

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

RC

DATE 14 April 1997

TO/DEST. Coordinator, Community Services Committee

FROM/EXP. Medical Officer of Health

SUBJECT/OBJET **UPDATE ON THE RESPONSE FROM LOCAL
MUNICIPALITIES RE: NO-SMOKING IN PUBLIC PLACES
BY-LAW**

DEPARTMENTAL RECOMMENDATION

That the Community Services Committee recommend Council receive this report for information.

BACKGROUND

Council approved on January 16, 1997 the following actions:

1. Request that area municipal councils within Ottawa-Carleton develop or revise a public places smoking by-law with respect to restaurants, bars and pubs, using the provisions of Option 3 in the report dated 14 November 1996 from the Medical Officer of Health;
2. Request that area municipalities within Ottawa-Carleton develop or revise their public places smoking by-laws as necessary with respect to shopping malls, arenas/community centres, bingo halls, billiard halls and bowling alleys, using the provisions in this report;
3. Request that area municipal councils pass a resolution endorsing a Regional smoking by-law for public places as stipulated in recommendations 1 and 2; and.
4. That the Medical Officer of Health be directed to prepare a no-smoking by-law using the provisions of Option 3 in the report dated 14 November 1996:
 - a) That Regional Council adopt "in principle" this new by-law;
 - b) That the by-law be circulated to all area municipalities with a request that they endorse the by-law;
 - c) That upon 6 or more municipalities adopting the terms of the by-law, Regional Council put the Regional by-law into effect and enforce its provisions Region-wide.

PROGRESS TO DATE

As of the date of this report ten of the eleven local municipalities have responded to some or all of the recommendations. The Cities of Nepean and Kanata have directed staff, subject to public consultation, to review their Public Places No-Smoking By-Law and report back with a proposed amending by-law. Nepean City Council passed a recommendation not to support Regional Council's request to transfer the regulatory authority to a Regional By-Law. The City of Ottawa will review the Region's recommendations and report back to their standing committee on June 25, 1997. The Township of Rideau has directed staff to review a by-law for municipal buildings and is not in favour of a Regional by-law. Township of Osgoode staff have been directed to prepare a by-law which would cover municipal recreational buildings. West Carleton and Gloucester do not wish to make any amendments to their public places by-laws at this time. The Township of Cumberland passed a motion on February 4, 1997 which does not support the adoption of the regulations recommended by Regional Council. Rockcliffe Park did consider the Region's recommendations and will wait until they receive a copy of a draft Regional No-Smoking in Public Places By-Law which will be circulated to all local municipalities once consultation with operators of Bingo Halls, Bowling Centres and Billiard Halls is completed by mid-May. The purpose of this consultation is to determine the percentage of smoking space allowable in a separately enclosed and ventilated smoking area by the year 2000. No response has been received from the Township of Goulbourn. The City of Vanier sent a copy of their by-law and have indicated that they do not wish to revise the by-law at this time.

If municipalities decide not to endorse a Regional by-law, we are recommending that municipalities develop or strengthen their own local by-law according to Option 3 which includes:

a) Restaurant, Bars and Pubs

70% non-smoking sections as soon as possible, except for 50% non-smoking in the "bar area" of a restaurant after 9 p.m. By 2000, premises choosing to allow smoking must do so in a properly ventilated and enclosed designated smoking room which is not more than 30% of the seating area. Certain exceptions may apply.

b) Shopping Malls

Food courts and restaurants within the common area of a shopping mall, whether or not the seating area is leased to one or more restaurants, should be smoke-free as soon as possible. Restaurants which abut the common area of malls should fall under the recommendations in this report for restaurants and bar/pubs.

c) Arenas/Community Centres

Arenas/community centres should be smoke-free as soon as possible with one exception: halls rented out for public events would be subject to the by-law for that type of event.

d) Bingo Halls, Billiard Halls and Bowling Alleys

The non-smoking section should be 50% as soon as possible. With respect to bowling alleys, it is recommended that they be entirely smoke-free when children's bowling occurs. It is also recommended that all premises which choose to allow smoking by 2000 must do so in a separately enclosed and ventilated smoking areas with further consultation with bingo, billiard and bowling operators to determine the percentage of smoking space allowable.

Currently, local municipal by-laws for restaurants, bars and pubs in local municipalities are as follows:

MUNICIPALITY	BY-LAW
Cumberland	Voluntary recommendations to provide a non-smoking section.
Gloucester	75% No-Smoking Seating (as of January 1, 1997).
Goulbourn	Voluntary recommendations to provide a non-smoking section.
Kanata	70% No-Smoking Seating.
Nepean	50% No-Smoking Seating.
Osgoode	Voluntary recommendations to provide a non-smoking section.
Ottawa	50% No-Smoking Seating.
Rideau	Voluntary recommendations to provide a non-smoking section.
Rockcliffe Park	There are no restaurants in this municipality.
Vanier	Voluntary recommendations to provide a non-smoking section.
West Carleton	40% No-Smoking Seating (as of January 1, 1997)

For bowling, bingo and billiard, Gloucester, Kanata, Nepean and Ottawa currently have 50% no-smoking. Kanata's by-law includes a gradual phase-in for no-smoking such that the percentage of no-smoking will go to 75%, January 1, 1998 and to 100% smoke-free by the year 2000. For shopping malls, the City of Kanata has no-smoking in the common areas and restaurants that abut the common areas and allow smoking must be enclosed from the common areas. The City of Ottawa's by-law says no-smoking in the common areas with restaurants that abut the common areas falling under the regulations for restaurants. Arenas and community centres have varying regulations across the municipalities.

CONSULTATION

As stated in the original report, further consultation was to occur with owners/managers of bingo, billiard and bowling centres. This will be completed by mid-May. The purpose of this consultation is to determine the percentage of smoking space allowable in a separately enclosed and ventilated smoking area by the year 2000.

FINANCIAL IMPLICATIONS

None at this time.

CONCLUSION

It is recommended that area municipal councils develop or revise their public places smoking by-laws as soon as possible as per the recommendations from Regional Council. Ten of the eleven municipalities have indicated how they wish to proceed. At the end of May, 1997, a draft Regional Smoking in Public Places By-Law will be sent to local municipalities with a request to pass a resolution endorsing a Regional by-law. When six area municipalities have done so, a Regional by-law will be presented for enactment in order to achieve a level playing field for all businesses and protection for the entire population of the Region. If the Region does not receive this approval, the Health Department will continue to work with local municipalities to develop or strengthen their own local by-laws.

*Approved by
Dr. Rob Cushman*

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