



York Region No-Smoking By-law #A-0285-2000-105

Best Practices for No-Smoking By-law Implementation

Presented by Soo Wong

Oct 8, 2002



Consultation, Collaboration, and Training



Consult with:

- Legal, Building and By-law Departments
- Police and Fire Departments
- Corporate Communications Department
- Alcohol & Gaming Commission of Ontario
- Neighbouring Municipalities



Provide ongoing training of the By-law with
Regional, Area Municipality Staff and Community
Partners.






Enforcement

- ② Consult and collaborate with Police in the enforcement of the By-law and in providing the various training and inservice for enforcement staff.
- ② Develop the appropriate policies and protocols for the By-law enforcement staff (i.e. notebooks, vehicles, pager accessibility, uniforms, variable hours).
- ② Hire experienced law enforcement staff to enforce the By-law.



Enforcement

-  Develop a computerized No-Smoking By-law database (i.e. recording monitoring and evaluating By-law information and complaints and for the monthly tracking of By-law enforcement data and distribution of educational/promotional materials).
-  Establish a policy that permits the issuance of Declaration forms.
-  Establish a policy that permits the issuance of Statement of Infraction.



**Declaration of Premise Class under the
York Region No-Smoking By-law #A-0285-2000-105**

I have declared that my premise is a class public place under the York Region No-Smoking By-law #A-0285-2000-105. I certify that I am authorized to make this declaration on behalf of the premise named herein.

Premise Name (print)		_____	
Street Address		Owner/Manager Name (print)	
City/Town	Province	Authorized Signature	
Postal Code	Phone No.	Owner/Manager Official Title	
Ontario Vendor's Permit No.	Date		

Regional Municipality of York, Health Services Employee	Date
Print Name	Badge No.

CLASS A public places are **smoke-free**. These include licensed and unlicensed family restaurants, food courts, theatres and banquet halls to which children are admitted. Owners may construct an enclosed and separately ventilated designated smoking room (DSR), provided the DSR meets the criteria outlined in the York Region No-Smoking By-law #A-0285-2000-105.

CLASS E public places may have an unenclosed smoking area no greater than 25% of the occupiable public space. Class E public places include licensed establishments such as restaurants, bars, taverns and night clubs to which **NO CHILDREN** are admitted at any time. Class E public places **MAY NOT ADMIT ANY PERSON UNDER THE AGE OF 19** to the premise.




This information is a summary only.
Refer to the York Region No-Smoking By-law #A-0285-2000-105 for details.

For more information please call Health Connection at 1-800-361-5853 or 905-895-0004.

(White copy: Regional Municipality of York, Health Services Employee)

(Yellow copy: Recipient)

Declaration Form

-  Identifies the type(s) of premise in operation.
-  For example in York Region, proprietors of Class "A" Public Places and Class "E" Public Places are encouraged to declare and sign the declaration form.
-  Proprietors that choose **NOT** to declare their operation will automatically be declared as a Class "A" Public Place.



(Name of Premise/Name of Individual)		(Date of Complaint)	
Located at:			
(Street Address)	(Town/City)	(Prov.)	(Postal Code)
in the Regional Municipality of York		Telephone No. _____	

Nature of Infraction – list below

The York Region No-Smoking By-law #A/0285-2000-105 prohibits smoking in Workplaces and restricts smoking in all Public Places in York Region. Anyone who contravenes any provision of the By-law is guilty of an offence and upon conviction thereof are liable to a fine of up to \$5,000 or such higher amount as may be provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended. To avoid a prosecution under the Regional No-Smoking By-law, _____

(name of premise/individual)
must comply with the By-law and make the appropriate changes within 14 days of this Statement of Infraction. However, should York Region receive another complaint on the above named premise / individual you will be charged automatically, thus nullifying this Statement of Infraction.

By-law Enforcement Officer Signature _____ Date _____

Print Name of By-law Enforcement Officer _____ Badge No. _____

White: No-Smoking By-law Enforcement Officer

Yellow: Recipient

Statement of Infraction



A Statement of Infraction is issued if it is a first offence - proprietor is given 14 days to comply (subsequent visits or complaints may result in charges).



Encourages proprietor to comply with the By-law and identifies the area(s) of infraction.



Designated Smoking Room (DSR)


DO NOT HAVE DSRs!

If this is not an option, the following MUST be considered:

- ⊗ Hire an experienced engineering firm or work in collaboration with the Area Municipality Building Department to review and approve DSRs (i.e. verify engineering stamp, review drawings, air balance reports and inspect ventilation systems).



Designated Smoking Room (DSR)

 Ensure that there are at least two parts to the DSR approval process and outline a specified approval timeline. For example, in York Region the following has been implemented:

- **Part I: Confirmation of DSR Plan Compliance**
(DSR drawings approval process is 10 business days or earlier)
- **Part II: Operational Compliance of DSR**
(DSR air balance and on-site inspection approval process is 10 business days or earlier)



**PART II
YORK REGION HEALTH SERVICES
OPERATIONAL COMPLIANCE**

**of
Designated Smoking Room (DSR)**

(as required by York Region No-Smoking By-law #A-0295-2006-105)

Date: _____ File #: _____

Establishment Name: _____

Business Address: _____

(Number)

(Street Name)

(Town / City)

(Postal Code)

(Municipality)

Applicant Name: _____ Telephone: _____

Owner Name: _____ Telephone: _____

York Region Health Services classification of the preceding establishment:

class A class B class C class D class E

Please note the following requirements of a Designated Smoking Room:

- (1) Is fully enclosed, and is not a washroom, a waiting area, a transaction counter or kiosk, a public thoroughfare or an area used for public transportation.
- (2) Has a capacity of not more than 25% of the occupancy load.
- (3) Is equipped with a separate ventilation system that maintains a minimum ventilation rate of 30 litres per second per person, based on the maximum occupancy load that is ventilated directly to the outside air and exhausted at a rate of at least 110% of supply. Such exhaust must be no less than three metres from any intake or opening.
- (4) Size approval is required by York Region Health Services prior to permit application to Building Department (is not greater in size than 25% of occupiable public space for public places)
- (5) Once DSR is installed a "Health Warning" sign must be posted at all entrances.
- (6) Smoking is not permitted outside the DSR area within the premises.

Date of Final File Review:	Approved By: (Print)	Signature:
Maximum Declared Occupancy:		Telephone:

The Regional Municipality of York
Health Services Department, Public Health Branch
No-Smoking By-law
50 High Tech Road, 2nd Floor, Richmond Hill, ON L4B 4N7

Tel: (905) 782-1282 x 4028
Fax: (905) 782-2081
Internet: www.region.york.on.ca

Revised: October 23, 2001

White - Originator Yellow - Applicant Pink - Owner Gold - Area Municipal Building Dept.

Designated Smoking Room (DSR)

Part II: Operational Compliance of DSR



Designated Smoking Room (DSR)

- ② Employ a dedicated designated smoking room coordinator to develop, implement, review and monitor the DSR program/approval process. Ongoing review and monitoring of the DSR program/approval process is crucial.
- ② Develop a computerized DSR database (i.e. recording, monitoring and evaluating DSR information and data).
- ② Hold DSR information workshops for Regional and Area Municipal staff, proprietors, contractors/applicants and hospitality industry workers.





Designated Smoking Room (DSR)

- ⊘ Require all proprietors to submit an air balance report from an independent air balance specialist/contractor either semi-annually or quarterly (i.e. demonstrates due diligence and ensures ongoing maintenance of the DSR).
- ⊘ Require that all DSRs post the maximum occupancy load at the entrance of the room.
- ⊘ Prohibit patrons under the age of 19 years into the DSR.
- ⊘ Create appropriate DSR educational and promotional materials for proprietors, contractors/applicants and patrons.



Resources

-  Commit resources (dollars and staff) in the implementation and evaluation of the No-Smoking By-law.
-  Secure funds for the creation of a comprehensive public education (i.e. educational and promotional materials) and media campaign.



Economic Costs for Owners with a DSR

- ④ Hiring of a Contractor/Engineer/Architect
 - for designing and building the DSR, installation of the ventilation system and independent air balance report
- ④ Cost of building a DSR
 - range from \$ 50,000 to \$ 250,000
 - cost vary depending on materials, size of the DSR and occupancy load
- ④ Cost of ongoing maintenance (independent air balance report)



Costs for Building a DSR

<i>Size</i>	<i>Drawing</i>	<i>Building and Installation (vary depending on materials used)</i>	<i>* Air Balance Report</i>	<i>Maintenance at 4 months period</i>
Small -15 people or under	\$5,000	\$50,000	\$1,000	\$200
Medium -up to 45 people	\$10,000	\$100,000-\$200,000	\$2,000	\$400
Large -50 people or more	\$15,000	\$250,000 and up	\$3,000	\$600

*The Air Balance Report is Included in the Building & Installation Costs



Annual DSR Costs to Health Services Dept.

- ☹ Administrative costs
 - 1 FTE DSR Co-ordinator, \$40,000/year
 - 1 FTE Engineer, \$70,000/year
- ☹ Printing educational/promotional materials
 - \$40,000
- ☹ 4 days initial training for all staff
- ☹ Ongoing training to staff and area municipalities
- ☹ Preparation costs
- ☹ Ongoing inspection/monitoring of the DSR
- ☹ Ongoing response and staff time for handling DSR phone calls



General Advice

- ② Develop a region wide No-Smoking By-law and enforce it regionally.
- ② Establish only one implementation date for all public places.
- ② **NO DSRs!!!**
- ② Develop a comprehensive public education and media campaign



York Region No-Smoking By-law #A-0285-2000-105

Best Practices for No-Smoking By-law Implementation

Presented by Soo Wong

Oct 8, 2002