

# **DRAFT SMOKING BYLAW DISCUSSION**

Bylaw 18-2018

# Direction

“Prepare a bylaw that would prohibit smoking or tobacco or cannabis as well as vaping in areas not addressed by provincial legislation (such as, but not limited to, playgrounds, sports fields, outdoor recreation facilities, school grounds, outdoor events, outdoor markets and hotel guest rooms).”

- Council motion, February 6, 2018

# Assumptions

- Smoking and vaping should be treated the same
- Cover all substances, including cannabis
- Enforceability is important
- Cost of implementation is a consideration
- The bylaw should fill any gaps in current legislation
- Focus on protection of health, and especially of children
- Public education and awareness is important
- Respect the individual's right to consume legal substances

# Overview

- Current state
- Smoking/vaping
- What to expect
- What have we done? (Draft bylaw)
  - Prohibited areas
  - Distances
  - Exceptions
  - Penalties
- Cost considerations
- Next steps
- Questions

# Current state

2006

Alberta passed the *Tobacco and Smoking Reduction Act and Tobacco and Smoking Reduction Regulation*

Present day

- Cannabis is currently a controlled substance (expected to become regulated before the fall of 2018)
- Awaiting provincial proclamation on amendments to the provincial *Gaming and Liquor Act* that will prohibit smoking of cannabis in any area tobacco is prohibited, and additional specified locations
- Strathcona County does not have a bylaw to address smoking or vaping.



# Tobacco smoking: provincially prohibited



- Public buildings/enclosed areas
- Building common areas
- Group living facilities
- Outdoor bus or taxi shelters
- Licensed premises and restaurants
- Hotels
- Workplaces
- Vehicles where minor is present
- Public vehicles
- Within 5 m of public doorway/window/air intake
- Where minors are present (ex: buildings, school property, sidewalks)

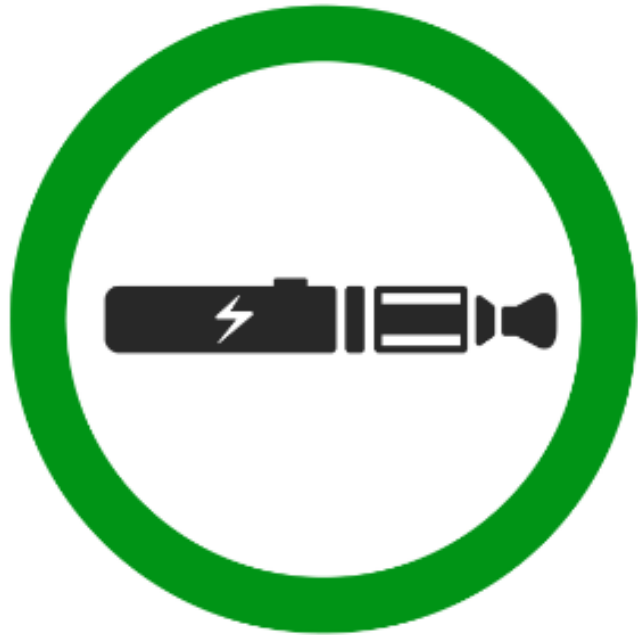
# Tobacco smoking: provincial exceptions



- Private residences (except for designated workplace areas)
- Registered/invited guest in hotel guest room
  - Designated smoking room by manager
  - Floor to ceiling walls and doors to separate room
  - Alberta Building Code requirement of separate ventilation per smoking unit
- Resident of group living facility/lodge accommodation in separate room
  - Designated smoking room by facility manager
  - Floor to ceiling walls and doors to separate room
  - Separate ventilation system

# Vaping: provincial

- Tobacco vaping, or vaping of substances that are not controlled or illegal, is currently not prohibited.





# Expected provincial smoking/vaping prohibited areas



Once amendments to *Gaming and Liquor Act* are proclaimed, cannabis smoking or vaping will be prohibited in:

- Any location where tobacco smoking is prohibited under:
  - *Tobacco and Smoking Reduction Act*
  - Any other enactment
  - Municipal bylaws
- Hospital/school/childcare facility property
- Within a prescribed distance from:
  - Playgrounds
  - Sports or playing fields
  - Skateboard or bicycle parks
  - Zoo
  - Outdoor theatres
  - Outdoor pool or splash pads



# Draft bylaw

## Intent:

- Prohibit smoking or vaping: ***regardless*** of substance used
- Prevent nuisance and adverse health impacts to others (authority under *Municipal Government Act*)



# Draft bylaw: prohibit smoking



- Anywhere prohibited by *Tobacco and Smoking Reduction Act*
- Events and markets operating under County licences, permits or approvals
- Hotel guest rooms
- School buildings, structures, parking lots and grounds
- Playgrounds
- Skateboard/bike parks
- Skating rinks/sports fields
- Signed outdoor recreation areas
- Swimming pools/spray parks
- Theatres
- Patios

# Draft bylaw: prescribed distances

- No smoking or vaping within 10 metres of:
  - Places frequented by children (playgrounds, spray parks, skateboard or bike parks, skating rinks, sports fields, swimming pools)
  - Doorway or fresh air intake



# Draft bylaw: exceptions



- Private residences
- Highway (sidewalks, boulevards, ditches, trails)  
\*unless minors present
- Off-leash dog parks (not including temporary off-leash areas in skating rinks)
- Unsigned outdoor recreation areas (unless otherwise prohibited)
- Golf courses
- Existing guest rooms in hotels designated as smoking rooms, in compliance with building code regulations



# Draft bylaw: enforcement fines

- Voluntary payment ticket option
  - \$250 to \$750
- No voluntary ticket payment option (*Tobacco and Smoking Reduction Act*)
  - Smoking where prohibited: not more than \$1,000 for first offence; not more than \$5,000 for subsequent offence
  - Minor offending: not more than \$100
  - Manager allowing smoke in non-smoking area/failure to post signage: not more than \$10,000 for first offence; not more than \$100,000 for subsequent offence



# Draft bylaw: cost considerations

Enforcement Services	Signage	Education
Complaints based enforcement model	Estimated cost per sign: \$300  Estimated cost per temporary sign: \$200	Estimated cost for public education campaign: \$8,000

# County parks



150 parks with over 450 amenities such as:

- Playgrounds (147)
- Sports fields (108)
- Ball diamonds (90)
- Courts (50)
- Rinks (27)
- Spray parks/decks (6)

\*does not include green spaces/natural areas that have trail connections and storm water management facilities



# Draft bylaw signage – cost options

Option #1 (recommended)	Option #2	Option #3
Sign six regional parks and event specific signage  (Centennial Park, Strathcona Athletic Park, Emerald Hills Regional Park, Sherwood Heights, Ardrossan Park, Broadmoor Lake Park)	<ul style="list-style-type: none"> <li>• Sign 150 parks that have amenities such as courts, fields and diamonds.</li> <li>• Average of four signs at park entrances.</li> </ul>	Event specific temporary signage
(\$1,800 for 6 signs/park) x 6 parks (\$200 per sign) x 10 signs	(\$1,200 for 4 signs/park) x 150 parks	(\$200 per sign) x 10 signs
Est total: \$12,800	Minimum est. total: \$180,000	Est total: \$2,000

# Next steps

- Direction and input on draft bylaw
- Public advertisement
- Non-statutory public hearing May 8
- Bylaw readings
- Public education

\*bylaw amendments/resources may be required based on federal and provincial legislation



# Questions?

