

Report CCR-CS-29-14

To: Chair Pringle and Members of the Corporate Services Committee
From: Heather Morrison
Meeting Date: September 9, 2014
Subject: **Smoke Free Municipal Buildings Update**
Status: Recommendation adopted by Committee as presented per Resolution CS80-14; Endorsed by County Council October 7, 2014 per Resolution CC132-14

Recommendation(s)

WHEREAS Grey County Council passed a resolution at its February 3, 2013 session approving the reconsideration of renewing discussions related to Smoke Free Outdoor Spaces;

AND WHEREAS staff brought a further report to the February 11, 2014 Corporate Services Committee and endorsed by County Council March 4, 2014, recommending that due to proposed changes to the Smoke Free Ontario Act, staff were requesting approval to re-draft the Smoke Free Outdoor Spaces By-law to prohibit smoking within nine metres of entrances and exits of municipally owned or operated buildings;

AND WHEREAS all local municipalities where circulated the draft by-law, now called the Smoke Free Municipal Buildings By-law, for consideration and support or non-support of the draft by-law to confirm whether two-thirds of the triple majority required by the Municipal Act, 2001 as amended would be met;

AND WHEREAS seven of the nine local municipal councils supported the draft by-law confirming that two-thirds of the triple majority has been met;

AND WHEREAS County Council is supportive of limiting smoking at the entrances and exits of municipally owned and operated buildings;

NOW THEREFORE BE IT RESOLVED THAT staff be directed to bring the Smoke Free Municipal Buildings By-law forward to Grey County Council for its consideration.

Background

The process of developing, circulating and approving a Smoke Free By-law has been a lengthy one with many factors changing the direction or content of the draft by-law. Recent indications from the provincial government look to changes within the Smoke Free Outdoor Spaces (SFOA) which would prohibit smoking on playgrounds, sports fields, hospitals and restaurant and bar patios. The proposed changes, if passed would be effective January 2015. With these proposed changes taken into consideration, County Council approved the re-drafting of the by-law to include only entrances and exits to municipally owned and operated buildings. Ahead of any changes to the SFOA, Grey Bruce Health Services has effective May 1, 2014, made all of its sites smoke free.

Responses from Local Municipalities

The revised draft by-law was circulated, as required under the Municipal Act, to all nine local municipalities for their consideration and support or non-support of the draft by-law.

All responses have been received with the following decisions:

Those in support of the draft by-law:

- Town of Hanover
- Municipality of Grey Highlands
- Municipality of Meaford
- Township of Chatsworth
- Township of Southgate
- Town of the Blue Mountains
- City of Owen Sound

Those not in support of the draft-by-law:

- Township of Georgian Bluffs
- Municipality of West Grey

Triple majority is achieved by having the majority of local municipal councils approve the by-law, representing the majority of electors within the County with the final approval being the majority of Grey County Council. With the support of seven of the nine local municipalities, two thirds of the required triple majority has been received, with the final approval lying with Grey County Council.

Financial / Staffing / Legal / Information Technology

Considerations

To date there has been some legal costs associated with assisting staff in the drafting of the by-law to ensure it is enforceable, set fines are in place and ensure it does not contravene any other legislation.

Signage will still be required if the County were to pass the by-law for municipally owned and operated buildings. The Grey Bruce Health Unit in 2012 did offer to provide some financial assistance with regards to these costs.

There are no IT considerations related to this report.

Link to Strategic Goals / Priorities

The implementation of a smoke free municipal buildings by-law would assist in strategic goal 2.8 related to the development and implementation of a corporate wellness program that promotes active living, disease prevention/management and healthy workplace initiatives for county employees. It would allow for county staff to enter and exit their workplace without having to incur the effects of second hand smoke and the nine metre setback at the entrances and exits of municipal buildings is supported by the County's Health and Safety Manager. The County's three long-term care facilities already have this requirement under the Smoke Free Ontario Act.

The continued elimination of smoking areas within the County will also assist with the implementation of strategic goal 2.3 as a strategy that seeks to reduce substance and alcohol abuse, and that promotes healthy living and physical activity amongst county residents.

Attachments

Draft Smoke Free Municipal Buildings By-law

Respectfully submitted by,

Heather Morrison
Deputy Clerk/Records Manager

Director Sign Off: *Sharon Vokes*

Corporation of the County of Grey

By-Law XXXX-XX

A By-law to Regulate Smoking in or near Municipal Property in the County of Grey

WHEREAS Section 115(1) of the Municipal Act, 2001, S.O. 2001, (the “Act”) authorizes the Council of a municipality to pass a by-law regulating smoking in public places and workplaces;

AND WHEREAS It has been determined that environmental tobacco smoke (exhaled smoke and the smoke from burning cigarettes, cigars or pipes), also known as second-hand smoke, is a public nuisance because of its irritating and discomforting properties and is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants in the County of Grey;

AND WHEREAS smoke-free by-laws are known to contribute to the prevention of youth smoking and may cause cessation among smokers;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF
THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. Definitions

- a. “**County**” means the Corporation of the County of Grey;
- b. “**Municipality**” means the County and any lower-tier municipality within the County;
- c. “**Municipal Building**” means any enclosed building or structure that is owned or operated by any Municipality;
- d. “**No-Smoking/Smoke Free Sign**” means a sign having the proportions, characteristics and minimum measurements set out in the *Smoke Free Ontario Act* S.O 1994 c. 10 and the regulations made thereunder;

- e. **“Officer”** means a municipal law enforcement officer appointed by any Municipality, any tobacco enforcement officer and any public health inspector employed by the Grey Bruce Health Unit;
- f. **“Person”** includes an individual, firm, business, corporation or partnership;
- g. **“Smoke” or “Smoking”** includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not include smoke or smoking where smoke or smoking is used in a stage production or a theatrical performance;

2. Municipal Building Smoking Restrictions

- a) No person shall Smoke in any Municipal Building whether or not a No Smoking sign is posted.
- b) No person shall Smoke within a nine metre (29.53 feet) radius of any entrance or exit of any Municipal Building whether or not a No Smoking sign is posted.
- c) The prohibited distances described in section 2. b) shall not extend to any private property unless the consent of the owner has been previously granted and does not include a highway within the meaning of the Act.

3. Signage Requirements

A Municipality shall place No-Smoking/Smoke Free Signs at the entrances to Municipal Buildings, citing the relevant distance under Section 2. b) of this by-law.

4. Offence and Obstruction

- a) No person shall hinder or obstruct an Officer lawfully carrying out enforcement of this by-law.
- b) Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act R.S.O. 1990 C. P 33, as amended* and prescribed in Schedule “A”.

5. Exemption

Notwithstanding Section 2 a) of this by-law, tenants who reside in social housing units owned or operated by the Grey County Housing Authority on the day this by-law comes into force, will be exempted from the requirements contained within Section 2 a) with respect only to the unit they occupy until such time as they move out of or transfer from the unit they occupied on the day this by-law comes into force.

6. Conflicts

If a provision of this by-law conflicts with any legislation, regulation or another by-law, the provision that is most restrictive of smoking shall prevail.

7. Severability

If any section of this by-law or parts thereof, are found in any court of law to be illegal or beyond the power of the County to enact, such section or parts thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent thereof and to be enacted as such.

8. Short Title

This by-law shall be cited as the “Smoke Free Municipal Spaces By-law”.

9. Schedules

Schedule “A”- “Fine Structure and Short Form Wording” forms part of this by-law.

10. Effective Date

- a) This by-law shall come into effect upon third and final reading thereof and shall come into force:
 - i. Upon a majority of the councils of all its lower-tier municipalities having passed resolutions giving their consent to the by-law; and
 - ii. the total number of electors in the lower-tier municipalities that pass resolutions under clause 10 a) form a majority of all the electors in the County.

ENACTED AND PASSED this xx day of xx, 201X

WARDEN:

CLERK: Sharon Vokes

Schedule "A"

Fine Structure and Short Form Wording

ITEM	COLUMN 1	Provision Creating of Defining Offence	SET FINE
1.	Smoke or hold lighted tobacco within a Municipal Building	2. a)	\$250.00
1.	Smoke or hold lighted tobacco within a nine metre radius of any entrance or exit of a Municipal Building	2. b)	\$250.00
1.	Hinder Officer enforcing by-law	4. a)	\$250.00