

## Report to Council

<b>Report Title:</b>	Smoking Enforcement By-Law		
<b>Prepared By:</b>	Fiona Hamilton, Clerk		
<b>Department:</b>	Clerk's		
<b>Date:</b>	September 8, 2020		
<b>Report Number:</b>	CLK2020-29	<b>File Number:</b>	C11CL
<b>Attachments:</b>	Brockton Resolution 20-06-04 Draft Smoking Enforcement By-law		

### Recommendation:

That the Council of the Municipality of Brockton hereby approves Report Number CLK2020-29 – Smoking Enforcement By-Law, prepared by Fiona Hamilton, Clerk and in doing so approves a By-Law coming forward restricting smoking within the Municipality of Brockton.

### Report:

#### Background:

The eastern boundary of Walkerton District Community School (WDCS) is directly across Fischer Dairy Road Subdivision which is home to seniors and young families. Under the *Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3* the smoking prohibition is twenty (20) meters from school boundaries, which has resulted in negative unintended consequences at the intersection of Hinks Street and Fischer Dairy Road forcing student smokers onto the edge of the school property. This has resulted in loitering, littering, graffiti, and upset between residents and students.

Staff brought forward Report Number CLK2019-33 - Fischer Dairy Road Smoking Information Bulletin on November 12, 2019 and Report Number CLK2019-24 - Fischer Dairy Road Smoking Concerns on August 27, 2019 regarding these concerns.

Staff sent a letter to the WDCS on August 29, 2019, suggesting alternative solutions, including Council recommendations to address the smoking concerns. Staff further consulted with the South Bruce O.P.P., Bluewater School Board, the Walkerton District Community School and the Grey-Bruce Health Unit in the past year, but unfortunately a suitable solution to the on-going problem loitering and safety concerns has not been reached. On September 10, 2019, Brockton Council passed Resolution 19-19-06 stating their disappointment in the lack of support for smoking enforcement concerns on Hinks Street and Fischer Dairy Road.

On February 11, 2020, Brockton Council passed Resolution 20-06-04 directing staff to investigate implementing a local by-law to provide immediate relief for affected residents at Hinks Street and Fischer Dairy Road in Walkerton.

**Analysis:**

The Smoking Enforcement By-Law would prohibit smoking or tobacco or cannabis in the Fischer Dairy Road Subdivision and along the West River Road at all times. The challenge of the by-law was to provide a sufficiently large prohibited area that students would not simply be pushed to another residential area while not being overly restrictive to capture local businesses (so that a resident could still smoke outside the restaurants, for example). The goal of the prohibited area in the draft by-law was to channel students choosing to smoke to the Saugeen River Trail rather than residential areas or the Cemetery property.

A number of set fines have been included in the By-Law in order for enforcement. The set fines included in the Smoking Enforcement By-Law would be drafted in compliance with the *Provincial Offences Act, R.S.O. 1990, c. P.33* (“POA”) and will be sent to the Attorney General for approval.

We will be implementing an educational approach to enforcement and continuing to work with the Walkerton District Community School staff. Staff also recommend that the By-Law Enforcement Officer participate in training on how to enforce POA tickets against minors and also dealing with youth with mental health (as suggested by the administration of the Walkerton District Community School). Staff have also connected with the administration at the Walkerton District Community School about arranging some video conference to educate students about the prohibited zone and the potential consequences of breaching the by-law.

The draft By-law has also been provided to the Grey Bruce Health Unit and staff are currently waiting to receive a response. The draft that has been presented anticipates allowing Tobacco Enforcement Officers from the Grey Bruce Health Unit the ability to lay charges under the by-law as well, however this provision may be amended based on the comfort level of the Grey Bruce Health Unit.

It should be noted that the legislative changes did not result in the same degree of unintended consequences at Sacred Heart High School due to its proximity to the Saugeen River Trail. As a result, the draft By-law did not need to expand the parameters around this school.

**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? N/A
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- 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

Staff are still investigating possible training programs at this time.

**Reviewed By:**



**Trish Serratore, Chief Financial Officer**

---

**Respectfully Submitted by:**



**Fiona Hamilton, Clerk**

**Reviewed By:**



**Sonya Watson, Chief Administrative Officer**