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Council debates proposed smoking bylaw, turns it back for further review

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Shelburne Town staff are reviewing a proposed smoking and vaping bylaw update after concerns were raisedby councillors.

Town Clerk, Jennifer Willoughby, gave a report to council regarding the updating of the town's smoking bylaw during their meeting on June 27. The Town's existing smoking bylaw was initially enacted in 1993.

?Our intention is to update and bring us compliant with current legislation that relates to smoking and vaping in public places,? said Willoughby.

The proposed bylaw looks to ban the smoking and vaping of tobacco and other vaporizing substances on properties owned or leased by the municipality including municipal buildings, trails and walkways, parks and parkland, playgrounds areas, outdoor recreational facilities, and special events.

Coun. Walter Benotto raised concerns with the bylaw specifically in relation to special events such as those held at Fiddle Park. He noted the town had previously used designated smoking areas away from the general public for events.

Willoughby confirmed the new smoking bylaw does not include designated smoking areas.

?I'm not prepared to support this ? I'm going to vote against it,? said Benotto. ?We struggle to get people to come to our special events, especially now post-COVID. We're trying to get people to come out to special events; people [that] do smoke, they won't come.?

According to the report, individuals are able to apply for an exemption a minimum of 60 days prior to an event.

The proposed smoking bylaw provided to council was developed through review of a number of municipalities including Wasaga Beach, Cornwall, Kingston, Barrie and Toronto.

?We did a comprehensive analysis of many other municipalities and it is the norm without exception that smoking is not permitted on municipal property,? explained Denyse Morrissey, chief administrative officer.

The Smoke-Free Ontario Act was amended in 2017, banning the smoking of tobacco or cannabis (including medical and non-medical), and vaping in enclosed workplaces, enclosed public places, and other designated places.

Coun. Lindsay Wegener also shared concerns with the proposed bylaw in deterring event attendance as well as the impact on people who may choose to vape or smoke while out for a walk and for residents of the Fiddleville Non-Profit Housing Corporation.

?Although I can agree with some form of this bylaw there are certain aspects where I'm worried that we're impeding on a level of control,? said Wegener.

Discussion between staff and council also questioned whether the definition of ?highway? properly captured sidewalks as a banned smoking area.

After much debate, council opted to have the proposed bylaw further reviewed by staff and to return to council at a later date.