	Report Title	Amend Smoking By-Law – Outdoor Patio Space
	Report No.	CLK 19-26
	Author	Donna Wilson, Town Clerk
	Meeting Type	Council Meeting
	Council Date	October 15, 2019
	Attachments	By-Law 4346 To Amend 3596 Smoking

RECOMMENDATION

THAT Council receives Report CL 19-26, Amend Smoking By-Law – Outdoor Patio Space;

AND THAT an Amending By-law be brought forward for Council's consideration.

EXECUTIVE SUMMARY

The By-Law amendment will designate the patio area in the front of the Tillsonburg Town Centre Mall as a smoke free zone which will align with the Smoke-Free Ontario Act.

BACKGROUND

During the spring of 2019 the Business Improvement Area Board of Directors (BIA) provided tables, chairs, umbrellas and barriers to set aside the patio area at the front of the Town Centre Mall. The BIA posted no smoking and no vaping signs on the tables in accordance with the Smoke-Free Ontario Act. (the Act) Following this they requested that Council amend the current smoking by-law to designate the area as a no smoking area and to align with the Smoke-Free Ontario Act. The Act states that an outdoor restaurant patio is one where food or drink is served or sold or offered for consumption, or that is operated alongside an area where food or drink is served or sold or offered. As Geno's Pizza and Tim Hortons are both adjacent to the Patio area, this area would be designated a smoke-free space according to the Act.

The Smoke-Free Ontario Act, 2017 prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour. It is illegal to smoke or vape on all restaurant and bar patios, and public areas within a nine metre radius of any point on the perimeter of the patio except Patios created by a branch of the Royal Canadian Legion or another veterans' organization before November 18, 2013. The Act states that owners and employers must post no smoking or vaping signs in these areas as well as ensure that no ashtrays remain in a smoke free area.

The Act states that local public health units will carry out inspections, respond to complaints and possibly issue fines, regarding smoking or vaping inside restaurants and bars, on their patios, and public areas within a nine (9) metre radius of any point on the perimeter of the patio.

Amending the Town smoking By-Law will allow By-Law enforcement to enforce this area to ensure a smoke free patio exists in this location.

There was discussion regarding aligning our by-law to be more in line with the Act, however SLT recommends that we should only make the amendments for areas that we are able to enforce and leave the balance of enforcement for the Act with Public Health.

CONSULTATION/COMMUNICATION

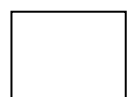
Staff has consulted with the Chief Building Office and By-Law Enforcement regarding the amendment and enforcement of the By-Law if passed by Council. They have indicated that they will provide attention to the patio area on a complaint basis. They noted however, that while every effort will be taken to enforce the by-law that these types of laws are difficult to obtain 100% compliance.

FINANCIAL IMPACT/FUNDING SOURCE

There is no financial impact to the amendment to the by-law.

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

1. Excellence in Local Government
 - ☐ Demonstrate accountability
2. Demographic Balance
 - ☒ Make Tillsonburg an attractive place to live for youth and young professionals
3. Culture and Community
 - ☒ Promote Tillsonburg as a unique and welcoming community



Report Approval Details

Document Title:	CLK 19-26 Amend Smoking By-Law.docx
Attachments:	- By-Law 4346 To amend By-Law 3596 To Prohibit Smoking.doc
Final Approval Date:	Sep 27, 2019

This report and all of its attachments were approved and signed as outlined below:

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

Ron Shaw - Sep 27, 2019 - 11:27 AM

