

SMOKING BYLAW DISCUSSION

Bylaw 40-2018

Original Direction from Council

“Prepare a bylaw that would prohibit smoking of 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
- Council may extend the limits provided in the provincial 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 of Our Presentation

- Provincial legislation
- Smoking/vaping
- Environmental scan (approaches in our region)
- What would the proposed bylaw do?
 - Prohibited areas
 - Distances
 - Exceptions
 - Penalties
- Cost and enforcement considerations
- Next steps

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 (to be legalized and regulated in October, 2018)
- the *Gaming and Liquor Act* has been amended to be the *Gaming, Liquor and Cannabis Act* and will prohibit smoking of cannabis in any area tobacco is prohibited, and additional specified locations
- As Bylaw 40-2018 has not been given three readings, Strathcona County does not currently 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

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

Provincial rules on smoking/vaping prohibited areas



Once amendments to *Gaming, Liquor and Cannabis Act* are in force, -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



Environmental Scan

We reviewed a number of proposed and passed bylaws throughout the province:

- Out of 5 bylaws that have been passed, 3 of them treat smoking or vaping of any substance the same – including Edmonton
- 5 other bylaws that are proposed treat smoking and vaping of any substance the same – bringing the total to 8
- Again, of the 5 bylaws passed, 2 treat cannabis differently and 1 of these make a distinction between medical and recreational cannabis (the former being allowed wherever tobacco is allowed).
- 5 draft bylaws treat cannabis differently, and 2 of these make a distinction between medical cannabis (allowed wherever smoking is allowed)

Bylaw 40-2018

Intent:

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



Bylaw 40-2018: prohibit smoking



- Anywhere prohibited by *Tobacco and Smoking Reduction Act* and *Gaming, Liquor and Cannabis 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

Bylaw 40-2018: 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



Bylaw 40-2018: exceptions



- Private residences
- Highway (sidewalks, boulevards, ditches, trails)
- 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

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

Bylaw 40-2018: 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



Bylaw 40-2018: 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

Bylaw 40-2018 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"> • Sign 150 parks that have amenities such as courts, fields and diamonds. • Average of four signs at park entrances. 	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

Community Considerations

- Impacts to business
- Special permits

Next steps

- Consider further proposed amendments, and then second and third reading
- Public education program, if the bylaw is passed
- Multi- channel one-year public consultation process to determine effectiveness of the bylaw
- Return to Council after one year to report on:
 - public experience with the bylaw,
 - Experiences of other municipalities in the region and
 - Any changes to provincial or federal legislation



Questions?

