

City of Merritt

By-Law No. 1343

MERRITT CLEAN INDOOR AIR BY-LAW

The Municipal Council of The City of Merritt, in open meeting assembled, enacts as follows:

1. In this Bylaw

Medical Health Officer means the Medical Health Officer of the South Central Unit or her delegate;

“place of employment” means any indoor place of work other than a private home which also serves as a place of work, or a workplace occupied solely by an independent contractor or only by the partners of a partnership, and includes any parts of a retail shop used exclusively by the employees of such premises, but does not include a reception area;

“place of public assembly” means building or a structure or portion thereof used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement but does not include a restaurant, a reception area or a place where only a private social function is being held;

“post” includes the act of keeping continuously displayed;

“private social function” means a special social event for which an entire room or hall has been solely reserved, and at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education;

“proprietor” means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof;

“reception area” means the public space of an office or other establishment used for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;

“retail shop” means any place or premises where goods are displayed or offered for sale by retail, but does not include a restaurant or a place where the only trade or business carried on therein is the custom blending of tobaccos and the sale of tobaccos, pipes, cigars or smokers’ sundries;

“service line” means an indoor line or two or more persons awaiting service of any kind and includes but is not limited to sales, transactions, provision of information or advice and the exchange or transfer of money or goods, but does not include a service line at a private social function as defined herein;

“smoke” or “smoking” means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance, but does not include smoking by actors as part of a stage or theatrical performance.

2. Where an exception is provided by this bylaw to permit smoking in a smoking area, a proprietor may designate a portion of the premises as a smoking area, provided that the area so designated
 - a) is fully identified by means of signs as provided for in Section 9;
 - b) is designed, constructed or arranged to ensure that the toxic effect of smoke or the chemicals or gasses resulting from smoking is minimized in adjacent non-smoking areas through the use of physical barriers, ventilation systems or other special arrangements;
 - c) does not exceed the size limitations imposed by other sections of this bylaw;
 - d) does not include any part of the premises to which non-smokers may need access; and
 - e) does not include any area in which smoking is prohibited by the Fire Commissioner or the Fire Chief or pursuant to any other bylaw, statute or regulation.

3. No person shall smoke:
 - a) in any part of a retail shop generally open to and accessible to the public;
 - b) in or near a service line or a service counter in any building generally open to and accessible by the public;

- c) in an elevator, an inside stairway or a washroom in any building generally open to and accessible by the public.
4. No person shall smoke in a reception area except in a smoking area, which smoking area shall occupy not more than fifty (50) percent of the floor area of the reception area and shall be at least 13.1 square meters.
5. No person shall smoke in a hospital, health clinic, medical or dental office, public health unit, care facility or any other similar place except in a smoking area.
6. No person shall smoke in a restaurant, except that a person may smoke in a smoking area, which area shall not occupy more than seventy-five (75) percent of the seating area and provided that if a smoking area is designated, patrons of the restaurant shall be given an option of being seated in a smoking or non-smoking area.
7. No person shall smoke in a place of public assembly, except:
 - a) anywhere in a pool hall, dance hall, cocktail lounge, cabaret, public house and bar, unless the proprietor otherwise elects to designate only a portion or part of the premises as a smoking area; and
 - b) in a smoking area of any other place of public assembly, which smoking area shall not exceed seventy-five (75) percent of the floor area of the building, structure, place or area designated as a smoking area and shall not include those parts of a building used as a classroom, concert hall, auditorium, gymnasium, swimming pool, indoor sporting area, library, lecture hall, seating area of theatre or motion picture house, music hall, display area of museum or art gallery, which areas shall not be used in the calculation of the total floor area for the purpose of this section.
 - c) that in the case of Bingo Halls until January 1, 1994 a maximum of seventy-five (75) percent of the seating area be set aside for those who choose to smoke. Effective January 1, 1994 a maximum of sixty-five (65) percent of the seating area for those who choose to smoke. Effective January 1, 1995 a maximum of fifty (50) percent of the seating area be set aside for those who choose to smoke.
 - d) that smoking of tobacco products is restricted to a maximum of seventy-five (75) percent of the observation area in a bowling alley and a curling rink.

8. The proprietor of any place to which Section 2 and 3(a) apply, shall post:
- a) within the building and in proximity to each public entrance a sign, conforming with the specifications set out in Section 9 and bearing the text “No Smoking in this Building except in a Designated Smoking Area” depending on which alternative prevails therein, and
 - b) within any area designated as a smoking area one or more signs placed in a conspicuous position and clearly visible from all parts of the area and bearing the text “Smoking Permitted Only in this Area”.

9. All signs required to be posted pursuant to this Bylaw shall conform to the following specifications:

- a) all signs shall include the text “City of Merritt Bylaw No 1343” in letters not less than one quarter of the height of all other letters on the sign. All signs shall also display the international symbol to designate “No Smoking”. Such graphic symbol shall occupy not less than twenty-five (25) percent of the area of the sign.
- b) signs shall consist of at least two contrasting colours, or if the lettering is to be applied to a clear panel then the lettering shall contrast to the colour of the background.
- c) except for the text specified in sub-section (a), the size of the lettering shall be not less than the following heights based upon the following maximum viewing distance in direct line of sight:

<u>Viewing Distance</u>		<u>Letter Height</u>	
Up to 3.0 m	(9.843 ft.)	2.5 cm	(0.984 in.)
Up to 6.1 m	(20.014 ft.)	6.1 cm	(2.008 in.)
Up to 12.2 m	(40.028 ft.)	7.6 cm	(2.992 in.)
Up to 24.4 m	(80.056 ft.)	10.2 cm	(4.016 in.)
Up to 48.8 m	(160.113 ft.)	15.5 cm	(6.102 in.)
Over 48.8 m	(240.169 ft.)	20.3 cm	(7.992 in.)

- d) lettering may be in either upper or lower case or combination thereof but “letter height” when used in this section means the actual height of a letter whether or not it is in upper or lower case.

10. No person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this bylaw.

11. Notwithstanding the foregoing, no person shall smoke within a building owned by The City of Merritt.

12. Penalty

Any person who contravenes the provisions of this bylaw is guilty of an offence and, on summary conviction, is liable of not less than fifty (50) dollars and not more than five hundred (500) dollars.

13. Enforcement

This bylaw will be administered by the Medical Health Officer or her delegate and by The City of Merritt.

14. This bylaw shall be cited as the "**Merritt Clean Indoor Air Bylaw No. 1343, 1992**".

15. This bylaw shall come into force and take effect on the First day of September, 1992.

READ A FIRST TIME THE 28TH DAY OF APRIL, 1992

READ A SECOND TIME THE 28TH DAY OF APRIL, 1992

READ A THIRD TIME THE 28TH DAY OF APRIL, 1992

APPROVED BY THE MINISTER OF HEALTH THE 19TH DAY OF AUGUST, 1992

RECONSIDERED, FINALLY PASSED AND ADOPTED THE 15TH DAY OF SEPTEMBER, 1992.

Mayor Clara R. Norgaard

T.C. Day, Clerk