



**BY-LAW & PLANNING COMMITTEE
AGENDA**

Monday, February 4, 2019, 4:00 pm
COUNCIL CHAMBERS

Pages

1. ROLL CALL
2. DECLARATION OF CONFLICT OF INTEREST
3. MINUTES OF PREVIOUS MEETINGS 2
4. PUBLIC PRESENTATIONS
5. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS
 - 5.1 CBO Report 2019-01 Draft Smoking By-Law 4
 - 5.2 Proposed appointment of Real Estate Broker of Record
For discussion as requested by Councillor Tom Turner
6. PRESENTATION OF COMMITTEE REPORTS
7. UNFINISHED BUSINESS
8. PETITIONS
9. CORRESPONDENCE
10. PUBLIC QUESTION PERIOD
11. ADDENDUM
12. CLOSED SESSION (if applicable)
13. SCHEDULING OF NEXT MEETING
The next scheduled meeting of the By-Law and Planning Committee is Monday,
March 4, 2019 at 4:00 pm.
14. ADJOURNMENT



BY-LAW & PLANNING COMMITTEE

MEETING MINUTES

Monday, November 5, 2018, 4:15 pm

COUNCIL CHAMBERS

Present: T. VanRoon, Chair, N. Mann, Member, D. Marchisella, Member ex officio, C. Patrie
Resources: J. Thomas, Daniel Gagnon
Others Present: Ed Pearce

1. Roll Call

The meeting was called to order by the Chair at the hour of 4:15pm.

2. DECLARATION OF CONFLICT OF INTEREST

None

4. PUBLIC PRESENTATIONS

None

5. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

5.1 SR DPS 2018, Casual/Replacement Bylaw Officer

Res#: 18-11

Moved By: C. Patrie

Seconded By: N. Mann

That the report from the Director of Protective Services be received concerning a proposal to appoint a Casual/Part-time Bylaw Enforcement Officer to act on behalf of the City in the event the full-time Bylaw Enforcement Officer is absent;

AND THAT Michelle MacEachern be appointed as Municipal Bylaw Enforcement Officer for the City of Elliot Lake with the same authority as the full-time Bylaw Enforcement Officer.

Carried

5.2 SR DPS 2018, Level of Service / By-Law Enforcement Practices Review

Res#: 18-12

Moved By: C. Patrie

Seconded By: D. Marchisella

That Staff Report DPS 2018 dated October 31, 2018 of the Director of Protective Services be received;

And that Committee forward to Council for approval.

Carried

6. PRESENTATION OF COMMITTEE REPORTS

None

7. UNFINISHED BUSINESS

None

8. PETITIONS

None

9. CORRESPONDENCE

None

10. PUBLIC QUESTION PERIOD

None

11. ADDENDUM

None

12. CLOSED SESSION (if applicable)

None

13. SCHEDULING OF NEXT MEETING

The next regular schedule meeting of the Bylaw and Planning Committee will be on January 7, 2019 at 4:15

14. ADJOURNMENT

Meeting was adjourned at 4:25 pm.



STAFF REPORT
REPORT OF THE CHIEF BUILDING OFFICIAL
DRAFT SMOKING BY-LAW
FOR THE CONSIDERATION OF COUNCIL

OBJECTIVE

To provide Council with a draft smoking by-law as requested for the consideration of council.

RECOMMENDATION

That Report CBO 2019-01 of the Chief Building Official dated the 28nd January 2019 be received;

And That the By-Law and Planning Committee forward to Council for approval.

Respectfully Submitted

Approved

Leo Chaloux
Chief Building Official

John Thomas
Director of Protective Services

Approved

Daniel Gagnon
Chief Administrative Officer

31 January 2019

BACKGROUND

This report was prepared at councils directions.

In accordance with Section 115 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-Laws regulating the smoking of tobacco in public places and enclosed workplaces within the municipality; and

Whereas Section 10 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property; and

Whereas it has been determined that second-hand smoke and vapour are a health hazard or discomfort for many inhabitants of and visitors to the City of Elliot Lake; and

Whereas the establishment of a community standard of smoke-free public places assists in de-normalizing tobacco, Electronic Cigarette and Cannabis use and promotes a smoke-free and vapour-free culture.

ANALYSIS

Municipal By-Laws are currently enforced on a complaint approach and progressive enforcement. In order to enforce a new smoking by-law in a proactive approach, additional staff time will be required.

FINANCIAL IMPACT

Enforcement of a new smoking by-law will require additional staff time and will have an impact on the budget.

We would recommend a minimum of 12 hours of staff time for a part time By-law Enforcement Officer per week for the enforcement of this by-law. The yearly cost for the additional part time hours for By-Law enforcement will be approximately \$16,500 per year.

LINKS TO STRATEGIC PLAN

Strong Municipal Corporate Administration and Governance

Educate the public

SUMMARY

The proactive enforcement of the smoking by-law will provide a better level of service and faster acceptance of the smoking by-law by the general public.



THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW 2019/####

BEING A BY-LAW TO REGULATE SMOKING IN PUBLIC PLACES AND WORKPLACES IN THE CITY OF ELLIOT LAKE

WHEREAS Subsection 115 of the *Municipal Act, 2001*, C.25, authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and workplaces within the municipality and designating public places or workplaces or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco is prohibited;

AND WHEREAS it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants and workers in the Corporation of the City of Elliot Lake;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants and workers of the Corporation of the City of Elliot Lake to ensure that all public places and workplaces will be free from second hand smoke;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ELLIOT LAKE ENACTS AS FOLLOWS:

PART I – DEFINITIONS

- 1.1 **"Employee"** means a person who, being paid or unpaid, performs any work for or supplies any service to an employer, or a person who receives any instruction or training in the activity, business, work, trade occupation or profession of an employer and includes a volunteer and a person who is self-employed and "employment" has a corresponding meaning;
- 1.2 **"Employer"** means any person who, as the owner, proprietor, manager, contractor, superintendent, supervisor or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of an employee;
- 1.3 **"Entranceway"** means the area within a nine (9) meter radius surrounding any entrance to a building owned and/or leased by the Corporation of the City of Elliot Lake, but does not include a street, road or highway;
- 1.4 **"Exit"** means the area within a nine (9) meter radius surrounding an exit doorway of any public place.
- 1.5 **"Inspector"** means any police officer of the Ontario Provincial Police, or Provincial Offences Municipal By-Law Officer and any employee authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this bylaw.
- 1.6 **"Municipality"** means the Corporation of the City of Elliot Lake;
- 1.7 **"Outdoor patio"** means an outdoor area or partially enclosed outdoor area that is adjacent to an establishment where food or beverages are sold and where food or beverages or both are consumed by the public;
- 1.8 **"Person"** includes a corporation;
- 1.9 **"Playground / Play area"** means any municipally owned public area that is equipped with children's play equipment, such as, but not limited to: slides, swings, climbing apparatuses, splash pads, wading pools, or sand boxes.
- 1.10 **"Proprietor"** means the person who ultimately controls, governs or directs the activity carried on within a public place and includes the person actually in charge of the premises at any particular time;

- 1.11 **"Public place"** means any municipally owned/leased building, structure, sporting area, playground, vessel, vehicle or conveyance, or part thereof, whether covered by a roof or not, to which the public has access as of right or by invitation, expressed or implied, whether or not a fee is charged for entry and are identified on **Schedule "C"** attached hereto, but does not include a street, road or highway;
- 1.12 **"Smoke" or "Smoking"** includes the carrying of a lighted cigar, cigarette, pipe and cannabis or use of electronic cigarette (vape) or any other lighted smoking equipment, but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance and does not include or prohibit the holding of lit tobacco if the activity is carried out for traditional Aboriginal cultural or spiritual purposes.
- 1.13 **"Sports area"** means any municipally owned public area that is used primarily for the purposes of sports such as, but not limited to the following, but not including golf, whether or not a fee is paid for the use: soccer, football, basketball, tennis, baseball, softball or cricket, skating, hockey beach, volleyball, running, swimming, or skateboarding.
- 1.14 **"Workplace"** means a municipally owned or leased building, structure, vessel, vehicle or conveyance or part thereof, to which the public mayor may not have access either expressed or implied, in which one or more employees work, including any other area in the building, structure, vessel, vehicle or conveyance utilized by employees.

PART II – WORKPLACES

- 2.1 No person shall smoke in any workplace within the Municipality whether or not a "No Smoking" sign is posted.
- 2.2 Every employer shall:
- (i) ensure compliance with this by-law;
 - (ii) prohibit smoking in the workplace;
 - (iii) inform each employee in the workplace that smoking is prohibited in the workplace;
 - (iv) post "No Smoking" signs in accordance with Part IV of this by-law in conspicuous locations at every entrance and washrooms in the workplace indicating that smoking is prohibited in the workplace; and
 - (v) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in any part of the workplace.
- 2.3 Section 2.1 does not apply to,
- (i) a part of a workplace that is used as a private residence;
 - (ii) a workplace located in a dwelling where the only employees of that workplace are persons who live in the dwelling; or
 - (iii) a room in a hotel, motel or other place where rooms are rented for sleeping accommodation, provided the room is used for sleeping accommodation only and the room is designated and specifically set aside as a room in which smoking is permitted.

PART III - PUBLIC PLACES

- 3.1 No person shall smoke within a nine (9) metre radius of any entranceway or exit to any public place within the Municipality whether or not a "No Smoking" sign is posted.
- 3.2 Every proprietor of a public place shall:
- (i) ensure compliance with this by-law;
 - (ii) prohibit smoking in the Public Place;
 - (iii) post "No Smoking" signs in accordance with Part IV of this by-law in conspicuous locations at every entrance and washrooms in the public place indicating that smoking is prohibited in the public place;
 - (iv) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in the public place.

- 3.3 Smoking shall be completely prohibited in the following Public Places, except where specifically designated:
- (i) City of Elliot Lake Pearson Civic Centre
 - (ii) City of Elliot Lake Town Hall
 - (iii) City of Elliot Lake Centennial Arena
 - (iiii) City of Elliot Lake W. H. Collins Centre
- 3.4 No person shall smoke within a 20 meter radius (65 feet) of any Playground / Play Area within the Municipality, whether or not a "No Smoking" sign is posted.
- 3.5 No person shall smoke within a 20 meter radius (65 feet) of any Sports Area within the Municipality, whether or not a "No Smoking" sign is posted.

PART IV - SIGNAGE REQUIRED

- 4.1 Every employer and every proprietor shall post and maintain in conspicuous locations at each entrance to the facility and in the washrooms, a sign at least 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes depiction of the international "No Smoking" symbol at least 7.5 centimetres (3 inches), and lettering at least 0.8 centimetres (5/16 inch) high and at least 0.2 centimetres (1/16 inch) wide at the narrowest point, with the rest of the letter sized proportionately, which reads "The Corporation of the Municipality of West Nipissing; Maximum Fine (\$5,000.00)";
- 4.2 All "No-Smoking" signs posted within the Corporation of the City of Elliot Lake must conform to the City of Elliot Lake By-law ##### regulating the use of French and English.
- 4.3 Where a "No Smoking" sign is required to be placed or posted under this by-law, the sign shall have the proportions, characteristics and minimum measurements as set out in Section 4.1 as depicted in "Schedule 8" and consist of two (2) contrasting colours, or if the lettering and graphic symbol is to be applied directly to surface or to be mounted on a clear panel, the lettering and graphic symbol shall contrast with the background.
- 4.4 Despite the fact that the symbol referred to in Schedule "8" is a cigarette, it may include a lighted cigar, cigarette, pipe or any other lighted smoking instrument
- 4.5 Deviations from the colour or content of the sign prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the sign.
- 4.6 Any sign prohibiting smoking that refers to a by-law of an old municipality or previous by-law number is deemed to be referring to this by-law.

PART V – INSPECTIONS

- 5.1 An inspector may, at any reasonable time, enter any public place or workplace for the purposes of determining compliance with this By-law.
- 5.2 No inspector may enter a workplace that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.

PART VI - OFFENCES AND ENFORCEMENT

- 6.1 Any person who contravenes any of the provisions of the by-law, or who hinders or obstructs an inspector lawfully carrying out the enforcement of this by-law, is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000.00) as provided for in the *Provincial Offences Act*, R.S.O. 1990, chapter 33, or any successor thereof.
- 6.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART VII – CONFLICTS

- 7.1 If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.
-

PART VIII – SEVERABILITY

- 8.1 If any section or sections of this by-law or part thereof, is found in any court of law to be illegal or beyond the power of the Municipality to enact, such section or sections or part thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent thereof and to be enacted as such.
-

PART IX – REPEAL

- 9.1 Any By-law inconsistent with this by-law, are hereby repealed.
-

PART X - EFFECTIVE DATE

- 10.1 That the following updated schedules attached hereto shall form part of this by-law:
- Schedule "A" - Set Fine Schedule;
 - Schedule "B" - Sign age;
 - Schedule "C" - City of Elliot Lake Municipal Buildings (lands).
 - Schedule "D" - Maps - Designated Smoking Areas
- 10.2 This By-Law shall come into effect on February 1, 2019 and be enforceable thereafter.
-

ENACTED AND PASSED THIS 15th DAY OF ##### AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

Dan Marchisella
Mayor

Natalie Bray
Clerk

SMOKING BY-LAW 2019/####
BEING A BY-LAW TO REGULATE SMOKING
IN MUNICIPAL BUILDINGS AND MUNICIPAL WORKPLACES

SCHEDULE "A"

SET FINES

Part 1 Provincial Offence Act

By-law 2019/#### re: Smoking in public places

ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINES
1	Smoke in workplace	Part II, Section 2.1	\$150.00
2	Employer fail to ensure compliance	Part II, Section 2.2 (i)	\$150.00
3	Employer fail to prohibit smoking in workplace	Part II, Section 2.2 (ii)	\$150.00
4	Employer fail to post no-smoking signs	Part II, Section 2.2 (iv)	\$150.00
5	Employer permit ashtrays (or like paraphernalia) in the workplace	Part II, Section 2.2 (v)	\$150.00
6	Smoke within nine (9) meters radius of entranceway or exit to any public place	Part III, Section 3.1	\$150.00
7	Proprietor fail to ensure compliance	Part III, Section 3.2 (i)	\$150.00
8	Proprietor fail to prohibit smoking in public place	Part III, Section 3.2 (ii)	\$150.00
9	Proprietor fail to post no-smoking signs	Part III, Section 3.2 (iii)	\$150.00
10	Proprietor permit ashtrays (or like paraphernalia) in public place	Part III, Section 3.2 (iv)	\$150.00
11	Proprietor fail to designate and maintain an outside smoking area	Part III, Section 3.3	\$150.00
12	Smoke within 20 meter radius of Playground / Play Area	Part III, Section 3.4	\$150.00
13	Smoke within 20 meter radius of Sports Area	Part III, Section 3.5	\$150.00

NOTE: Penalty provision for the offences indicated above is Section 6.1 of By-law No. 2019/####

**SMOKING BY-LAW 2019/#####
BEING A BY-LAW TO REGULATE SMOKING
IN MUNICIPAL BUILDINGS AND MUNICIPAL WORKPLACES**

SCHEDULE "B"

SIGNAGE

The following graphic symbol, or likeness thereof, shall be used to indicate the areas where smoking is prohibited pursuant to this by-law:

On a white background, with the circle and the interdictory stroke in red.

*The graphic symbol referred to in Section 4 shall include the text « **City of Elliot Lake By-Law** in letters and figures at least five (5%) percent of the diameter of the circle in the symbol.*



With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in this section shall be not less than ten (10 cm) centimetres.

Despite the fact that the symbol referred to is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking instrument.

Deviations from the colour or content or the signs prescribed by this section that do not affect the substance or that are not calculated to mislead do not invalidate the signs.

Any sign prohibiting smoking that refers to a by-law of an old municipality is deemed to be referring to this by-law.

**SMOKING BY-LAW 2016/102
BEING A BY-LAW TO REGULATE SMOKING
IN MUNICIPAL BUILDINGS AND MUNICIPAL WORKPLACES**

SCHEDULE "C"

CITY OF ELLIOT LAKE MUNICIPAL BUILDINGS		
DESCRIPTION	ADDRESS	TOWNSHIP
Municipal Main Office	45 Hillside Drive North, Elliot Lake, ON	
Fire Services – Administration	55 Hillside Drive North, Elliot Lake, ON	
Fire Station # 1	55 Hillside Drive North, Elliot Lake, ON	
O.P.P. Police Services Offices	47 Hillside Drive North, Elliot Lake, ON	
Civic Centre	255 Highway 108 North, Elliot Lake, ON	
Centennial Arena	180 Spruce Avenue, Elliot Lake, ON	
W.H. Collins Centre	120 Hillside Drive North, Elliot Lake, ON	
Ruben Yli-Juuti Centre	Rear-301 Mississauga Ave, Elliot Lake, ON	
Mount DuFour Ski Hill	10 Ski Hill Road, Elliot Lake, ON	
Stone Ridge Golf Course	71 Nordic Mine Road, Elliot Lake, ON	
Public Works Garage	3- 7 Timber Road, Elliot Lake, ON	
Parks Building (Dog pound / Buses)	13A / 13B Timber Road, Elliot Lake, ON	
Airport	700 Highway 108 South, Elliot Lake, ON	
Landfill Site	0 Scott Road, Elliot Lake, ON	
Water Treatment Plant	200 Spine Road, Elliot Lake, ON	
Sewage Treatment Plant	2 Scott Road, Elliot Lake, ON	
Tennis Court	27 Lakeview Road, Elliot Lake, ON	
Dog Park	53 Senator Place, Elliot Lake, ON	
Burley Ball Fields	3 Pearson Drive, Elliot Lake, ON	
Kiwanis Ball Fields	25 Dieppe Avenue, Elliot Lake, ON	
Kiwanis Park / Outdoor Rink	25 Dieppe Avenue, Elliot Lake, ON	
Kain Crescent Park	2 Kain Crescent, Elliot Lake, ON	
Paris Drive Park	39 Paris Drive, Elliot Lake, ON	
Roman Avenue Park	30 Roman Avenue, Elliot Lake, ON	

**SMOKING BY-LAW 2016/102
BEING A BY-LAW TO REGULATE SMOKING
IN MUNICIPAL BUILDINGS AND MUNICIPAL WORKPLACES**

SCHEDULE "C"

CITY OF ELLIOT LAKE MUNICIPAL BUILDINGS

DESCRIPTION	ADDRESS	TOWNSHIP
Senior's Park	71 Hillside Drive North, Elliot Lake, ON	
Parsons Park Ball Field / Outdoor Rink	180 Spruce Avenue, Elliot Lake, ON	
Miner's Memorial Park	325 Highway 108 North, Elliot Lake, ON	
Westview Park	462 Highway 108 North, Elliot Lake, ON	
Westview Trailer Park	24 Simpson Road, Elliot Lake, ON	
Fire Tower Lookout Play Area	568 Fire Tower Lookout Road, Elliot Lake, ON	
Elliot Lake Boat Launch / Boardwalk	578 Highway 108 North, Elliot Lake, ON	
Spine Road Beach	869 Spine Road, Elliot Lake, ON	
Spruce Ave Beach	25 Lakeshore Drive, Elliot Lake, ON	
Sea Cadet Building	185 Lakeshore Drive, Elliot Lake, ON	
Washington Crescent Field	27 Washington Crescent, Elliot Lake, ON	
Glenden Park Gardens	151 Ottawa Avenue, Elliot Lake, ON	
Esten Lake Boat Launch	560 Esten Lake Road, Elliot Lake, ON	
Dunlop Lake Boat Launch	4622 Highway 108 North, Elliot Lake, ON	
Dunlop Lake Boat Launch	920 Dunlop Shores Road, Elliot Lake, ON	
Quirke Lake Boat Launch	866 Stanrock Road, Elliot Lake, ON	
Depot Lake Boat Launch	780 Highway 108 South, Elliot Lake, ON	
McCarthy Lake Boat Launch	1400 McCarthy Lake Road, Elliot Lake, ON	
Cedar Place Park	6 Cedar Place, Elliot Lake, ON	
Nordic Park	94 Esten Drive South, Elliot Lake, ON	

NOTE:

As the Municipality acquires/leases other properties or builds other facilities these new municipal sites will be immediately subject to the City of Elliot Lake Smoking By-Law No. 2019/###; until such time as this schedule is updated accordingly.

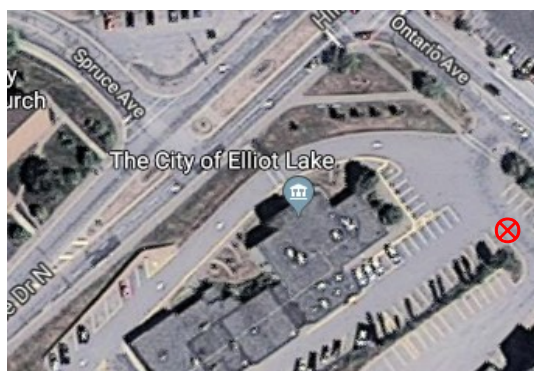
**SMOKING BY-LAW 2016/102
BEING A BY-LAW TO REGULATE SMOKING
IN MUNICIPAL BUILDINGS AND MUNICIPAL WORKPLACES**

SCHEDULE "D"

MAP OF DESIGNATED SMOKING AREAS FOR THE CERTAIN MUNICIPAL BUILDINGS

As identified in Section 3.3, the following municipal buildings will have designated smoking areas:

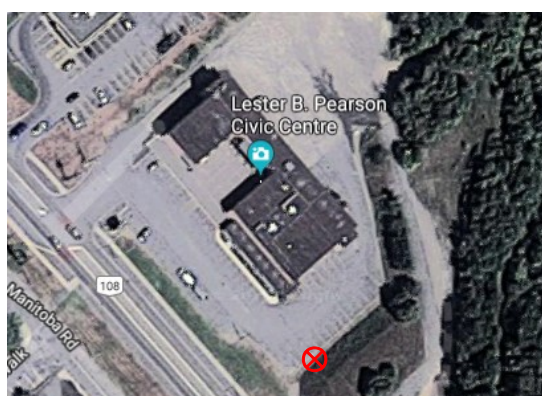
- (i) City of Elliot Lake Town Hall
(location may vary - not to scale)



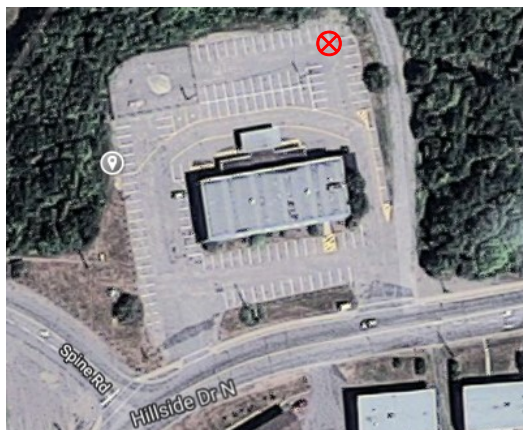
- (ii) Elliot Lake Arena / Community Centre
(location may vary - not to scale)



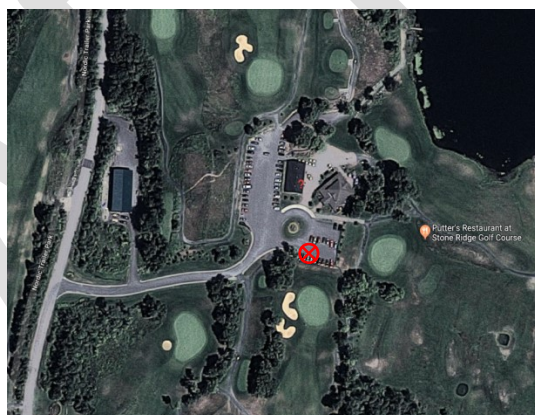
- iii) Lester B. Pearson Civic Centre
(location may vary - not to scale)



- (iv) W. H. Collins Centre
(location may vary - not to scale)



- (v) Stone Ridge Golf Course
(location may vary - not to scale)



- (vi) MT Dufour Ski Area
(location may vary - not to scale)

