

Report to Council

Report Title:	Smoking Enforcement By-Law Update		
Prepared By:	Dieter Weltz Building and Planning Manager/CBO		
Department:	By-Law Enforcement		
Date:	April 9, 2024		
Report Number:	BL2024-02	File Number:	C11BY
Attachments:	Smoke-Free Ontario Act, 2017 How the Act Affects: Schools, Bluewater District School Board Administrative Procedure Alcohol, Tobacco, Vaping, Cannabis, and Drug Free Environment Fischer Dairy Road Smoking Concerns - Report CLK2019-24 Tobacco and Cannabis Enforcement Recommendations - Report CLK2019-25 Fischer Dairy Road Smoking Information Bulletin - Report CLK2019-33 Smoking Enforcement By-Law - Report CLK2020-29 Draft By-Law 2020-XXX - Smoking Enforcement By-Law		

Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number BL2024-02 - Smoking Enforcement By-Law Update, prepared by Dieter Weltz, Building and Planning Manager/CBO and in doing so provides the following direction to staff: _____.

Report:

Background:

Correspondence and reports to Council including Report Number CLK2020-29 are included as attachments to this report.

The Bluewater District School Board Policy AP 3810-D "Alcohol, Tobacco, Vaping, Cannabis, and Drug Free Environment" and Grey Bruce Health Unit publication "Smoke-Free Ontario Act, 2017 How the Act Affects: Schools" are attached to this report.

Analysis:

Provincial Legislation under *the Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3 restricts and prohibits smoking within 20 metres of schools and their associated grounds. The 20-metre area surrounding the school property includes the entire limit of the Hinks Street Road allowance and includes the sidewalk immediately east of the school property where complaints and concerns are being raised by the public related to smoking.

Bluewater District School Board Policy AP 3810-D section 6.0 Enforcement outlines the enforcement provisions for the contravention of the “Alcohol, Tobacco, Vaping, Cannabis, and Drug Free Environment” policy and Section 5.0 Responsibilities outlines the responsibilities of the Director of Education, Superintendents, Managers and Principals and School Staff for ensuring compliance with the policy.

The Grey Bruce Health Unit publication “Smoke-Free Ontario Act, 2017 How the Act Affects: Schools” outlines Enforcement and Penalty provisions for non-compliance.

Municipalities have the authority to enact By-laws to regulate Smoking and Vaping in public places within the municipality. A draft By-Law to Regulate Smoking and Vaping in Areas in the Municipalities is included with this report, this is the same draft By-Law that was previously presented to Council in report CLK2020-29. This by-law would duplicate existing Provincial Legislation under the Smoke Free Ontario Act that restricts smoking within 20 metres of schools. The draft By-Law would have implications for staff enforcement related to enforcement of minors with the possibility needed for Police assistance. Should the draft By-law be implemented additional staff training would be necessary. Further enacting the By-Law could result in students congregating in other locations where new complaints and concerns may arise.

Strategic Action Plan

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?

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|---|-----|
| • Recommendations help move the Municipality closer to its Vision | Yes |
| • Recommendations contribute to achieving Heritage, Culture, and Community | Yes |
| • Recommendations contribute to achieving Quality of Life | Yes |
| • Recommendations contribute to achieving Land Use Planning and the Natural Environment | Yes |
| • Recommendations contribute to achieving Economic Development | Yes |
| • Recommendations contribute to achieving Municipal Governance | Yes |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

Staff are investigating potential training opportunities related to enforcement matters and minors. It would be anticipated that training cost per staff member could range between \$1,000.00 to \$5,000.00 dependent on the available training courses.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Dieter Wetz, Building and Planning Manager/CBO