

Date: April 15<sup>th</sup>, 2019

Report To: Mayor and Council

From: Patrick Briere, By-Law Enforcement Officer

Re: Proposed Draft Smoking By-Law.

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The Planning & Development Executive Committee at their regular meeting held on April 15<sup>th</sup>, 2019 reviewed the attached proposed draft smoking by-law for consideration. At their meeting on February 4<sup>th</sup>, 2019, the Committee requested further information regarding the proposed draft by-law. These are as follows:

- The NWHU Smoking Enforcement Officer, advised that the following response to how the legislation pertains to private property and is enforced. “The SFOA 2017 was meant to keep tobacco/vape out of the hands of our youth and there will always be extenuating circumstances. If the private property wishes to add signs to say no smoking on their property, they are encouraged to do so, however we are not able to enforce them. If the smokers are on a sidewalk or road allowance within the 20 m, it can be enforced by us. If they are on the road it would be the OPP. If the private company gets tired of telling people not to smoke on their property, they can post no trespassing signs and call the OPP if the signs are being ignored. This process will take a while for people to accept it as “the norm”, we encourage education first with progressive enforcement.”
- The Police Services Board reviewed the request at their regular meeting held on April 5<sup>th</sup>, 2019 and had no concerns with the proposed draft as presented.
- The CAO requested the proposed draft by-law be reviewed by our solicitor. The solicitor made some amendments to the draft by-law and it is attached for your reference. One other question was asked by the Committee of the solicitor regarding the word highway. The answer that was received is as follows: The Municipal Act Section 115 (3) states “A by-law under this section shall not apply to a highway but may apply to public transportation vehicles and taxicabs on a highway. 2001, c. 25, s. 115 (3)”. With that said, highway is not distinguish whether provincial or municipal. Which means, a person can smoke on a street, sidewalk, boulevard, laneway, etc., should that allowance be considered part of the highway. The recommendation was to leave the wording as is.

The Planning & Development Executive Committee is recommending that Council approve the proposed draft by-law as presented and authorize a By-Law be prepared for signing by Mayor & Clerk.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick Briere', with a stylized, cursive script.

Patrick Briere  
By-Law Enforcement Officer

**Council approval of this report will:** authorize the preparation of an appropriate By-Law for signing by Clerk & Mayor.