

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 00-128**

**BEING A BY-LAW TO AMEND BY-LAW 97-45 OF THE CORPORATION OF THE CITY OF PETERBOROUGH**

**THE CORPORATION OF THE CITY OF PETERBOROUGH** by the Council thereof hereby enacts as follows:

**BY-LAW 97-45 is hereby amended as follows:**

1. Section 1 (d) is hereby deleted and the following substituted therefor:

A1. (d) Enclosed public place@ means any enclosed indoor area to which the public have access as of right, or by invitation, expressed or implied, whether or not an admission fee is charged, but only during such times as the public have such access, including, without limiting the generality of the foregoing, restaurants, bowling centres, bingo halls, theatres, recreational facilities, banquet rooms, meeting rooms, reception areas, washrooms, stairwells, corridors, elevators, escalators, and common areas of residential buildings (such as lobbies, lounges, mail rooms, laundry rooms, and reception areas);@

2. Section 5 is hereby deleted and the following substituted therefor:

**RESTAURANTS**

5. (a) In this Section, A designated smoking area@ means an area within the restaurant which is fully enclosed and separately ventilated directly to the outside; is not required by the public for access or thoroughfare; and:

(i) in the case of a restaurant which is licensed under the *Liquor Licence Act* and where no patron under the age of nineteen (19) years of age is admitted to the premises at any time, comprises not more than fifty per cent (50%) of the floor area and the seating capacity of the restaurant; and

(ii) in the case of any other restaurant, comprises not more than twenty-five per cent (25%) of the floor area and the seating capacity of the restaurant.

(b) Notwithstanding the provisions of subsection (ii), no person shall smoke in a restaurant, except in a designated smoking area.@

3. Sections 8, 9 and 10 are hereby renumbered as Sections 9, 10 and 11, respectively, and the following new Section 8 is hereby added to the by-law:

**RESPONSIBILITY OF PROPRIETORS**

8. (a) Every proprietor of an enclosed public place or a workplace shall ensure compliance with this by-law.

(b) A proprietor shall be deemed to have ensured compliance with this by-law, as required by subsection (a), provided that the proprietor has:

(i) posted, or cause to be posted, the signage which is required by this by-law;

- (ii) informed all of their employees that smoking is prohibited, except in a designated smoking area;
- (iii) promptly advised any person who attempt to smoke, where prohibited by this by-law, that smoking is not permitted; and
- (iv) not posted any signs, provided any ash trays or like paraphernalia, or in any other way encouraged or assisted any person to smoke within the enclosed public place, except within a designated smoking area.

4. Section 9 is hereby amended by adding the following subsection:

- A(c) any proprietor who fails or neglects to ensure compliance with this by-law, in accordance with the provisions of Section 8(a) of this by-law, is guilty of an offence and is liable to the penalty imposed by applicable law, which is recoverable pursuant to the *Provincial Offences Act*.@

By-law read a first and second time this 2nd day of October, 2000.

By-law read a third time and finally passed this 2nd day of October, 2000.

(sgd.) Sylvia Sutherland, Mayor

(sgd.) Steven Brickell, Clerk