



REPORT TO COUNCIL

To: **Mayor van den Broek and Councillors**

Subject **Smoking Bylaw Amendment Bylaw No. 3047**

Report #:

File #: 3900.00

From: Administration Department

Doc #:

Date: November 6, 2018

RECOMMENDATION:

THAT Council support the rescinding of third reading of Smoking Bylaw Amendment Bylaw No. 3047 and subsequent amendment of the bylaw to reflect changes as outlined in attachment 1 to the report of the Corporate Officer dated November 6, 2018.

PURPOSE:

To obtain Council's support to rescind third reading of Bylaw No. 3047 to permit amendments to be made to the bylaw prior to adoption.

POLICY:

Council Procedure Bylaw No. 2904 states:

"Any amendment to a bylaw shall be made by a motion of Council after the bylaw has received second reading and before it received third reading. If the bylaw has been amended the motion at third reading shall be "to give the bylaw third reading as amended"."

COMMENTS/ANALYSIS:

Smoking Bylaw Amendment Bylaw No. 3047 was given three readings on July 23, 2018. As required by legislation, the bylaw was forwarded to Fraser Health for comment. After the bylaw received third reading staff started drafting an amending bylaw to the Municipal Ticket Information (MTI) Bylaw to reflect ticketable offences for new smoking infractions contained in the Smoking Bylaw amendment.

Each offence under the MTI Bylaw must reference a separate and distinct section of the bylaw for which the fines are established. Staff discovered that Sections 5 and 6 of the Smoking Amendment Bylaw contained references to various smoking activities under the same numbered subsection and therefore the MTI Bylaw fines could not be referenced in the fine schedule as they need to be for each of the activities.

Accordingly, staff recommend that third reading of Smoking Bylaw Amendment No. 3047 be rescinded and amendments to the bylaw approved by Council so as to align the provisions of the Smoking Bylaw with the MTI Bylaw amendment requirements and the Bylaw be given third reading as amended.

The proposed changes to the Smoking Amendment Bylaw are indicated as red mark-ups in the bylaw amendment attached to this report.

Also attached to this report is the response received from Fraser Health dated October 12, 2018 in which they provide the following recommendations:

1. Expand the smoke-free buffer zone from the proposed 6m to between 10 and 25m;
2. Prohibit smoking on sidewalks and boulevards.

It is staff's opinion that a 10-25m no smoking buffer zone and prohibition of smoking on sidewalks and boulevards would be difficult to enforce. Accordingly, staff are not recommending these proposed changes be incorporated into the bylaw.

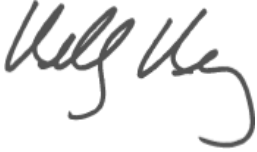
BUDGET IMPLICATIONS:

N/A

ALTERNATIVES:

1. Direct staff to further amend the bylaw to incorporate one or both recommendations of Fraser Health.

Respectfully Submitted,



Kelly Kenney, Corporate Officer

Attachments:

1. Mark-up version of Smoking Bylaw Amendment Bylaw No. 3047 showing proposed changes
2. Draft of Consolidated version of master Smoking Bylaw No. 2792 incorporating proposed amendments
3. Correspondence from Fraser Health dated October 12, 2018

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer