999 A.D.

THE CITY OF THOMPSON

PER: 
MAYOR

PER: 
ACTING CITY CLERK

THE CITY OF THOMPSON
BY-LAW NUMBER 1481-94

BEING A BY-LAW OF THE CITY OF THOMPSON TO AMEND
BY-LAW NUMBER 1371-90, BEING A BY-LAW TO REGULATE
SMOKING IN PUBLIC PLACES.

WHEREAS pursuant to S.M. 1989-90, C.41-CAP S125, the Council of the City of Thompson did enact By-Law 1371-90 for the purpose of regulating smoking in public places within the City of Thompson, and

WHEREAS it is now deemed necessary to amend said by-law,

NOW THEREFORE the Council of the City of Thompson in regular session duly assembled, enacts as follows;

1. THAT subsection 16(1) of By-Law 1371-90 be amended by deleting the period after the words "each offence" and inserting the words "or a maximum sentence of thirty days imprisonment in default thereof."
2. THAT subsection 16(2) of By-Law 1371-90 be amended by deleting the period after the words "subsequent offence" and inserting the words "or a maximum sentence of fifteen days imprisonment in default thereof."
3. THAT the proper officers be and they are hereby authorized to execute, under the Corporate Seal of the City of Thompson, the above by-law.
4. THIS by-law shall come into full force and effect upon receipt of third reading.

READ A FIRST TIME THIS 28TH DAY OF FEBRUARY 1994 A.D.

READ A SECOND TIME THIS 7TH DAY OF MARCH 1994 A.D.

READ A THIRD TIME THIS 7TH DAY OF MARCH 1994 A.D.

APPROVED AND ADOPTED THIS 7TH DAY OF MARCH 1994 A.D.

THE CITY OF THOMPSON

PER: 

MAYOR

PER: 

CITY CLERK

THE CITY OF THOMPSON
BY-LAW NUMBER 1371-90

BEING A BY-LAW OF THE CITY OF THOMPSON TO
REGULATE SMOKING IN PUBLIC PLACES.

DEFINITIONS:

1. IN THIS BY-LAW:

"Enclosed Public Place" means a place that is normally open to members of the public and located in an enclosed area, including but without restricting the generality of the foregoing,

(a) Any part of

(i) An office building, or

(ii) A retail store or other commercial establishment,

that is normally open to members of the public.

(b) Any part of a health care facility that is normally open to patients or members of the public.

(c) Any part of a day care centre or nursery school that is normally open to children or members of the public.

(d) Any part of an educational institution or educational facility that is normally open to students or members of the public.

(e) Any part of a restaurant, whether or not the restaurant is licensed premises or a portion of licensed premises, that is normally open to members of the public.

(f) In the case of licensed premises that are not and do not contain a restaurant, any part of the licensed premises that is normally open to members of the public.

(g) In the case of licensed premises containing a restaurant, any part of the licensed premises other than the restaurant portion that is normally open to members of the public, and

(h) Any motor vehicle used for the commercial transportation of passengers.

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"Health Care Facility" means a place where a person may receive medical examination, treatment or care, and includes a hospital, clinic and medical practitioner's office.

"Licensed Premises" means a licensed premises as defined in the liquor control act.

"Proprietor" means the owner of an enclosed public place, and includes a person who carries on or manages the activities carried on in an enclosed public place.

"Smoking" means an act of inhaling or exhaling the smoke from a cigarette, cigar or pipe, and includes having control of a lighted cigarette, cigar, pipe or other equipment used for smoking tobacco.

"Smoking Area" means an area marked and identifiable by a sign indicating that smoking is permitted in that area.

2. NO SMOKING IN PUBLIC PLACES:

Subject to Section 3, no person shall smoke in an enclosed public place.

3. DESIGNATED SMOKING AREAS:

- (1) Subject to Subsection 2 and Section 4, a proprietor may designate a smoking area within an enclosed public place.
- (2) The size of any smoking area designated under Subsection (1) for a restaurant whether or not the restaurant is a licensed premises shall not exceed 50% of the total seating area.

4. SUBSECTION 3(1) DOES NOT APPLY TO ANY:

- (a) Day Care Centre or Nursery School
- (b) Elementary School or Secondary School
- (c) Instructional Facility other than a Post-Secondary Educational Institution
- (d) Retail Store or Shopping Mall
- (e) Banking Institution

5. DUTIES OF PROPRIETOR:

A Proprietor of an enclosed public place shall post signs to indicate where smoking is prohibited or permitted in the enclosed public place.

6. CIGARETTE SALES TO MINORS:

No retailer shall knowingly sell or give any cigarettes, cigars or tobacco, or any cigarette or tobacco products, to a person who is under the age of 18 years.

7. ELEVATING DEVICES, STAIRWAYS AND STAIRWELLS:

No person shall smoke in an elevator or on an escalator in any building or part thereof, nor shall any person smoke while on a stairway or in a stairwell within any building or part thereof.

8. No person shall smoke in any area of a Municipal Office within the City of Thompson other than an area specifically designated as a smoking area.

9. No person shall smoke in any portion of a waiting area unless such area has been designated as a smoking area by the proprietor. Such waiting area must be of sufficient size and configuration that an effective separation of smoking and non-smoking areas can be achieved. Such smoking area must be appropriately signed and must not exceed 50% of the waiting area's floor space.

10. Every proprietor of a food service establishment shall ensure that no smoking whatsoever is allowed in any area where food is prepared.

11. VOLUNTARY DESIGNATION:

Any proprietor or managing body of a business or institution not covered by the mandatory provisions of this by-law may nevertheless designate any part or all such premises as a "NO SMOKING" area and, if such area is appropriately signed, will enjoy the force and authority of this by-law.

12. POSTING SIGNS:

Every Proprietor or managing body of a business or institution to which this by-law applies shall post signs at the entrances to the facility carrying the text "SMOKING PERMITTED IN DESIGNATED AREAS ONLY" or similar clear wording, and shall post such designated areas with a sufficient number of signs as prescribed hereinafter which signs shall be clearly discernible by persons within the place or area to which the sign relates.

13. SIGNS TO BE IN ACCORDANCE WITH SECTION 12 SHALL CARRY THE TEXT AS FOLLOWS:

(a) For areas where smoking is permitted: "SMOKING PERMITTED IN THIS AREA" or similar, clearly understandable language.

(b) For areas where smoking is not permitted: "NO SMOKING" or "NO SMOKING AREA", or similar clearly understandable language.

The signs referred to in this section shall consist of two contrasting colors.

14. Notwithstanding Sections 12 and 13 a graphic symbol, copies of which are attached hereto and marked as Schedule "A" may be used either alone or in conjunction with signs in accordance with Sections 12 and 13 to indicate "SMOKING" and/or "NON SMOKING" areas. The use of any other "SMOKING" or "NO-SMOKING" graphic symbol is allowed so long as such symbol is clearly understandable.

15. ENFORCEMENT:

Upon receipt of a complaint pursuant to the provisions of this by-law, the license inspector of the City of Thompson shall investigate such complaint and enforce the applicable provisions of the by-law.

16. OFFENSE AND PENALTY:

(1) Every person who contravenes a provision of Section 6 of this by-law is guilty of an offense and liable on summary conviction to a fine of not more than \$1,000.00 for each offense.

(2) Every person who contravenes a provision of this by-law other than Section 6 is guilty of an offense and liable on summary conviction to a fine of not more than \$100.00 for the first offense and not more than \$500.00 for each subsequent offense.

17. SEVERABILITY:

A decision of a court that one or more provisions of this by-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this by-law.

18. By-Law 1305-88 is hereby rescinded.

19. This By-Law shall come into force and effect upon receipt of third reading.

READ A FIRST TIME THIS 22nd DAY OF OCTOBER 1990 A.D.

READ A SECOND TIME THIS 17th DAY OF DECEMBER 1990 A.D.

READ A THIRD TIME THIS 13TH DAY OF MAY 1991 A.D.

THE CITY OF THOMPSON

PER: *Boris Gansky*
MAYOR

APPROVED AND ADOPTED THIS 13TH DAY OF MAY 1991 A.D.

PER: *W.L. Murray*
CITY CLERK

SCHEDULE "A" TO BY-LAW 1371-90



CHAPTER S125

AN ACT TO PROTECT THE HEALTH OF NON-SMOKERS

(Assented to March 15, 1990)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions

1 In this Act,

"enclosed public place" means a place that is normally open to members of the public and located in an enclosed area, including but without restricting the generality of the foregoing,

(a) any part of

(i) an office building, or

(ii) a retail store or other commercial establishment,

that is normally open to members of the public,

(b) any part of a health care facility that is normally open to patients or members of the public,

(c) any part of a day care centre or nursery school that is normally open to children or members of the public,

CHAPITRE S125

LOI SUR LA PROTECTION DE LA SANTÉ DES NON-FUMEURS

(Sanctionnée le 15 mars 1990)

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

«endroit public fermé» Endroit normalement ouvert au public et situé dans une aire fermée, y compris :

a) toute partie d'un immeuble de bureaux ou d'un établissement commercial, notamment un magasin au détail, qui est normalement ouverte au public;

b) toute partie d'un établissement de santé qui est normalement ouverte aux patients ou au public;

c) toute partie d'une garderie ou d'un jardin d'enfants qui est normalement ouverte aux enfants ou au public;

Designated smoking areas

3(1) Subject to subsection (2), section 4 and the regulations, a proprietor may designate a smoking area within an enclosed public place.

Size of smoking area in restaurant

3(2) The size of any smoking area designated under subsection (1) for a restaurant, whether or not the restaurant is licensed premises, shall not exceed 50% of the total seating area.

Exclusion of schools, businesses

4 Subsection 3(1) does not apply to any

- (a) day care centre or nursery school; or
- (b) elementary school or secondary school; or
- (c) instructional facility other than a post-secondary educational institution; or
- (d) retail store or shopping mall; or
- (e) banking institution.

Duties of proprietor

5 Subject to the regulations, a proprietor of an enclosed public place shall post signs to indicate where smoking is prohibited or permitted in the enclosed public place.

Municipality may pass by-law

6(1) Notwithstanding the provisions of this Act, a municipal council may pass a by-law to limit or ban smoking in any enclosed public place in the municipality.

By-law conflict

6(2) Where there is a conflict between a provision of this Act or a regulation made thereunder and a provision of a by-law made by The City of Winnipeg or another municipality under subsection (1) or another Act of the Legislature, the provision of this Act or the regulation governs; but the provision of the by-law governs where it is more severe or restrictive, or more extensive in its application, than the provision of this Act or the regulation.

Fumoirs désignés

3(1) Sous réserve du paragraphe (2), de l'article 4 et des règlements, un propriétaire peut désigner un fumoir dans un endroit public fermé.

Dimensions du fumoir

3(2) Le fumoir désigné en vertu du paragraphe (1) ne peut occuper dans un restaurant plus de 50 % de la superficie totale de l'endroit où se trouvent les places assises, que le restaurant soit ou non un local visé par une licence.

Exclusion des écoles

4 Le paragraphe 3(1) ne s'applique pas :

- a) aux garderies et aux jardins d'enfants;
- b) aux écoles primaires et secondaires;
- c) aux établissements d'enseignement, à l'exception des établissements d'enseignement postsecondaire;
- d) aux magasins de détail ni aux centres commerciaux;
- e) aux établissements bancaires.

Obligations du propriétaire

5 Sous réserve des règlements, le propriétaire d'un endroit public fermé doit poser des panneaux indiquant les endroits où l'usage du tabac est permis ou défendu dans l'endroit public fermé.

Arrêté municipal

6(1) Malgré les dispositions de la présente loi, un conseil municipal peut, par arrêté municipal, limiter ou interdire l'usage du tabac dans tout endroit public fermé de la municipalité.

Incompatibilité

6(2) Les dispositions de la présente loi ou de ses règlements l'emportent sur les dispositions incompatibles des arrêtés pris par la Ville de Winnipeg ou une autre municipalité en vertu du paragraphe (1) ou d'une autre loi de la Législature. Toutefois, les dispositions des arrêtés l'emportent si elles sont plus strictes ou plus restrictives que les dispositions de la présente loi ou de ses règlements ou si leur application est plus étendue que celle des dispositions de la présente loi ou de ses règlements.