



STAFF REPORT

REPORT OF THE DIRECTOR OF CLERKS AND PLANNING SERVICES RE. UPDATED SMOKING BY-LAW

OBJECTIVE

To provide Council with information with respect to a proposed new Smoking By-Law

RECOMMENDATION

THAT the report from the Director of Clerks & Planning Services concerning a new Smoking By-law be received;

And that By-Law 21-## being a By-Law to regulate smoking in public places and workplaces in the City of Elliot Lake be forwarded to Council for approval and passing;

And that By-Law 19-08 be repealed.

Respectfully Submitted

Natalie Bray
City Clerk

Approved

Daniel Gagnon
Chief Administrative Officer

BACKGROUND

In 2019 Council passed By-Law 19-08 to regulate smoking in public places and workplaces in the City of Elliot Lake. Having worked with the bylaw for a little over two years now this report is proposing amendments as recommended by Municipal Enforcement Officers.

ANALYSIS

While primarily a housekeeping amendment the following revisions were made:

Authorities were added to the preamble to reference Section 12 of the *Smoke Free Ontario Act, 2017*.

Definitions have been updated as follows:

“Exit” referred only to an exit doorway of any public place. Now updated to include a nine (9) meter radius surrounding an exit of any public place, owned and/or leased by the Corporation of the City of Elliot Lake, but does not include a street, road or highway”

“Public Place” was updated to clearly identify municipal property including parks and beaches.

“Sports Area” was updated to include golf (as it is a municipal facility similar to the ski hill)

Sections related to proprietors were removed as this is the purview of the Algoma Health Unit and cannot be enforced by Municipal Law Enforcement.

Schedule “C” listing the names of public places was corrected as some names were missing, incorrect or incomplete. Non-existent places were removed.

Schedule “D” had additions made to clearly identify designated smoking areas of municipal buildings. These plotted areas were measured on location taking the surrounding environment and potential local uses into consideration in accordance with the minimum standards of the *Smoke Free Ontario Act, 2017*

A section was added for Indigenous Resident Exemptions as per the *Smoke Free Ontario Act, 2017*

Finally – both the set fines and short form wording were adjusted to meet the changes to the legislation. The fines now mirror those of the Ontario Court of Justice (increased from \$150.00 to \$250.00)

FINANCIAL IMPACT

Signage was procured in 2019 but they have not all been installed. Hardware and posts may be required as well as stickers to identify the updated by-law. We are in the process of obtaining the number of signs in stock and quotes for stickers if applicable. These numbers were not available at the time this report was drafted.



LINKS TO STRATEGIC PLAN

This project aligns with the City's Strategic Plan through Strong Municipal Corporate Administration and Governance – review and update bylaws, policies and procedures.

SUMMARY

The proposed new Smoking By-law will enable Enforcement Officers to respond to these issues efficiently and effectively.

It is recommended that the new Smoking By-Law be forwarded to Council for approval and passing and that the existing Smoking By-Law (03-29) be repealed.

