

## Report to Council

<b>Report Title:</b>	Tobacco and Cannabis Enforcement Recommendations		
<b>Prepared By:</b>	Fiona Hamilton, Clerk		
<b>Department:</b>	Clerk's		
<b>Date:</b>	September 10, 2019		
<b>Report Number:</b>	CLK2019-25	<b>File Number:</b>	C11CL
<b>Attachments:</b>	Map of Walkerton Recreation Facilities Map of Cargill Elmwood Glammis Recreation Facilities Letter from Walkerton District Community School – August 30, 2019		

### Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2019-25 - Cannabis Enforcement Recommendations, prepared by Fiona Hamilton, Clerk for information purposes and further provides direction to staff to rely only on the provisions of the *Smoke Free Ontario Act, 2017* to prohibit smoking and vaping cannabis or tobacco in the Municipality of Brockton.

### Report:

#### Background:

At the Council meeting on June 4, 2019, Fiona Hamilton, Clerk provided a Report to Council about the areas where smoking or vaping cannabis/tobacco would be prohibited by the *Smoke Free Ontario Act 2017, S.O. 2017 c. 26* (the "SFOA 2017"). It was noted at the time that many municipalities in Bruce County were considering adopting global prohibitions of cannabis/tobacco due to the difficulty in determining the limits of the SFOA 2017.

At the meeting, Council directed staff to bring forward another report analyzing whether any locations in the Municipality of Brockton required additional prohibitions to be enforced by a municipal by-law rather than the regulations of the SFOA 2017. Staff have analyzed a number of locations and are of the opinion that the regulations in the SFOA 2017 already adequately limit smoking and vaping cannabis and tobacco such that no additional by-law is required at this time.

Furthermore, at the Council meeting on August 27, 2019, Council discussed on-going resident concerns about students smoking at the intersection of Hinks Street and Fischer Dairy Road. At that meeting, Council confirmed the preference that students be directed to the small parkette at the intersection of Yonge Street South and Cemetery Road (noting that smoking cessation should, of course, be promoted first). Council also

directed Fiona Hamilton, Clerk to investigate what other steps have been taken by other municipalities to deal with the changes to the SFOA 2017.

### **Analysis:**

The following is a list of the locations that were considered, along with an analysis of whether additional enforcement is required.

### **Walkerton:**

A map of the trails, parks and recreational facilities in Walkerton has been attached for ease of reference. In Walkerton, Lobies Park, the Walkerton Community Centre, Centennial Park, Central Park, the Bruce Power Regional Soccer Park, the Cenotaph, Heritage Water Garden and Memory Lane Park would already have smoking prohibited by the SFOA 2017. The only recreational areas in Walkerton that would not already be covered are:

- Individual sites at Lobies Campground (as these are akin to residences);
- Cunningham Park;
- Riverbend Park;
- A small area of the Westwood Park (20 m around the playground would be restricted);
- Fish Ladder; and
- Rotary Trail System.

Most of these areas consist of large greenspaces, where second hand smoke or odours from vapours are not a significant concern. Many of these areas are not immediately visible to the downtown core or other commercial areas of Walkerton. These areas (particularly the trails) may also be more difficult to enforce and clearly delineate the boundaries to be enforced. It should also be noted that there would also be a cost of erecting appropriate signage.

### **Elmwood, Cargill and Glammis:**

The SFOA 2017 already prohibits smoking or vaping at the entire Cargill Community Centre due to the facility, playground, ball diamonds etc. Similarly, smoking or vaping is already prohibited at the entire Elmwood Community Centre.

The location of the swings, ball diamond, playground and tennis courts also encompass nearly the entire Elmwood Lion's Park, as smoking or vaping is not permitted within 20 metres of these amenities. Almost the entire park in Glammis would also already be regulated by the SFOA 2017 due to the location of the playground equipment.

### **Smoking Concerns at Hinks Street and Fischer Dairy Road**

The SFOA 2017 prohibits individuals from smoking or vaping within 20 metres of school property, and also prohibits putting an outdoor ashtray in any location where a person is prohibited from smoking. These legislative changes have resulted in the same or similar challenges for many school across Grey Bruce – particularly those schools with grades K-12 where enforcement may be more of a priority.

As a follow up from the Council Meeting on August 27, 2019, a letter was sent to the Walkerton District Community School requesting that students be directed to the small parkette on Yonge Street South and Cemetery Road rather than the residential area.

On August 30, 2019, the Principal of WDCS sent the attached letter to the Municipality in response. The Principal states that the school cannot direct students about the locations of where they can smoke. The Principal also identified that she would not encourage students to smoke at the parkette on Cemetery Road, and Yonge Street. Given the response received from WDCS, staff immediately moved forward with investigating what other enforcement options may be available.

Fiona Hamilton, Clerk contacted neighbouring municipalities about whether any other municipalities were facing similar challenges and, if so, whether there were any other suggestions. Staff also reviewed municipal publications and searched some legal databases.

Unfortunately, the only suggestion offered by other municipalities was to implement a smoking by-law that would prohibit smoking in this area. There would be a number of challenges associated with enforcement of such a by-law, including the limited locations that could be identified in the By-Law that are not already regulated by the SFPOA 2017, service of the offence notice on minors, and staff's availability to enforce the By-Law. At this time, an ashtray receptacle and garbage can have been placed at the small parkette. Staff recommend monitoring the situation to determine whether students avail themselves of the parkette, or a compromise can be reached with the other parties involved.

Given that most of the sensitive areas are already regulated by the SFOA 2017, staff recommend that there be no further by-laws regulating smoking or vaping in the Municipality of Brockton at this time. The Grey Bruce Health Unit currently enforces the SFOA 2017, and any additional regulations in the form of by-laws would need to be enforced at the cost of the Municipality of Brockton (which would mean time and attention taken from the other enforceable by-laws).

### **Sustainability Checklist:**

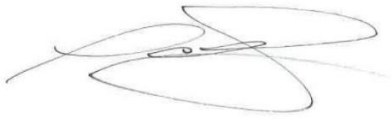
What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- |   |     |
|---|-----|
| • Do the recommendations help move the Municipality closer to its Vision? | Yes |
| • Do the recommendations contribute to achieving Cultural Vibrancy?       | N/A |
| • Do the recommendations contribute to achieving Economic Prosperity?     | Yes |
| • Do the recommendations contribute to Environmental Integrity?           | N/A |
| • Do the recommendations contribute to the Social Equity?                 | N/A |

### **Financial Impacts/Source of Funding:**

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

**Reviewed By:**

A handwritten signature in black ink, appearing to be 'Trish Serratore', with a stylized, cursive script.

**Trish Serratore, Chief Financial Officer**

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**Respectfully Submitted by:**

A handwritten signature in black ink, appearing to be 'Fiona Hamilton', with a simple, cursive script.

**Fiona Hamilton, Clerk**

**Reviewed By:**

A handwritten signature in black ink, appearing to be 'Sonya Watson', with a stylized, cursive script.

**Sonya Watson, Chief Administrative Officer**