



Legislation Details (With Text)

**File #:** BL-17-028    **Version:** 1    **Name:**  
**Type:** Bylaw    **Status:** Agenda Ready  
**File created:** 3/28/2017    **In control:** City Council  
**On agenda:** 5/15/2017    **Final action:**  
**Title:** Bylaw 12/2017 - Smoking Bylaw  
Presented by: Jessy Inkpen, Solicitor

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bylaw 12-2017, 2. Bylaw 1-2004 Smoking Bylaw (Amendments Highlighted), 3. Bylaw 1-2004 Smoking Bylaw - Current

Date	Ver.	Action By	Action	Result
5/15/2017	1	City Council	consent to third reading	Pass
5/15/2017	1	City Council		

TAMRMS#: B06

**Bylaw 12/2017 - Smoking Bylaw**

Presented by: Jessy Inkpen, Solicitor

**RECOMMENDATION(S)**

That Bylaw 12/2017, being Amendment 1 to Bylaw 1/2004, as amended, be read a third and final time.

**PURPOSE OF REPORT**

To present the *Smoking Bylaw*, as amended in accordance with Council direction, to Council for consideration of third reading.

**COUNCIL DIRECTION**

On March 20, 2017 Council passed the following motions:

(CM-17-023)

That Bylaw 12/2017 include an amendment to Bylaw 1/2004 such that Section 3(1)(c) of Bylaw 1/2004 reads as follows:

- (c) *on the grounds of an Outdoor Public Event, except in an area reserved for motor vehicle parking, or an area specifically reserved for smoking by the Proprietor of the Outdoor Public Event;*

That Bylaw 12/2017 include amendments to Bylaw 1/2004 such that Sections 3(2), 3(3) and 3(4) of Bylaw 1/2004 read as follows:

- (2) *Unless an exception applies under this Bylaw, no person may engage in Smoking activity within 5 metres of a(n):*
- (a) *doorway, window or air intake of a Building;*
  - (b) *Outdoor Pool; or*
  - (c) *Playground.*
- (3) *Unless an exception applies under this Bylaw, no person may engage in Smoking activity within 5 metres of a:*
- (a) *Seasonal Skating Rink;*
  - (b) *Skate Park; or*
  - (c) *Sports Field*
- while it is being used for its intended purpose.*
- (4) *Subsection (1) does not apply to a Private Living Accommodation.*

(PH-17-016)

That Bylaw 12/2017, as Amendment 1 to Bylaw 1/2004 be read a second time, as amended.

## **BACKGROUND AND DISCUSSION**

Further to the Council motions passed at the March 20, 2017 Council meeting, the proposed Bylaw 12/2017 was amended prior to 2<sup>nd</sup> reading and is now presented for further consideration and final reading. In summary, the March 20<sup>th</sup> amendments are as follows:

- individuals may now smoke at an outdoor public event in an area designated for smoking by the proprietor of the outdoor public event; and
- individuals may not smoke within 5 metres of a seasonal skating rink, skate park or sports field while it is being used for its intended purpose.

Due to a clerical oversight, hotels, motels, lodges and inns were previously removed from the definition of “Private Living Accommodation” in Bylaw 12/2017. In order to ensure that smoking is permitted in such establishments (under the prescribed conditions outlined in the *Tobacco and Smoking Reduction Act*), those facilities have been re-inserted in the definition of “Private Living Accommodation” in Bylaw 12/2017.

## **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

N/A

### **IMPLICATIONS OF RECOMMENDATION(S)**

**Financial:** The current fine for a violation of the Bylaw is \$250.00. Upon conviction, the court may substitute such penalties as its deems appropriate. There are no changes being proposed to these provisions.

**Legal / Risk:** Legal Services drafted the amendments to the Bylaw and this Report. There are no further legal implications of note regarding the recommendations.

**Program or Service:** None of note at this time.

**Organizational:** Though changes to the Bylaw may result in an increased expectation to enforce, thereby requiring allocation of staff resources, a public information campaign aimed at achieving compliance may proceed any enforcement initiative.

### **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If Council does not wish to support the recommendations, the following alternatives or additions could be considered:

1. Defeat third reading, though some bylaw redundancies would continue to exist by operation of the Legislation.
2. That the Bylaw be further amended in accordance with specific direction provided by City Council.

Report Date: May 15, 2017  
Author(s): Jessy Inkpen, Solicitor  
Committee/Department: Legal Services  
General Manager: n/a  
City Manager: Kevin Scoble