
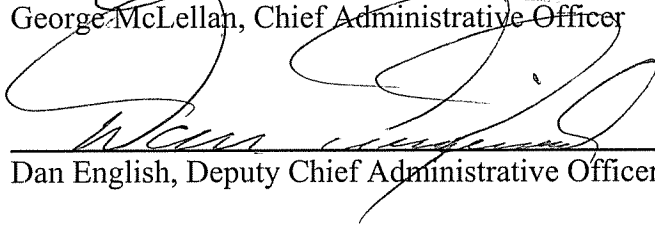

Halifax Regional Council
December 3rd, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: November 27th, 2002

SUBJECT: By-Law R-106, to Repeal By-Law S-200 the Smoking By-Law

ORIGIN

At the November 19th, 2002, meeting of Regional Council, the Public Hearing to consider the repeal of By-Law S-200, the Smoking By-Law, was deferred pending the outcome of First Reading of By-Law S-202 Respecting Smoke Free Places.

Subsequently, at the November 26th, 2002, meeting of Regional Council, the motion to give First Reading to By-Law S-202 was defeated.

As a result of the above actions of Council, there is a requirement to address the “deferred” Public Hearing to consider the repeal of By-Law S-200, the Smoking By-Law.

RECOMMENDATION

It is recommended that the process to repeal By-Law S-200, the Smoking By-Law, be abandoned at this time and that the Public Hearing not be re-scheduled.

DISCUSSION/BACKGROUND

The following outlines Council's actions with respect to this matter:

- On August 27th, 2002, Council gave First Reading to By-Law R-106 to Repeal By-Law S-200, the Smoking in Public Places By-Law.
- At the same meeting (on August 27th, 2002) a motion "not to form the Working Group and to direct staff to return to Council at a future date with amendments to By-Law S-200 that would make smoking in public places completely illegal" was tabled.
- On September 10th, 2002, Council instructed staff to advertise the Public Hearing to consider R-106 to Repeal the Smoking in Public Places By-Law, for a date in November.
- The Public Hearing was advertised for November 19th, 2002. At that meeting, Council "**deferred the Public Hearing** without day until the tabled motion of August 27th, 2002, is dealt with". In addition, at that same meeting, a Notice of Motion was given for First Reading of a By-Law respecting a total smoking ban in public places to take place at the November 26th, 2002, meeting of Council.
- On November 26th, 2002, Council declared the tabled motion not to form the Smoking By-Law Working Group redundant, and First Reading of By-Law S-202, the Smoke Free Places By-Law, was defeated.

The matter of the "deferred Public Hearing" from November 19th, 2002, with respect to the repeal of By-Law S-200, the Smoke Free Places By-Law needs to be decided by Council.

Uncertainty remains as to whether the Provincial Smoke Free Places Act will be ready to proceed by January 1st, 2003. In order that there be no vacuum in respect of the smoking regulations in place at that time, staff are of the view that there is no downside to the HRM By-law remaining in place until such time as the Provincial legislation takes effect, and, in the interim, the HRM regulations will apply. Therefore, staff is recommending that the process to repeal By-Law S-200 not proceed at this time and that the Public Hearing not be re-scheduled. There will be several other by-laws requiring to be repealed during 2003. By-Law S-200 could be repealed as a part of the general package of by-laws at that time. If the Provincial legislation comes into effect before the by-law is repealed, By-Law S-200 will merely be redundant, but will have no adverse implications.

BUDGET IMPLICATIONS

There are no budget implications to this course of action other than the cost of advertising a Public Hearing should Council decide to proceed to a Public Hearing.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could decide to proceed to Public Hearing to consider Second Reading of By-Law R-106, to Repeal By-Law S-200, the Smoking By-Law. Should Council decide to proceed in that manner, the date of January 14th, 2003, is suggested.

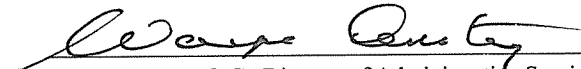
ATTACHMENTS

By-Law R-106, Respecting the Amendment of By-Law R-100, The By-Law and Ordinance Repeal By-Law.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Vi Carmichael, Municipal Clerk 490-4234

Report Approved by:



Wayne Anstey, Q.C., Director of Administrative Services - 490-4229