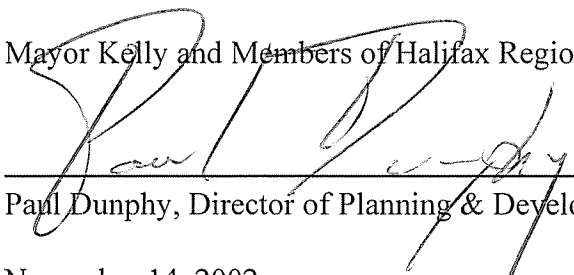


**Halifax Regional Council**  
**November 19, 2002**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Planning & Development Services

**DATE:** November 14, 2002

**SUBJECT:** **Proposed Repeal of Smoking Bylaw**

---

**INFORMATION REPORT**

**ORIGIN**

- At the August 27, 2002 session of Regional Council, it was moved by Councillor Adams and seconded by Councillor Blumenthal, that Council give First Reading to By-Law R-106 to repeal By-law S-200, the Smoking in Public Places By-law. A public hearing to consider this matter has been scheduled for November 19, 2002.

**BACKGROUND**

Council has not requested staff advice on the merits of retaining or repealing the Smoking Bylaw and therefore staff is not providing a recommendation on this matter. Staff does however have an obligation to ensure that both Council and the public has access to information and documents which are relevant to the public hearing and subsequent debate.

The body of this report discusses four issues which Council discussed when setting the public hearing. These are:

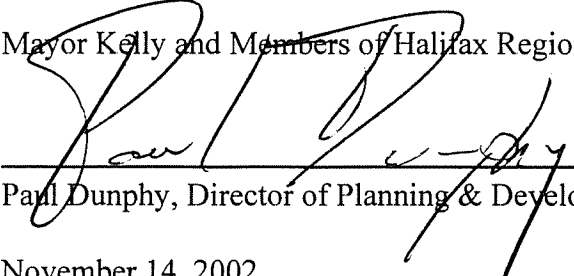
- Provincial and Municipal powers to regulate smoking and whether there will be consistent smoking regulations throughout the Province;
- past and present municipal authority to adopt smoking bylaws;
- what smoking regulations can apply to the casino and private clubs such as legions; and
- enforcement responsibilities.

The attachments to this report contain the following:

- copies of the HRM's Smoking Bylaw and the Nova Scotia Smoke Free Places Act;
- a comparison of the provisions contained in the Municipal Bylaw and the Provincial Act;
- a table summarizing the actions and proposed actions of other Nova Scotia Municipality's with respect to smoking bylaws; and
- a chronology of events/decisions respecting adoption and review of both HRM's Smoking Bylaw and the Provincial legislation.

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## TABLE OF CONTENTS

<b>ORIGIN:</b> .....	<b>1</b>
<b>BACKGROUND</b> .....	<b>1</b>
<b>SUMMARY:</b> .....	<b>3</b>
<b>DISCUSSION</b> .....	<b>4</b>
Legislative Authority and Municipal Consistency	4
Past and Present Municipal Authority	4
Casino and Private Clubs	4
Enforcement	5
<b>BUDGET IMPLICATIONS</b> .....	<b>6</b>
<b>FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN</b> .....	<b>6</b>
<b>ALTERNATIVES</b> .....	<b>6</b>
<b>ATTACHMENT 1: Chronology Of Events</b> .....	<b>8</b>
<b>ATTACHMENT 2: Comparison of Provincial and Municipal Legislation</b> .....	<b>11</b>
<b>ATTACHMENT 3: Nova Scotia Municipalities and Smoke-Free Bylaws</b> .....	<b>15</b>
<b>ATTACHMENT 4: Nova Scotia Smoke - Free Places Act</b> .....	<b>17</b>
<b>ATTACHMENT 5: HRM's Smoking in Public Places Bylaw</b> .....	<b>25</b>

## SUMMARY

### Provincial Minimum Standard

The Nova Scotia Smoke Free Places Act sets a minimum standard for smoking regulation in the Province. The Act is not intended to establish uniform and unvarying regulations throughout the Province. Both this Act and the Municipal Government Act permit municipalities to exceed the Province's minimum standards. In fact, since a number of Nova Scotia municipalities have already adopted more restrictive bylaws or are considering doing so, it can be assumed that there will not be a uniform set of smoking regulations throughout the Province. HRM therefore has the option to either:

- leave regulation of smoking entirely to the Province; or
- adopt a Municipal bylaw which exceeds the Provincial minimum standard by further extending the ban on smoking in public places.

### Public Health Roles

Regulation of smoking in public places can be thought of as a public health issue. As such it is reasonable to argue that this is an area of Provincial responsibility and the Municipality should avoid a blurring of mandates and therefore should not regulate smoking. It should be noted however that both the Federal and Provincial governments regulate pesticide products and use, nevertheless the Municipality chose to exercise its legislative discretion in this area by banning pesticide use due to public health concerns.

### Casino and Private Clubs

Nothing in the Gaming Control Act or the Smoke Free Places Act restricts HRM's ability to regulate smoking in the restaurants, bars or gaming floor of the casino or the licensed portions private clubs such as legions. Furthermore the powers granted to the Municipality under the Municipal Government Act permit HRM to regulate smoking in the casino or private clubs provided the Municipality's smoking regulations are general nature and not targeted specifically at casinos or private clubs. The Provincial Department of Health has also expressed the opinion that the casino would be expected to comply with more restrictive smoking regulations if they were adopted. The Casino in Cape Breton Regional Municipality complies with their Smoking Bylaw.

### Scope of HRM's Bylaw Versus Provincial Act

The smoking restrictions specified in the Nova Scotia Smoke Free Places Act exceed those in HRM's Smoking Bylaw. Compliance with the Provincial Act therefore guarantees compliance with HRM's current smoking bylaw with one minor exception. HRM's bylaw requires smoking to take place a minimum of five metres from a building entrances while the Province requires a minimum of four metres. The bylaw needs to be either rescinded entirely to avoid redundancy or its scope expanded to address issues which the Provincial legislation does not address. Retaining HRM's Smoking Bylaw in its current form is not a reasonable option.

The Provincial Smoke Free Places Act comes into effect on January 1, 2003. If Council chooses to rescind HRM's Smoking Bylaw, this decision should not take effect until after this date otherwise there will be a period during which there are no smoking regulations in HRM.

## DISCUSSION

### Legislative Authority and Municipal Consistency

- The Nova Scotia Smoke Free Places Act is driven by public health concerns, in particular, work place health and the health of youth under nineteen years of age. There is no Provincial Legislation which *obliges* HRM to be involved in public health issues. In fact it can be argued that Municipal involvement in public health blurs the mandate of Provincial and Municipal roles. Nevertheless, *the Municipal Government Act does give HRM the authority to adopt bylaws in the interests of public health* if it chooses to. Council has chosen to do so in the past. An HRM Pesticide Bylaw was adopted in order to address public health concerns despite the fact that pesticide products and their use were also regulated by the Federal and Provincial governments.
- It should be noted that the Nova Scotia Smoke Free Places Act anticipates that municipalities may wish to adopt regulations which are more restrictive than the Provincial rules. The Act clarifies that this is permissible by stating that “*Nothing in this Act affects any other authority to regulate, restrict or prohibit smoking*” and “*Where there is a conflict between this Act and any other authority... the more restrictive authority prevails.*” As such the Nova Scotia Smoke Free Places Act is intended to be a minimum standard for the province not a uniform standard throughout the province. Municipalities may adopt more stringent smoking regulations which supercede the Provincial minimum standards.

### Past and Present Municipal Authority

- The current HRM Smoking Bylaw was enacted under the HRM Act. This Act restricted the scope of a municipal smoking bylaw. The bylaw was limited to “regulating and prohibiting smoking in places to which the public has access.” In other words, private clubs and functions could not be regulated by the Smoking Bylaw.
- Since the adoption of the bylaw, the HRM Act has been replaced by the Municipal Government Act. The Municipal Government Act (MGA) no longer has a specific provision related to smoking bylaws. The MGA defines municipal authority more broadly and permits adoption of municipal bylaws for the “*the health, well being, safety and protection of persons.*” Given the scientific evidence related to the effects of second hand smoke, HRM could safely rely upon this authority to adopt a more restrictive smoking bylaw. In addition, it should be noted that *this legislative authority gives municipalities more authority than they previously had because it does not restrict the scope of municipal smoking bylaws to public places.* If Council so wishes HRM could now choose to enact a smoking bylaw which totally bans smoking in buildings, with the exception of residences.

### Casino and Private Clubs

- Since the Casino and the licensed portions of Legions do not allow people under 19 years of age they are not affected by any of the restrictive sections of the Nova Scotia Smoke Free Places Act. The new Provincial Act however does restrict smoking in those portions of private clubs where people under the age of 19 are permitted.

- Under the Municipal Government Act HRM now has the authority to exceed the Provincial minimum standard and regulate or ban smoking in the Casino, and private clubs, as long as the bylaw is of general application, such as prohibiting smoking in enclosed spaces or places of employment generally.
- With respect to the Casino, although the building is owned by a Crown Corporation (and therefore the Crown), *the general rule that a municipality does not have the ability to regulate against the Crown would extend only to the use of the property and not to the personal activities of persons on the property* even if the persons were servants of the Crown.
- The Gaming Control Act provides that the *"operator of a casino shall comply with all building code, safety, construction, fire, environmental, health and other standards under any enactment"*. A Smoking Bylaw would fall within this since it is related to "safety", "environment", "health" and the general clause "other standards".
- The Casino in the Cape Breton Regional Municipality (CBRM) complies with the CBRM Smoking Bylaw. Whether this is by way of good will or because of some legal opinion they have received, we are not aware. An opinion has been received from the Provincial Department of Health that the Casino in Halifax would also be expected to comply with a more restrictive Municipal Smoking Bylaw if one was adopted.

## Enforcement

- HRM's Smoking Bylaw has not been actively enforced to date. As with most bylaws, public support tends to secure compliance from the majority of people and minimizes the need for active enforcement. It is unclear how the Province will enforce its new Act. The Municipality can urge the province to enforce its new Act as the Nova Scotia Union of Municipalities did at its recent annual meeting.
- Will repeal of the HRM's Smoking Bylaw relieve HRM of enforcement responsibilities? It appears that HRM Police Services and the RCMP will have the legal authority to issue tickets for violations of the Nova Scotia Smoke Free Places Act. Unless directed otherwise there would not be active enforcement by the Municipality and complaints would be directed to the appropriate provincial authority.
- Bylaw Enforcement Officers would only have authority if specifically given the authority by Regional Council. It is not likely in the Municipality's interests to pursue this option given the competing demands placed upon Bylaw Enforcement. Having said that since the Municipality has not been actively enforcing the Smoking Bylaw, rescinding it will not free up staff for other enforcement priorities.
- If Council chose to enact a more restrictive Smoking Bylaw it would be responsible for enforcement. Having said that the Municipality could focus its enforcement efforts solely in the areas where additional restrictions have been adopted. For example, the Provincial Act restricts smoking in bars and restaurants up until 9 PM at which time smoking is permitted in all areas. A Municipal bylaw banning smoking could focus enforcement on that portion not covered by the Provincial Act, after 9 PM. The Province is still responsible to enforce

the regulations under the Act which are less onerous than any “total ban” enacted by the Municipality. Strategic enforcement could mitigate cost of enforcement.

## BUDGET IMPLICATIONS

None

## FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## ALTERNATIVES

A public hearing will allow the public to give important input to Council as it determines which of the three practical options it will select:

- Council can *choose to repeal the Smoking Bylaw* and have the Nova Scotia Smoke Free Places Act take its place. If this option is chosen, the existing bylaw should remain in effect until January 1, 2003 when the Provincial Act comes into effect.
- Council can *choose to keep HRM’s Smoking Bylaw in effect* until it has a chance to assess both its options and the impact of the Provincial Act. It should be noted that the scope and content of the Provincial Act makes HRM’s current Smoking Bylaw redundant. Compliance with the Provincial Act guarantees compliance all aspects of HRM’s Smoking Bylaw with one minor exception. The only exception is that HRM’s bylaw requires smoking to be a minimum of five metres from building entrances while the Provincial Act establishes four metres as the minimum separation distance. Retaining HRM’s Smoking Bylaw as it currently stands is therefore not a reasonable solution. The bylaw needs to be either rescinded entirely or its scope expanded.
- Council could *choose to exercise its powers under the MGA to exceed the Provincial minimum standards specified in the Smoke Free Places Act*. These amendments could be narrow in scope such general amendments to restrict or ban smoking in the Casino and private clubs such as Legions. Alternatively the amendments could be more far reaching up to and including a full ban. If this option is chosen, staff would draft a new bylaw from scratch rather than amending the existing bylaw. This would ensure that its content with respect to the Provincial Act was not confusing and/or redundant.

## ATTACHMENTS

- ATTACHMENT 1: Chronology of events  
ATTACHMENT 2: Comparison of Provincial and Municipal Legislation  
ATTACHMENT 3: List of Municipalities Planning or Approving Extended Smoke Free By-laws  
ATTACHMENT 4: NS Smoke Free Places Act  
ATTACHMENT 5: HRM By-law S-200

**Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.**

**Prepared by: Barbara Nehiley, Special Projects Advisor**



## ATTACHMENT 1: Chronology Of Events

1997

Approved resolution January 29, 1997 that requested staff to prepare a report for the consideration of Council which would lead to legislating a clean air by-law to eliminate tobacco smoke from public places.

First staff report August 19, 1997 . The original staff report recommended that Council approve a policy that supports the reduction and/or elimination of exposure to environmental (second hand) tobacco smoke in all public areas, the work place, and the home, wherever possible and appropriate. The first phase would be to harmonise existing policies of the former municipal units. The second step would see Council consider the future issue of a complete ban on smoking in restaurants, and in bars and taverns, bowling alleys, pool/billiard and bingo halls. Further the report provided an analysis of research on the impact of second hand smoke and listed actions by other municipalities to ban smoking in public places. A consultation process was suggested.

First reading took place August 26, 1997

Second reading September 9, 1997

Supplementary Report September 30, 1997 introduced the consultation process in the form of a community-based working group to provide a forum for the various interests involved and to make

October 7, 1997 Council approved third reading and the first HRM by-law S-200 respecting smoking in public places came into effect October 11, 1997. This new, harmonised by-law required all open spaces in malls and lobbies to become smoke free. Before amalgamation this restriction was only available in Bedford. The County of Halifax did not have any by-law respecting smoking and the City of Halifax and Dartmouth had by-laws that did not cover malls and interior open spaces. At the same time it was recommended that an advisory group look into the feasibility of expanding the scope of the by-law.

October 21, 1997 Council set the terms of reference for membership on the Working Group so that a majority was comprised of business interests to insure impact on business be considered.

1998

In July 7, 1998 the Smoking By-law Work Group presented a report which supported the incremental approach and recommended small step increases in restrictions on smoking. Council did not approve the Work Group report but referred the matter to staff asking that a by-law be drafted that would move toward a full ban, as well as, look at the possible use of ventilation in resolving the issue.

July 14, 1998 Council directed staff to prepare a by-law . The staff report is to take the following matters into consideration:

- Concern that the incremental approach will stop with no further increments;
- Inclusion of a timetable for implementation and when 100% will be reached
- Goals and objectives could be included in the time frame.
- Legal ramifications of private clubs and the province's involvement;
- Consideration for the application of a percentage over the long term would be much more beneficial than hour restrictions re bowling alleys;

- The taxi recommendations should be referred to the Taxi Committee;
- HRM, as a government body, dictate to private enterprise what they can do in an environment where patrons have the option of choice (this is a public health issue);
- Research into the value of ventilation and whether or not it is a safe alternative.

1999 March 30, 1999 the staff report and by-law amendment with time frame for full ban was tabled at Council.

Notice of Motion for First Reading of By-Law S-201, an Amendment to By-Law S-200, Respecting Smoking, was served by Councillor Harvey on March 30, 1999. A draft by-law provided for an incremental move towards a 100 per cent ban over a three year period. Ventilation was also discussed. It was received with some controversy by the business community and applauded by the medical community. Business community asked that the By-law Working Group requested that the Group be allowed to review the report and report back.

April 13, 1999 Council referred this matter back to the Smoking By-Law Committee for further review and a report back to Council in five weeks.

October 26, 1999 Council approved a motion to move forward on the amendment of the Smoking By-Law S-200, in accordance with the recommendations of the Smoking By-Law Working Group presented on July 13, 1998. Halifax Regional Council establish a by-law review process and further increments by setting a By-Law expiration date of three years from the date of approval, and require the establishment of a community review committee by the beginning of the second year of such an amended By-Law. The By-Law Review Committee should be representative of health and business interests. The By-Law review committee be mandated to bring back recommendations before the By-Law expiry date for further increments in a renewed By-Law.

November 9, 1999 first reading of amended by-law In accordance with the intent of the Smoking By-law Working Group, was approved by Council .

December 7, 1999 public hearing and second reading passed. The amended by-law provided for limited, incremental increases in restrictions. All restaurants were required to have 50% non smoking area. Bowling alleys, bingo halls and licensed liquor establishments were required to provide for partial no smoking areas. Bars and beverage rooms serving food had to comply with restaurant regulations. Entry way restrictions of 5 metres radius from doors and air intakes were put into place. No by-law expiration date was included.

2000 The Amended By-law S-200 came into effect February 1, 2000.

2001 July 10, 2001 MOVED by Councillor Harvey, seconded by Councillor Walker, that Council proceed as per the report dated June 29, 2001, to reactivate the working group and direct staff to come back with a report on the future of the Smoking By-Law and perhaps further increments in applying it.

2002 January 22, 2002 Information Report on Smoking Bylaw outlined time frame for bringing together a review group, review process, and bylaw amendment process.

April 26, 2002 the 1<sup>st</sup> reading at the Nova Scotia Legislature of An Act to Protect Young Persons From Tobacco Smoke

May 30, 2002 third reading (with committee amendments) and Royal assent , the Province of Nova Scotia passed the Act now cited as the Smoke Free Places Act

July 9, 2002 Notice of Motion to repeal By-law S-200 was given by Councillor Adams

July 9, 2002:

- Deputy Mayor Harvey, seconded by Councillor Walker moved that HRM not form the group (i.e. a committee to review the Smoking Bylaw) and to direct staff to return to Council at a future date with amendments to Bylaw S-200 that would make smoking in public places completely illegal.
- A subsequent motion by Councillor Hetherington, seconded by Councillor Goucher and approved by Council deferred this item to the August 27, 2002 Council session

August 27, 2002:

- First Reading to Repeal the Smoking Bylaw (S-200) was given
- A Notice of Motion of Reconsideration of this motion was also given
- Deputy Mayor Harvey's deferred motion from the July 9, 2002 meeting was considered and Council passed a motion to table this item
- Council also tabled the staff report which was submitted to the June 25, 2002 Council session. (This report suggested terms of reference and membership for establishing an ad hoc working group.)

September 3, 2002 Motion of Reconsideration was defeated

November 19, 2002 Public Hearing on repeal of By-law S-200 The Smoking By-law.

## ATTACHMENT 2: Comparison of Provincial and Municipal Legislation

Interest area	Comparative Scope		Capacity
	HRM By-law S-200	NS Smoke Free Places Act	
Open indoor spaces, malls, retail, eating areas	100% smoke free	100% smoke free	ability and scope to legislate increased under MGA
place of employment	not specified	100% smoke free except under section 6 which allows restaurants, bars and beverages rooms, a private club, a cabaret or other licensed facility, or as set out by the regulations where there is a separately enclosed and separately vented area and no one under 19 years of age is permitted. Designated smoking rooms must meet specifications of regulations	not a mandated area
employee protection	not specified	No employer can discharge or layoff any employee because employee refuses to work in part of an enclosed place or outdoor area where smoking is permitted.	not a mandated area
Under age of 19 years	not covered	not allowed in any enclosed area where smoking is allowed or in outdoor area where under 19 years is not permitted.. Manager is required to enforce this restriction..	not a mandated area
Confiscation of smoking materials from under 19 years of age	not covered	Peace officer can with reasonable grounds may search and confiscate any tobacco in that persons possession. Also and reversal and appeal process.	not a mandated area
schools, day cares, hospitals, libraries, cinema, theater, pool hall, video arcade	not specified	100% smoke free	ability and scope to legislate increased under MGA
restaurants	50% non smoking	100% smoke free - except for allowed smoke rooms separately vented, restricted to over 19 years and cannot take up more than 25% of available table space	can regulate smoke free all ages - ability and scope to extend legislation increased under MGA

Interest area	Comparative Scope		Capacity
	HRM By-law S-200	NS Smoke Free Places Act	
private functions	excluded because considered private not public	excluded under section 5 and 6 for private function where no one under the age of 19 permitted	
bingos	25% non smoking area	100% smoke free except for separately vented smoke room	Can regulate 100% smoke-free all ages
bars, beverage rooms, cabarets	25% non smoking area	100% smoke free between 6 AM and 9PM except for allowed smoke rooms separately vented, restricted to over 19 years cannot take up more than 25% of available space.	Can regulate 100% smoke-free all ages
Private clubs	not covered, limited by HRM Act	100% smoke free except where no one under 19 years of age is permitted and is separately enclosed and separately vented, as prescribed by regulations	can regulate - ability and scope to legislate increased under MGA
Casinos	by-law pre-dated Casino would go under licensed establishment 25% of seating area, open food courts.	not specified	can regulate - ability and scope to legislate increased under MGA
outdoor patios	not covered, under HRM Act, possible in MGA Act	50% smoking area where under 19 years prohibited.	ability and scope to legislate increased under MGA
ferries, buses, Taxis and limousines	buses, bus shelters, taxi stands 100% smoke free, taxis excluded	taxis and limousines, and shelters 100% smoke free	ability and scope to legislate under MGA
Community, recreation , multi service centres,	smoke free, except where specific use allows smoking, IE bingo but only for duration of event	100% smoke free	ability and scope to legislate increased under MGA
bowling alleys,	not more 50% floor space designated smoking area	100% smoke free	Can regulate 100% smoke-free all ages

Comparative Scope		Capacity
Interest area	HRM By-law S-200	NS Smoke Free Places Act
residential group homes, d-tox centre, health facilities, nursing home, residential care facility, home for the aged, or disabled person, part of health care facilities that cares for veterans,	general coverage if public, residential group facilities and hospitals not specifically mentioned	100% smoke free except in area that no person under age of 19 years is allowed and is separately closed and separately vented., as prescribed by the regulations...
Offices of provincial, municipal government, villages school boards and related agencies	100% smoke- free public buildings	100% smoke free
common areas of commercial buildings and residential buildings, elevators, escalators, stairwells,	100% smoke free	100% smoke free
public spaces in malls, eating places 100% smoke free	100% smoke free	100% smoke free
grounds of s school	not specified	100% smoke free
Penalty and fines	individual upon summary conviction receives a penalty of \$200 and a corporation a fine of \$500. Individuals can also pay \$50 ticket.	Every manager and employee who contravenes the Act is guilty of an offense and is liable on summary conviction of a fine of not more than \$2000;on second offence to a fine not more than \$5,000 and for a third and subsequent offenses a fine of not more than ten thousand dollars. also possible suspension or cancellation of any permits and licenses.

### ATTACHMENT 3: Nova Scotia Municipalities and Smoke-Free By-laws

MUNICIPALITY	CURRENT STATUS IN BYLAW PROCESS
Town of Amherst	
Town of Annapolis Royal	
Town of Antigonish	Discussed for the first time in Sept since presentation in June. The Mayor is planning on calling a special council (closed) meeting to discuss the issue in the near future (less than one month) The town will have more information at that time.- September 27, 2002
Town of Berwick	100% smoke-free bylaw implemented on April 2002
Town of Bridgetown	
Town of Bridgewater	
Town of Canso	Second reading and public consultation is happening on Sept 30 <sup>th</sup> .
Town of Clark's Harbour	
Town of Digby	
Town of Hantsport	
Town of Kentville	Enacted a bylaw making public places within your municipality 100% smoke free.
Town of Lockeport	
Town of Lunenburg	
Town of Mahone Bay	
Town of Middleton	
Town of Mulgrave	Voted to pass it's original bylaw that makes the Town of Mulgrave 100% smoke free.
Town of New Glasgow	Passed smoke-free bylaw - delayed implementation from the original- October 1, 2002 to January 1 January 1. 2003
Town of Oxford	
Town of Parrsboro	
Town of Pictou	
Town of Port Hawkesbury	
Town of Shelburne	
Town of Springhill	
Town of Stellarton	
Town of Stewiacke	On first reading
Town of Trenton	
Town of Truro	First reading of a smoke-free by law on September 26,2002
Town of Westville	

<b>MUNICIPALITY</b>	<b>CURRENT STATUS IN BYLAW PROCESS</b>
Town of Windsor	
Town of Wolfville	100% smoke-free bylaw on January 2002
Town of Yarmouth	
Municipality of the County of Annapolis	
Municipality of the County of Antigonish	The bylaw is on the agenda for review at next week's meeting. A bylaw committee will discuss this along with other bylaw issues.
Municipality of the District of Argyle	
Municipality of the District of Barrington	
Cape Breton Regional Municipality	This particular bylaw is being phased in over three years. By July 7, 2003 the CBRM bylaw will be in full force.
Municipality of the District of Chester	
Municipality of the District of Clare	
Municipality of the County of Colchester	The municipality has appointed a Councillor to sit on a regional committee reviewing the issue
Municipality of the County of Cumberland	
Municipality of the District of Digby	
Municipality of the District of Guysborough	Referred to appropriate committee. Draft bylaw will be presented to council in October. Research report and draft bylaw have been prepared. CAO will review and then report
Halifax Regional Municipality	Public hearings to repeal current bylaw scheduled for November 19 <sup>th</sup> .
Municipality of the District of East Hants	First reading
Municipality of the District of West Hants	
Municipality of the County of Inverness	November 4, 2002 passed a 100% smoke free public places and workplaces smoking bylaw. This bylaw will very likely come into effect on January 1, 2003.
Municipality of the County of Kings	
Municipality of the District of Lunenburg	
Municipality of the County of Pictou	
Region of Queens Municipality	
Municipality of the County of Richmond	Bylaw has been drafted. Council has put forward a notice of a motion to do first reading of the draft bylaw. First reading will happen on Tues, Oct 15 <sup>th</sup> . After 1 <sup>st</sup> and 2 <sup>nd</sup> reading, the bylaw will go to public hearings. - September 27, 2002
Municipality of the District of Shelburne	
Municipality of the District of St. Mary's	The bylaw was further discussed at the Sept 9 <sup>th</sup> meeting. A committee has been struck to devise an initial proposal. – September 27, 2002
Municipality of the District of Yarmouth	

Source: Smoke Free NS , As of November 12, 2002



# **ATTACHMENT 4: NS Smoke - Free Places Act**

**BILL NO. 125**  
**(as passed, with amendments)**  
<<http://www.gov.ns.ca/legi/legc/images/crest1.gif>>

**2nd Session, 58th General Assembly**  
**Nova Scotia**  
**51 Elizabeth II, 2002**

**Government Bill**

**Smoke-free Places Act**  
**CHAPTER 12 OF THE ACTS OF 2002**

**The Honourable Jamie Muir**  
**Minister of Health**

**First Reading: April 26, 2002**  
**Second Reading: May 6, 2002**

**Third Reading: May 30, 2002 (WITH COMMITTEE AMENDMENTS)**

**Royal Assent: May 30, 2002**

**An Act to Protect Young Persons**  
**and Other Persons from Tobacco Smoke**

**Be it enacted by the Governor and Assembly as follows:**

**1 This Act may be cited as the Smoke-free Places Act.**

**2 In this Act,**

- (a) "employer" includes any person who supervises employees in a place of employment;**
- (b) "enclosed place" means the inside or other enclosed part of a building, vehicle or watercraft or other indoor space but does not include a private residence;**
- (c) "inspector" means an inspector appointed pursuant to this Act;**
- (d) "manager" of an enclosed place referred to in Section 5 or 6 means any person who has responsibility for and control over the activities of the place, and includes the owner of the place;**
- (e) "Minister" means the Minister of Health;**

**(f) "place of employment" means an enclosed place, other than a vehicle, in which employees perform the duties of their employment and includes an adjacent corridor, lobby, stairwell, elevator, escalator, eating area, washroom, restroom or other common area frequented by employees during the course of their employment but does not include a rental unit of roofed accommodation within the meaning of the Tourist Accommodations Act;**

**(g) "school" means a public or private elementary or secondary school;**

**(h) "smoke" means to smoke, hold or otherwise have control over ignited tobacco;**

**(i) "tobacco" means tobacco as defined in Part III of the Revenue Act.**

**3 (1) This Act binds Her Majesty in right of the Province.**

**(2) Nothing in this Act affects the rights of aboriginal people respecting traditional aboriginal spiritual or cultural practices or ceremonies.**

**4 The Minister has the general supervision and management of this Act.**

**5 (1) No person shall smoke in any enclosed place that is or includes**

**(a) a daycare or pre-school;**

**(b) a school, community college or university;**

**(c) a library, art gallery or museum;**

**(d) a health-care facility;**

**(e) a cinema or theatre;**

**(f) a video arcade or pool hall;**

**(g) a recreational facility where the primary activity is physical recreation, including, but not limited to, a bowling alley, fitness centre, gymnasium, pool or rink;**

**(h) a multi-service centre, community centre or hall, arena, fire hall or church hall;**

**(i) a meeting or conference room or hall, ballroom or conference centre;**

**(j) a retail shop, boutique, market or store or shopping mall;**

**(k) a laundromat;**

**(l) a ferry, ferry terminal, bus, bus station or shelter, taxi, taxi shelter, limousine or vehicle carrying passengers for hire;**

**(m) a vehicle used in the course of employment while carrying two or more employees;**

**(n) the common area of a commercial building or multi-unit residential building including, but not limited to, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms and restrooms;**

**(o) offices of the Government of the Province, a municipality, a village or a school board, or any agency thereof;**

**(p) a provincial jail, prison, detention centre, lock-up or reformatory or another provincial penal institution; or**

**(q) any building or facility designated by the regulations,**

**except as permitted by Section 6.**

**(2) No person shall smoke on the grounds of a school.**

**(3) No manager of an enclosed place referred to in subsection (1) or of the grounds of a school shall permit any person to smoke in that place, except as permitted by Section 6, or on the grounds of the school.**

**(4) No person shall smoke in an outdoor area within four metres of an intake for a building ventilation system, an open window of a place of employment or an entrance to a place of employment.**

**6 (1) No person shall smoke in any enclosed place that is or includes**

**(a) a restaurant;**

**(b) a lounge or beverage room;**

**(c) any building or facility designated by the regulations;**

**(d) a private club;**

**(e) a cabaret, club or other place licensed to serve alcoholic beverages;**

**(f) a place that is being used for bingo;**

**(g) a facility as defined in the Hospitals Act, a nursing home or residential care facility licensed under the Homes for Special Care Act, a home for aged or disabled persons to which the Homes for Special Care Act applies or a part of a health-care facility used for the acute or long-term care of veterans; or**

**(h) a withdrawal-management detoxification unit established by the Minister pursuant to the Health Act,**

**except in an area that no person under the age of nineteen years is permitted to enter or be in and that is separately enclosed and separately ventilated, as prescribed by the regulations, from any part of an enclosed place in which smoking is prohibited by this Act.**

**(2) No person shall smoke in the outdoor area of a restaurant except in an area that no person under the age of nineteen years is permitted to enter or be in.**

**(3) No person shall smoke, between six o'clock in the morning and nine o'clock in the evening, in the outdoor area of a lounge or beverage room except in an area that no person under the age of nineteen years is permitted to enter or be in.**

**(4) No manager of an enclosed place referred to in subsection (1) or an outdoor area referred to in subsection (2) or (3) shall permit any person to smoke in that place or area except as provided in those subsections.**

**(5) No person under the age of nineteen years shall enter or be in an area of an enclosed place referred to in subsection (1) or an outdoor area referred to in subsection (2) or (3) in which smoking is permitted by subsection (1), (2) or (3).**

**(6) No manager of an enclosed place referred to in subsection (1) or an outdoor area referred to in subsection (2) or (3) shall permit any person under the age of nineteen years to enter or be in an area of that place or an outdoor area in which smoking is permitted by subsection (1), (2) or (3).**

**(7) The area of a restaurant in which smoking is permitted pursuant to subsection (1) may not exceed**

**(a) twenty-five per cent of the total indoor eating area of the restaurant; or**

**(b) fifty per cent of the outdoor area of the restaurant.**

**(8) The area of a lounge or beverage room in which smoking is permitted pursuant to subsection (1) may not, between six o'clock in the morning and nine o'clock in the evening, exceed**

**(a) twenty-five per cent of the total indoor drinking area of the lounge or beverage room; or**

**(b) fifty per cent of the outdoor area of the lounge or beverage room.**

**(9) The area of a building or facility referred to in clause (1)(c) in which smoking is permitted pursuant to subsection (1) may not, between six o'clock in the morning and nine o'clock in the evening, exceed**

**(a) twenty-five per cent of the total drinking area of the building or facility referred to in clause (1)(c); or**

**(b) fifty per cent of the outdoor area of the building or facility referred to in clause (1)(c).**

**7 Sections 5 and 6 do not apply to an enclosed place or outdoor eating or drinking place while being used exclusively for a private function at which no persons under the age of nineteen years are permitted.**

**8 (1) No person shall smoke in any place of employment except**

**(a) as permitted by Section 6; or**

**(b) in a room that is designated as a smoking room in accordance with subsection (3) and enclosed and ventilated in accordance with subsection (5).**

**(2) No employer shall permit any person to smoke in any place of employment except**

**(a) as permitted by Section 6; or**

**(b) in a room that is designated as a smoking room in accordance with subsection (3) and enclosed and ventilated in accordance with subsection (5).**

**(3) Subject to subsection (4) and the regulations, an employer may designate a room in a place of employment as a smoking room in accordance with the regulations if that room is set aside exclusively for smoking by the employees as provided by the regulations but no larger room may be designated than the maximum size permitted by the regulations.**

**(4) A room in an enclosed place referred to in subsection 5(1) may not be designated as a smoking room unless it is in an enclosed place referred to in subsection 6(1).**

**(5) An area in a place of employment designated as a smoking room must be separately enclosed and separately ventilated, in accordance with the regulations, from any part of an enclosed place in which smoking is prohibited by this Act.**

**(6) No person under the age of nineteen years may enter or be in a smoking room authorized by this Section.**

**(7) No employer shall permit any person under the age of nineteen years to enter or be in a smoking room authorized by this Section.**

**9 No employer or manager shall permit any ashtrays in any place at any time when smoking is prohibited in that place by this Act.**

**10 (1) No employer shall require any employee to work in any part of an enclosed place referred to in clause 6(1)(a), (b) or (c) or of the outdoor area of such a place at any time when smoking is not prohibited in that part by this Act.**

**(2) No employer shall discharge or layoff an employee because the employee refuses to work in a part of an enclosed place or outdoor area referred to in subsection (1).**

**11 (1) No person under the age of nineteen years may possess tobacco.**

**(2) Where a peace officer has reasonable grounds to believe that a person under the age of nineteen years is in possession of tobacco, the peace officer may search that person and confiscate any tobacco in that person's possession.**

**(3) A person who believes that the confiscation of an item pursuant to subsection (2) was wrongful because**

**(a) the person from whom the item was confiscated was not under the age of nineteen years at the time the item was confiscated; or**

**(b) the item confiscated was not tobacco,**

**may, within seven days of the confiscation, apply to a judge of the provincial court for the return of the item confiscated.**

**(4) Where the judge is satisfied that the confiscation was wrongful for the reason set out in clause (3)(a) or (b), the judge shall order that the item be returned to the person from whom it was confiscated.**

**(5) In an application pursuant to subsection (3), the burden is upon the applicant to prove that the confiscation was wrongful.**

**(6) Where**

**(a) no application is made within seven days of the confiscation; or**

**(b) the application is dismissed,**

**the item confiscated is forfeited to Her Majesty in right of the Province.**

**(7) Notwithstanding any enactment, subsection (1) does not create an offence.**

**(8) Nothing in this Section prohibits the possession of tobacco by a person under the age of nineteen years for the purpose of enforcing, or ensuring compliance with, any enactment prohibiting or restricting the sale of tobacco to persons under the age of nineteen years if such possession is authorized by a person whose duty it is to enforce, or ensure compliance with, the enactment.**

**12 (1) The Minister may appoint or designate inspectors for the purpose of this Act.**

**(2) For the purpose of ensuring compliance with this Act and the regulations, an inspector may**

**(a) enter and inspect any place to which this Act applies, at any reasonable time without warrant or notice, and make such examinations and inquiries and conduct such tests as the inspector considers necessary or advisable;**

**(b) be accompanied and assisted by any person who, in the opinion of the inspector, has special knowledge or expertise;**

**(c) make enquiries of any person who is or was in a place to which this Act applies;**

**(d) require the production of drawings, specifications, floor plans, maintenance records or other documents for a place to which this Act applies and may inspect, examine, copy or seize them;**

**(e) exercise such other powers as are prescribed by the regulations;**

**(f) exercise such powers as are incidental to the powers set out in clauses (a) to (e).**

**(3) No person shall obstruct, interfere with or fail to co-operate with an inspector in the execution of the inspector's duties under this Act.**

**13 (1) Where an inspector finds that a manager or employer is not complying with a provision of this Act, the inspector may order the manager or employer to comply with the provision and may require the order to be carried out immediately or within such period of time as the inspector specifies.**

**(2) An order made pursuant to subsection (1) shall indicate generally the nature and, where appropriate, the location of the non-compliance with this Act.**

**14 (1) Every person, other than a manager or employer, who contravenes this Act or the regulations or fails to comply with an order made pursuant to this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than two thousand dollars.**

**(2) Every manager or employer who contravenes this Act or the regulations or fails to comply with an order made pursuant to this Act or the regulations is guilty of an offence and liable on summary conviction for a first offence to a fine of not more than two thousand dollars, for a second offence to a fine of not more than five thousand dollars and for a third or subsequent offence to a fine of not more than ten thousand dollars.**

**(3) In addition to any penalty levied pursuant to subsection (2) upon conviction for an offence contrary to this Act, an authority authorized to suspend or cancel any licence or permit issued in respect of the premises where the offence was committed may suspend or cancel that licence or permit.**

**15 (1) The Governor in Council may make regulations**

- (a) designating any building or facility for the purpose of Section 5;**
- (b) designating any building or facility for the purpose of Section 6;**
- (c) prescribing the nature of any enclosure and ventilation for the purpose of Section 6;**
- (d) respecting the use of a smoking room permitted by Section 7;**
- (e) prescribing the maximum size of any smoking room permitted by Section 7 or prohibiting the designation of a room as a smoking room pursuant to Section 7;**
- (f) prescribing the nature of any enclosure and ventilation for the purpose of Section 7;**
- (g) setting air-quality standards for any part of an enclosed place or place of employment where smoking is not permitted by this Act if smoking is permitted in another part of that place;**
- (h) setting air-quality standards for any part of an enclosed place or place of employment where smoking is permitted by this Act;**
- (i) determining design criteria for ventilation or for ensuring air quality;**
- (j) prescribing the obligations of employers and managers respecting the maintenance of air-quality standards set by the regulations;**
- (k) prescribing the records to be kept by employers and managers for the purpose of ensuring compliance with this Act and the regulations;**
- (l) requiring the posting of signs for the purpose of this Act;**
- (m) prescribing powers and duties of inspectors;**
- (n) authorizing a minor variance from any provision of this Act for an establishment existing at the time this Act comes into force;**
- (o) defining "restaurant", "lounge" and "beverage room";**
- (p) defining any other word or expression used but not defined in this Act;**
- (q) further defining any word or expression defined in this Act;**
- (r) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.**

**(2) A regulation made pursuant to this Act may be of general application or may apply to such individual or individuals, such class or classes of persons, such class or classes of places or such class or classes of matters or things as the Governor in Council determines and there may be different regulations with respect to different individuals, different classes of persons, different classes of places and different classes of matters or things.**

**(3) No regulation may be made pursuant to clause (1)(n) unless the regulation is recommended to the Governor in Council by the Minister where the Minister is of the opinion that there are rare and extenuating circumstances justifying the regulation and that the regulation does not compromise the intent and purpose of this Act.**

**(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act.**

**16 (1) Nothing in this Act affects any other authority to regulate, restrict or prohibit smoking.**

**(2) Where there is a conflict between this Act and any other authority, regulating, restricting or prohibiting smoking, the more restrictive authority prevails to the extent of the conflict.**

**17 Subsection 6(1) is amended by**

**(a) adding "or" at the end of clause (f);**

**(b) striking out "; or" at the end of clause (g) and substituting a comma; and**

**(c) striking out clause (h).**

**18 (1) This Act, except Section 17, comes into force on January 1, 2003.**

**(2) Section 17 comes into force on such day as the Governor in Council orders and declares by proclamation.**

**[homepage] [statutes by session or sitting] [up]**

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**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW NUMBER S-200**

**RESPECTING SMOKING**

**BE IT ENACTED** by the Council of Halifax Regional Municipality as follows

**Short Title**

**1** This By-law shall be known as By-law Number S-200, and may be cited as the "Smoking By-law".

**Interpretation**

**2** In this By-law,

- (a) "drinking establishment" means a lounge, 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) the open space portions of a shopping centre or shopping mall; and**
  - (iv) a food court area used, or intended to be used by the public, in any building****and includes a retail store.**
- (c) "proprietor" means the person who controls, governs or directs the activity carried on within the kinds of premises referred to in this By-law and includes the person who is the assessed owner or the occupant of the premises as shown on the Assessment Roll for the Halifax Regional Municipality;**

- (d) "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;
- (e) "restaurant" means an establishment engaged in the sale and service of food to the public for consumption on the premises, and includes a sidewalk café, a rooftop patio and an Eating Establishment licensed under the Liquor Control Act, and includes that part of a licensed lounge, cabaret or beverage room when used as an Eating Establishment;
- (f) "retail store" means a building or part of a building, booth, stall or place used for the purpose of retail trade or services, but does not include:
  - (I) a place where the only trade or business carried on is that of a restaurant, licensed dining room, or drinking establishment; or
  - (ii) a place where the only trade or business carried on is that of the custom blending of tobaccos, or sale of tobaccos, pipes, cigars or smokers' sundries; or a cigar parlour or pleasure smoking room; or
  - (iii) a bowling alley, bingo hall, pool hall or casino.
- (g) "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.
- (h) "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, including unenclosed areas adjoining such places of public assembly;
- (aa) within a radius of 5 metres (16 feet) of all public entrances and air intake to buildings;

- (b) any service counter in any premises including unenclosed areas behind such service counters;
  - (c) any service line on any premises;
  - (d) any reception area including any unenclosed area adjoining a reception area;
  - (e) any elevator, escalator, or stairway which is generally used by and open to the public;
  - (f) any public transportation facilities and vehicles excluding taxis;
  - (g) any rest rooms generally used by and open to the public; or
  - (h) school buses.
- (2) Notwithstanding the provisions of subsection (1), where, on an occasional or regular but not constant basis, uses of part of a community centre are uses which are permitted to include smoking according to this by-law, the appropriate provisions of the by-law shall apply to the centre, including all signage and seating arrangements, for the duration of these uses.

#### **Signs Required**

- 4 The person in charge of a place of public assembly, the proprietor of premises and the operator of any public transportation vehicle or school bus to which Section 3 refers, other than the premises described in clause 3(aa), shall ensure that a sufficient number of signs as prescribed by Section 12 are displayed so as to be clearly visible from all parts of the place of public assembly, premises, transportation vehicle or school bus in question.

#### **Restaurants**

- 5 (1) Except as provided by subsection (2), no person shall smoke in a restaurant.

#### **Designation of Smoking Area**

- Subject to an order of the Provincial Fire Marshall or a Fire Chief or any applicable provincial statute or regulations or any applicable municipal by-law, the proprietor of a restaurant may designate not more than 50% of the indoor seating area of the restaurant for the purpose of smoking and where such a designation is made, smoking shall be permitted in the area so designated.

### **Drinking Establishment**

- 6 (1) "No Smoking" areas shall be designated by the proprietor of a drinking establishment in an area not less than 25% of the indoor seating area of the drinking establishment.**

### **Restaurant and Drinking Establishment In Same Premises**

- 6A Where a establishment is used as both a restaurant and a drinking establishment, and the area in which smoking is permitted pursuant to Section 6 exceeds the allowable space for an area designated for smoking pursuant to Section 5, the provisions of Section 5 shall apply.**

### **Bowling Alley**

- 6B (1) Except as provided by subsection (2) and (3), no person shall smoke in a bowling alley.**

### **Designation of Smoking Area**

- (2) Subject to an order of the Provincial Fire Marshall or a Fire Chief or any applicable provincial statute or regulations or any applicable municipal by-law, the proprietor of a bowling alley may designate not more than 50% of the area of the bowling alley for the purpose of smoking and where such a designation is made, smoking shall be permitted in the area so designated.**

### **Calculation of Area**

- (3) In calculating the allowable smoking area pursuant to subsection (2), lanes and pit areas shall not be included in the area of the bowling alley and the area designated for the purposes of smoking shall not include the pit areas or any food service areas.**

### **Bingo Halls and Pool Rooms**

- 6C (1) "No Smoking" areas shall be designated by the proprietor of a bingo hall or pool room in an area not less than 25% of the area of the bingo hall or pool room, but such area shall not include an area in which smoking is prohibited pursuant to an order of the Provincial Fire Marshall or a Fire Chief or any applicable provincial statute or regulations or any applicable municipal by-law.**

### **No Smoking In Designated Areas**

- (2) No person shall smoke in an area designated as "No Smoking" under subsection (1).**

### **Pool Room That Is Drinking Establishment**

- (3) Notwithstanding any other provisions of this Section, a pool room that is also a drinking establishment shall not be governed by the provisions of this Section but shall be governed by the provisions of Section 6.

### **Exterior Restaurant Signs**

- 7 The proprietor of a restaurant shall affix to all entrance doors of the establishment at a height of 1.25 to 1.75 metres from the floor a sign which is clearly visible from the outside of the restaurant indicating whether or not the restaurant provides a non-smoking area and the sign may be in keeping with the architectural character of the restaurant or the building in which the restaurant is located.

### **Interior Restaurant Signs**

- 8 (1) Where smoking is prohibited in a restaurant or a part thereof, or where the proprietor has designated all or part of the restaurant as non-smoking, the proprietor shall
- (a) place one or more signs as prescribed in Section 12 on the table or other surface on which food is served for consumption and such signs shall be clearly visible to prospective patrons; or
  - (b) prominently display a sufficient number of signs as prescribed by section 12 so as to be clearly visible from all parts of the premises to which the signs apply; and
  - (c) arrange seating to provide a smoke-free area.

### **Obligation To Determine Seating Preference of Restaurant Patron**

- 9 Where a proprietor of a restaurant or his employee or any other person on his behalf,
- (a) directs patrons to a seating or waiting area; or
  - (b) takes advance reservations by telephone,

the proprietor or his employee or any other person shall determine in advance of seating, the preference of the patron or prospective patron for an area in which smoking is permitted or an area in which smoking is prohibited and shall direct the patron to the preferred area.

### **Section 10 and 11 Repealed**

## **Signs**

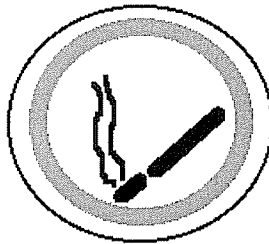
- 12 (1) For the purpose of subsection (2) hereof the letter height means the actual height of the letter regardless of whether it is a capital or lower case letter.**
- (2) Where a section of this By-law requires a sign to be in accordance with this section, such sign shall:**
- (a) carry the text "No Smoking" to designate an area where smoking is prohibited or the text "Smoking in This Area Only" to designate an area where smoking is permitted in capital or lower case letters or a combination of both;**
  - (b) have a white background, with red letters in the case of a "No Smoking" sign, and green letters in the case of a "Smoking in This Area Only" sign, provided, that this clause shall not apply to signs required to be placed in restaurants which may be of a colour and design in keeping with the character of the restaurant; and**
  - (c) with respect to size of lettering, be not less than the following height, based upon the maximum viewing distance in direct line at sight, as follows:**
    - (I) viewing distance of three (3) metres or less - letter height of twenty-five (25) millimetres;**
    - (ii) viewing distance of more than three (3) and six (6) metres or less - letter height of fifty (50) millimetres;**
    - (iii) viewing distance of more than six (6) and twelve (12) metres or less - letter height of seventy-five (75) millimetres;**
    - (iv) viewing distance of more than twelve (12) and twenty-four (24) metres or less - letter height of one hundred (100) millimetres;**
    - (v) viewing distance of greater than twenty-four (24) metres - letter height of two hundred (200) millimetres;**
  - (d) include in the text at the bottom of each sign "Halifax Regional Municipality By-law S-200" in letters not less than ten (10) millimetres in height.**

### **Alternative Graphic Symbols Permitted**

- 13 (1) Notwithstanding the provisions of Section 12, the signs referred to in this by-law may consist of graphic symbols that comply with the provisions of this section.

### **Smoking Symbol**

- (2) The following graphic symbol may be used to indicate the areas where smoking is permitted:



on a white background with the circle in green.

### **No Smoking Symbol**

- (3) The following graphic symbol may be used to indicate "No Smoking" areas:



on a white background with the circle and the interdictory stroke in red.

### **Size of Graphic Symbol**

- (4) With respect to size of the graphic symbol, the diameter of a circle in the symbol referred to in subsections (2) and (3) hereof shall be not less than the number of millimetres prescribed below, based on the maximum viewing distance in direct line of sight, as follows:
- (a) viewing distance of three (3) metres or less - one hundred (100) millimetres;
  - (b) viewing distance of more than three (3) and six (6) metres or less - one hundred fifty (150) millimetres;

- (c) viewing distance of more than six (6) and twelve (12) metres or less - two hundred (200) millimetres;
- (d) viewing distance of more than twelve (12) and twenty-four (24) metres or less - three hundred (300) millimetres;
- (e) viewing distance of more than twenty-four (24) metres - four hundred (400) millimetres;

#### **Use of Alternate Smoking Equipment**

- (5) Notwithstanding that the symbol in subsections (2) and (3) is a cigarette, it shall include a lighted cigar, cigarette, pipe of any other lighted smoking equipment.

#### **Additions to Signs Permitted**

- 14 To the signs authorized in Sections 12 and 13, there may be added additional appropriate symbols such as directional arrows.

#### **Offense and Penalty for Individual**

- 15 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 more than two hundred dollars (\$200.00).

#### **Offense and Penalty for Corporation**

- 16 Any corporation that violates this By-law is guilty of an offence and on summary conviction is liable to a fine of not more than five hundred dollars (\$500.00).

#### **Payment in Lieu of Prosecution**

- 17 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.



**Repeal of By-laws, Regulations and Ordinances**

- 18 Board of Health Regulations of the Town of Bedford, Respecting Smoking and amendments thereto, By-law Number S-1000 of the City of Dartmouth, the Smoking By-law and any amendments thereto and Ordinance Number 172 of the City of Halifax, the Smoking Ordinance and any amendments thereto are hereby repealed.**

**Done and passed in Council this 7<sup>th</sup> day of October, 1997.**

**BY-LAW S-200**

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<b>Notice of Motion</b>	<b>August 19, 1997</b>
<b>First Reading:</b>	<b>August 26, 1997</b>
<b>“Notice of Intent” Publication:</b>	<b>August 30, 1997</b>
<b>Second Reading:</b>	<b>September 30, 1997</b>
<b>Third Reading:</b>	<b>October 7, 1997</b>
<b>Approval of Minister of Housing &amp; Municipal Affairs:</b>	<b>N/A</b>
<b>Effective Date:</b>	<b>October 11, 1997</b>

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**No. 1 Amended by S-201**

**Section 2 clauses (a), (b), (e); Section 3 Clause (a); Section 4; Sections 5 and 6;  
Sections 10 and 11 repealed**

<b>Notice of Motion:</b>	<b>November 2, 1999</b>
<b>First Reading:</b>	<b>November 9, 1999</b>
<b>“Notice of Intent” Publication:</b>	<b>November 20, 1999</b>
<b>Second Reading:</b>	<b>December 7, 1999</b>
<b>Approval of Minister of Housing &amp; Municipal Affairs:</b>	<b>N/A</b>
<b>Effective Date:</b>	<b>February 1, 2000</b>

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