



**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 12, 2018**

SUBJECT Proposed Amendment to Section 2(1)(g) of Clean Air Bylaw No. 3962

ISSUE

A section was unintentionally deleted by Capital Regional District (CRD) Solicitors in the most recent amendment to the Clean Air Bylaw. The bylaw, as it stands, prevents Island Health's Tobacco and Vapour Prevention and Control program from fining individuals who are smoking or vaping in a 7m buffer zone of a doorway, window or air intake.

BACKGROUND

The CRD Board crafted the most recent amendment of the Clean Air Bylaw to include cannabis and vaping. At the time of this amendment, there was an unintentional deletion by CRD Solicitors, which resulted in an inconsistency between the amended and parent bylaw. The purpose of this staff report is to correct the inconsistency listed below:

Section 2(1)(g) in Bylaw No. 4237 "Capital Regional District Clean Air Bylaw No. 1, 2014, Amendment Bylaw No. 1, 2018" reads:

"within seven (7) metre area measured on the ground from a point described in subparagraphs 2(1)(d) and (e)".

While Section 2(1)(g) in Bylaw No. 3962 "Capital Regional District Clean Air Bylaw No. 1, 2014" reads:

"within seven (7) metre area measured on the ground from a point directly below any point of a doorway, window or air intake in a place described in subparagraphs 2(1)(d) and (e)".

As such, Section 2(1)(g) of Bylaw No. 4237 omits "directly below any point of a doorway, window or air intake in a place". This is also inconsistent with Schedule 16 of Bylaw No. 1857, "A Bylaw to Amend Bylaw No. 1857, Capital Regional District Ticket Information Authorization Bylaw, 1990". Section 7 of this bylaw applies to "smoking in 7m buffer zone of doorway, window or air intake" with an associated fine.

ALTERNATIVES

Alternative 1:

- 1) That Bylaw No. 4272, "Capital Regional District Clean Air Bylaw No. 1, 2014, Amendment Bylaw No. 2, 2018" be introduced and read a first and second time; and
- 2) That Bylaw No. 4272 be read a third time.

Alternative 2:

That the report be referred back to staff for further review based on Board direction.

IMPLICATIONS

The bylaw as it currently stands prevents Island Health's Tobacco and Vapour Prevention and Control Program from fining individuals who are smoking or vaping in a 7m buffer zone of a doorway, window or air intake. This may result in public confusion and affect adherence to the bylaw. Amending the bylaw ensures consistency between the amended, parent, and ticketing bylaw and allows Island Health's Tobacco and Vapour Prevention and Control Program to enforce the bylaw at its full capacity.

CONCLUSION

Given that a section of the current bylaw was inadvertently deleted, the proposed amendment to Section 2(1)(g) in Bylaw No. 4237 would ensure it is consistent with Bylaw No. 3962 and Schedule 16 of the Ticket Information Authorization Bylaw No. 1857.

RECOMMENDATIONS

- 1) That Bylaw No. 4272, "Capital Regional District Clean Air Bylaw No. 1, 2014, Amendment Bylaw No. 2, 2018" be introduced and read a first and second time; and
- 2) That Bylaw No. 4272 be read a third time.

Submitted by:	Amanda Ng, MPH, Healthy Communities Planner, Health and Capital Planning Strategies
Concurrence:	Michael Barnes, MPP, Senior Manager, Health and Capital Planning Strategies
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning and Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

AN:gm

Attachments:

- Appendix A – Consolidation of Clean Air Bylaw No. 3962
- Appendix B – Clean Air Bylaw No. 3962
- Appendix C – Bylaw No. 4272, A Bylaw to Amend Bylaw No. 3962, "Capital Regional District Clean Air Bylaw No. 1, 2014"
- Appendix D – Bylaw No. 4169, A Bylaw to Amend Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990"