

# Managers' Reports

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# Request for Recommendation Priorities Committee



## Type of Decision

Meeting Date	April 9, 2003				Report Date	March 31, 2003			
Recommendation		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

## Report Title

Smoking By-law Implementation/Education Committee

### Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

Background attached

### Recommendation

THAT the Council of the City of Greater Sudbury accept the report from the Smoking By-Law Implementation/Education Committee on Enforcement Strategy dated March 31, 2003

Recommendation attached

### Recommended by the General Manager

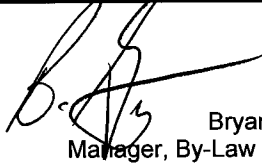
  
Doug Nadorozny, General Manager of  
Economic Development and Planning Services

### Recommended by the C.A.O.

  
Mark Mieto  
Chief Administrative Officer

Date: March 31, 2003

**Report Authored By**



Bryan Gutjahr  
Manager, By-Law Enforcement Services

**Division Review**



W.E. Lautenbach  
Director of Planning Services

**ENFORCEMENT STRATEGY**

On November 14, 2002 the City of Greater Sudbury Council unanimously passed the Smoking By-law 2002-300, that would see all public places and workplaces 100% smoke free by June 1, 2003. The only exception would be a designated public place with a separately ventilated designated smoking room (SVDSR) which was constructed on or before October 23, 2002 and which complied with requirements of City of Greater Sudbury By-Law 2001-7L. These SVDSR's will be able to continue to permit smoking within this area until May 31, 2004. On June 1, 2004 this exception would expire.

The key to successful implementation of the Smoking By-law is an effective plan for educating the public and business owners as to the benefits of the by-law with the aim of securing their voluntary compliance. The public and business owners must also realize that voluntary compliance isn't always the case, at which time enforcement is the only recourse.

As a result of the passing of the Smoking By-law it was imperative that a committee be formed to ensure successful implementation. As the head of the Enforcement Strategy, the City By-Law Enforcement Section enlisted the assistance of the Sudbury & District Health Unit. The Health Unit agreed to supply their expertise in promotion and education as well as dedicated funding for one full-time enforcement officer for a 12-month period. The City By-Law Enforcement Section would supply the enforcement needed for implementation and follow up.

The Health Unit and the By-Law Enforcement Section met and decided to create a committee of area representatives best suited to assist with implementation. As a result, the Smoking By-law Implementation/Education Committee was formed. This committee meets bi-monthly and more often as needed as we enter the critical phase of our comprehensive educational campaign which includes the dissemination of smoking by-law information packages to over 7,000 businesses and workplaces, the implementation of a comprehensive mass media campaign and the finalizing of enforcement protocol.

## Smoking By-law Implementation/Education Committee Terms of Reference

### **Mandate:**

- To monitor the implementation/education and enforcement of the City of Greater Sudbury Smoking By-law to ensure compliance
- To assist employers and employees in implementing the smoke free workplace policy and to promote a healthier working environment
- To promote within the community the benefits of a smoke free City of Greater Sudbury

### **Primary Objectives:**

- Public awareness and media campaign to inform the public of the new Smoking By-law, its requirements and implementation date.
- Business owner/employer education on the new by-law
- Smoke free information kits to be created and delivered to all affected businesses and workplaces prior to June 1, 2003
- These information kits will contain initial signage, information on smoking by-law including penalties for non-compliance, a sample workplace policy, By-law Enforcement and Health Unit contact information and a smoking cessation resource directory.
- Ongoing support to enforcement staff in the enforcement of the new Smoking By-law
- Monitor process issues related to by-law education and enforcement issues and improve if needed
- Report to Council on the successful implementation of the Smoking By-law

### **Membership:**

- City of Greater Sudbury By-law Enforcement Section
- Sudbury & District Health Unit
- City of Greater Sudbury Legal Services
- Greater Sudbury Police Services
- Alcohol and Gaming Commission of Ontario
- Ministry of Labour

**Smoking By-law Implementation/Education Committee  
Terms of Reference  
continued**

**Staff Contacts:**

- Bryan Gutjahr - Manager of By-law Enforcement
- Dave Satchwill - By-law Enforcement Officer
- Troy Rossignol - By-law Enforcement Officer
- Shelley Westhaver - Public Health Project Manager, Tobacco By-law
- Tim Worton - Manager, Health Protection
- Dave Groulx - Public Health Nurse
- Heather Salter - Deputy City Solicitor
- Sgt. Bill Evanochko - Greater Sudbury Police Services
- Inspector Gerry Pope, Greater Sudbury Police Services
- Detective Sgt Yves Forget - Alcohol and Gaming Commission of Ontario
- Detective Constable Chris Brown - Alcohol and Gaming Commission of Ontario
- Greg Bergeron - Liquor Inspector, Alcohol and Gaming Commission
- Dan Sweezy - Ministry of Labour

**Chair:**

- Bryan Gutjahr will act as Chairperson for this committee

**Meetings:**

- To be held bi-monthly or more frequently if required prior to implementation and monthly after implementation to review progress of compliance

**Recorder:**

- A member of the Committee will record the minutes of the committee

**Decision making:**

- No quorum is required. Decisions are made by consensus of those in attendance, when consensus is not possible, a majority vote will prevail.

## **ROLE OF SUPPORT AGENCIES**

### **Sudbury & District Health Unit**

- Develop and implement educational strategies on second-hand smoke and the benefits of going 100% smoke-free.
- Respond to inquiries for information directed to the Tobacco Action Line at 522-3433
- Fund By-law Enforcement Officer position for a 12 month period
- Public Health Inspectors to assist in delivery of Smoking By-law Information kits
- Public Health Inspectors to assist By-law Officers during investigations of violations of by-law as required.
- Health Promotion staff to assist with planning and implementation of a comprehensive media/educational campaign.
- Health Promotion staff to offer presentations/workshops to special interest groups and business owners
- Health Promotion staff to implement a comprehensive smoking cessation campaign.

### **Greater Sudbury Legal Services**

- Provide legal interpretation of provisions of Smoking By-law
- Assist By-law Officers in preparation for court proceedings
- Provide prosecution services for court proceedings
- Review documentation and information delivered to the public

### **Greater Sudbury Police Services**

- Provide support to By-law Officers after June 1, 2003
- Assist proprietors to enforce the Trespass to Property Act when requesting an individual to leave the establishment
- Respond to request for assistance from By-law Officers
- Attend enforcement presentation to bar, tavern and restaurant owners

### **Alcohol and Gaming Commission of Ontario**

- Provide information on licenced establishments within Greater Sudbury
- Liquor Inspector will work with By-law Officers to ensure there are no violations against the Liquor Licence Act or the Smoking By-law
- Advise proprietors of licenced establishments on consequences of violating the Smoking By-law and the affect on their Liquor Licence

### **Ministry of Labour**

- While on duty report violations of the Smoking by-law to the City By-law Officers
- Assist By-law Officers enforce the by-law with regard to the work places

## EDUCATIONAL STRATEGY

A comprehensive educational strategy is key to the successful implementation of a smoke-free by-law and the goal of gaining voluntary compliance. A "Frequently Asked Questions" sheet on the smoking by-law has been developed and is available on the City of Greater Sudbury and Sudbury & District Health Unit websites. In addition it has been distributed through the Chamber of Commerce to its members. Information packages are to be distributed to over 7,000 businesses and workplaces in the City of Greater Sudbury. Presentations are being offered to interested workplaces as well as local clubs and associations. Several key workshops have been hosted by the Sudbury & District Health Unit to assist workplaces with their smoking policy development as well provide them with useful tools for gaining compliance with the new smoking by-law. One of these workshops entitled "How to Tell a 300 lb Wrestler to Put Out His Cigar" had 50 participants.

The Smoking By-law Implementation/Education Committee will also launch a comprehensive educational campaign between April - June 2003 in an effort to educate businesses, workplaces and the general public on the new smoking by-law. This will include print, radio and bus ads, newsletters and posters.

The Sudbury & District Health Unit will also run a parallel smoking cessation campaign promoting community resources and programs available for people who would like to quit smoking.

In addition, the Smokers Intervention Group has been established to take an extensive look at smoking cessation programs and resources in Sudbury, identify gaps in services and develop strategies to address those gaps.

## ECONOMIC DEVELOPMENT SURVEY RESULTS

Shortly after Council passed the smoke free by-law, the economic development department contacted Laurentian University Small Business Counselling Service to conduct a survey amongst bars, restaurants and hotels. In an effort to establish what CGS could do to assist them in the transition to a smoke free business environment, over 65 restaurants, bars and hotels were surveyed. (See attached survey.)

Some of the general comments with respect to this question in particular were:

- ▶ We need a complete definition of enforcement rules
- ▶ City should inform us better as to what this means to go smoke free
- ▶ Should be gentle on clients at first and gradually make the fines bigger
- ▶ The City should recognize restaurants who decided to go smoke free before the deadline by providing rewards, congratulations which provides some free advertising to help those businesses with the initial loss of earnings
- ▶ City should provide signage
- ▶ How will it be policed?
- ▶ City needs a plan on implementation and it should be rolled out gradually
- ▶ More education about the by-law

**ECONOMIC DEVELOPMENT SURVEY RESULTS** (continued)

While this survey was being conducted, the Chamber of Commerce formed a "Smoking By-Law Task Force" to primarily assist establishments with any potential loss of business as a result of the by-law. This group was composed of Chamber executive board members, the Manager of Business Development and Sudbury and District Health Unit staff.

This group reviewed the survey results and decided that they would concentrate on the business concerns versus the actual implementation and enforcement process of the by-law. The Chamber has received calls from bars within the community that requested the by-law repealed. Rather than go down this path, the Chamber organized a luncheon session and arranged for bar and restaurant owners from Ottawa and Waterloo that had gone smoke free to share their challenges and what they did to overcome them. They also invited local restaurateurs who had already gone smoke free to share their experiences. Unfortunately, there were insufficient registrations for the session and it was cancelled a few days before the event.

The Chamber of Commerce Luncheon was promoted through a mailout to 1,200 chamber members, and additional 1,000 businesses through the Sudbury & District Health Unit database. Also, a press release with print media coverage in advance of the event was arranged.

In addition, the GSDC was a co-sponsor of a session led by the Health Unit entitled "How to tell a 300 lb wrestler to put out a cigar". The session aimed to assist business owners and their staff with how to deal with customers that choose to smoke in spite of the by-law. The cost to attend was \$25.00 and the event received approximately 47 registrations. The Health Unit plans to run similar sessions to assist staff of these establishments on how to deal with difficult customers.

Judging from the response of the survey, business owners have generally come to terms that the Smoke Free By-Law is coming into effect. Of course, there are bars in this City where their business depends heavily on smoking clientele and they are concerned with the impact this by-law will have on their profitability.

We are now at a point where we are proceeding with an implementation and marketing plan.

**ENFORCEMENT STRATEGY**

For the Smoking By-law to be successful, the public must be aware that the City will actively enforce if necessary.

It was agreed that to properly enforce the Smoking By-law that at least 2 by-law Enforcement Officers be assigned to work together primarily assigned to the Smoking By-law to ensure compliance initially for a period of 12 months.

**ENFORCEMENT STRATEGY** (continued)

It was also agreed that the City By-Law Enforcement Section take the lead on the enforcement strategy. However it was felt that the City could only dedicate one full time By-law Enforcement Officer and as such the Health Unit agreed to fund a By-law Enforcement Officer Position or a 12 month period.. This funded position was to be used specifically for the implementation and enforcement of the Smoking by-law. The Manager of By-law Enforcement will be responsible for the hiring of this individual. The individual for the position will have excellent enforcement and investigative skills as well as excellent interpersonal skills. These two Officers will work from the City By-law Enforcement Section and report directly to the Manager. Their duties will begin late March early April and their duties will include:

**Schedule of Enforcement/Educational Strategies**

- Feb - Mar/03 -        Develop the Smoking By-law Implementation/Education Committee
- Meet with support agencies to develop "Enforcement Strategy"
  - With the assistance of the Health Unit develop the "Smoking by-law Information Kit"
  - Host the "How to Tell a 300 lb Wrestler to Put Out A Cigar" workshop for businesses and workplaces
  - Develop a comprehensive media campaign to address public concerns and educate on the by-law
  - Develop a presentation package to be offered to businesses, workplaces and local clubs
  - Hire the funded By-law Officer Position
  - Attend public meetings to inform on By-law issues
- April 2003        -        Presentation to Council on "Enforcement Strategy"
- Develop strategy for delivery of information kits
  - Begin delivery of information kits - personal visits, mail-outs
  - Advertise the contact phone numbers for the Tobacco Action Line and the Enforcement Line
  - Begin Media Campaign for public awareness of implementation
- May 2003        -        Continue personal visits to businesses and workplaces to assist in implementation of workplace policy
- Hold a public meeting with bar, tavern and restaurant owners to address their concerns and to advise them of the enforcement policy
  - Continue media campaign

**Schedule of Enforcement/Educational Strategies** (continued)

- June 2003
  - Implement enforcement policy/continue education campaign
  - Begin to work 2 shift schedule (1 p.m. - 9 p.m. and 6 p.m. - 2 a.m.)
  - Respond to complaints of non-compliance and inspections of establishments
  - Available to respond to request for education information to employers and employees
  
- July-Sept/03
  - Continue spot inspections of public places and workplaces
  - Record activities and inspection results
  - Assist employers implement the workplace policy
  
- Oct 2003
  - Report to Council on success of implementation
  - Review enforcement strategy - improve if needed
  
- Nov 03/Apr/04-
  - Officers will continue to liaise with Special Interest Groups
  - Continue spot inspections
  
- May 2004
  - Media campaign to review first year of implementation
  - End of funded position
  - All regular By-law Officers will continue to monitor for compliance

**ENFORCEMENT POLICY**

- Prior to June 1, 2003 staff will attempt to visit every affected business and workplace to notify owners of the implementation of the Smoking By-law #2002-300
- As of June 1, 2003 the By-Law Enforcement Officers will do random inspections of businesses and establishments to ensure compliance
- The Officers will also be responding to inquiries and complaints received from the public
- If during their first inspection the Officers observe or are aware of a contravention of the by-law the proprietor will be advised of the contravention and warned that any further contravention may lead to court action.
- This warning will be followed up by issuing a notice of violation to the proprietor. The notice will indicate the violation and the action necessary to correct the violation.
- On a second inspection, if the Officers observe another contravention the proprietor will be charged for the violation by way of a Part I ticket with an out of court fine of \$250.00
- On any subsequent inspection if the Officers observe a continuing contravention the proprietor will be charged by way of a Part III summons which makes a court appearance mandatory. If convicted the maximum penalty is \$5,000. At this time a court order will also be issued to the individual which will state that the individual shall not continue to contravene the by-law.
- The Officers will make every attempt to gain compliance prior to someone being charged by way of a Part III summons. In some instances however, this will be the only recourse to gain compliance.

## SUMMARY

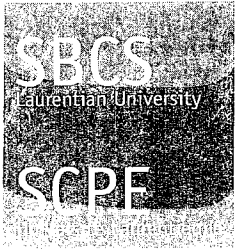
The City of Greater Sudbury is about to embark on the implementation of a smoking by-law that is one of the most comprehensive in the Province. The Smoking By-law Implementation/ Education Committee firmly believes that along with the implementation of the enforcement strategy and a media campaign advising the public of the by-law requirements, that there will be voluntary compliance to the by-law.

Already the Committee has created a "Frequently Asked Questions and Answers" pamphlet that addresses concerns raised by local businesses and the public. The pamphlet was distributed by the Chamber of Commerce to all its members. It is also posted on the City web site for anyone with internet access. The Health Unit and By-law Enforcement have worked together and prepared a comprehensive Power Point Presentation that they have presented to the Sudbury Human Resources Professionals Association. The Power Point Presentation covers information concerning second hand smoke health hazards, designated smoking rooms, smoking cessation resources, enforcement policies and procedures and contact numbers for information on the by-law and for the Health Unit.

By-Law Enforcement staff and Health Unit staff are committed to ensure the public and businesses concerns are addressed. Staff are available to attend businesses and workplaces to speak with employers and employees about the by-law and answer any questions they may have.

The Smoking By-law Implementation/Education Committee understands that implementation may be difficult for some business owners and as such staff will endeavour to respond and give support to the owners in their efforts to gain compliance

The Smoking By-law Implementation/Education Committee firmly believes that the implementation of a comprehensive educational campaign along with the development of a clear enforcement strategy and the presence of a cohesive, multidisciplinary enforcement team will encourage voluntary compliance to the by-law and ultimately a smooth transition to 100% smoke-free.



**Small Business Consulting Service**  
**Service de consultation aux petites entreprises**

# **City of Greater Sudbury Smoking By-Law Study**

Prepared by:

**Small Business Consulting Service**

Jocelyne Côté  
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Stephanie Meunier

*February 17, 2003*



en collaboration avec le  
in partnership with the

**REGIONAL BUSINESS CENTRE RÉGIONAL DES AFFAIRES**

appuyé par  
supported by

**CMA**

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Exhibit A: Questionnaire

Exhibit B: Survey Respondents

Exhibit C: Survey Results

## **1. Introduction**

In order to promote a healthy community, the City of Greater Sudbury developed a 100% smoke free by-law, restricting smoking in public places, which will come into effect on May 31<sup>st</sup>, 2003. Local food service business owners are concerned with the impacts this by-law could have on the viability of their establishments. Therefore, a study was conducted to address this concern. The following pages present the results of this study, including attitudes with regard to the by-law as well as suggestions for ways in which the City can assist businesses in becoming smoke-free.

## **2. Objective**

The main objective of this survey was to obtain feedback from bar and restaurant owners for two reasons:

- i. Assess overall attitudes and concerns regarding the smoking by-law;
- ii. Reveal ways by which the City can assist businesses in becoming smoke-free establishments.

## **3. Methodology**

Data was acquired by means of a one-page survey consisting of 14 questions. The first 8 questions were designed to help establish a profile while the remaining 6 questions were designed to extract attitudes towards the by-law. (See exhibit A.) The data thus acquired was analyzed using Microsoft Excel software.

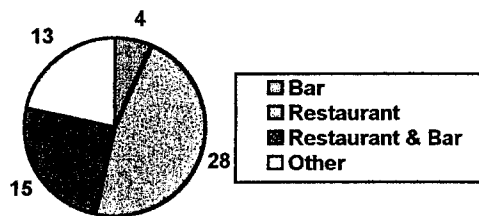
The Regional Business Center provided a list of 300 local bars, restaurants and other food service businesses. Between Monday February 3<sup>rd</sup> 2003 and Friday February 7<sup>th</sup> 2003, these businesses were randomly contacted by telephoning every third business on the list. A total of 67 business owners or managers were reached. A total of 60 establishments participated in the survey, representing approximately 20% of all bars and restaurants in the City of Greater Sudbury. (See exhibit B.) Note that a high percentage of telephone numbers included in the list of businesses were no longer in service; this considerably reduced the number of businesses that could be contacted. Very few business owners or

managers (only 7) refused to participate in the survey. It is likely that this favourable response rate was due to the fact that the smoking by-law is presently a topic of high interest in the community.

#### 4. Respondents Profile

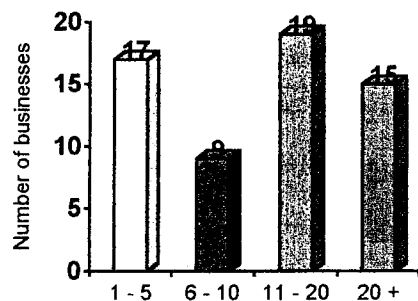
The majority of businesses included in the survey were restaurants with (25%) or without (47%) bar areas. Very few respondents represented strictly bar establishments (7%). Please see Figure 1 for a visual representation of this distribution.

Figure 1: Business Types



Furthermore, participating businesses ranged in age from very new (1 year) to more established (75 years). There was a fairly equal distribution among all age groups. Figure 2 visually presents this distribution.

Figure 2: Age of Business



Moreover, almost 75% of respondents have less than 10 full-time employees and almost 80% have less than 10 part-time employees. A third of the respondents are at present completely smoke-free. Of those that are not, 90% will wait for the by-law to be in effect before enforcing a no-smoking policy. The majority of respondents are aware of the City of Greater Sudbury smoking by-law. In fact, only 1 business owner had not heard of it. However, it is interesting to note that, while most of the businesses plan on waiting for the by-law to be effective before adopting a no-smoking policy, 42.5% of these establishments do not know exactly when the by-law will be in effect!

## **5. Expected Effects on Businesses**

A large majority of business owners surveyed (63%) felt that the smoking by-law would have a neutral (53%) or positive (10%) effect on their business. In general, these businesses believed that positive effects would nullify any negative effects: they may lose some customers while they gain others. Owners who believed that the smoking by-law would have a negative impact were generally responsible for businesses whose client base comprises mostly smoking customers who drop by the restaurant or bar for a drink and a cigarette after work. These business owners feel that such customers will go directly home after work (where they can smoke) instead of stopping by the restaurant or bar. One respondent stated that the smoking by-law would be more significant for bars in lower income brackets because they are sometimes dependent upon the business of long-time customers who, often, are also long-time smokers. This respondent pointed out that, if these customers decide to stop going out, these bars will inevitably run into financial difficulty.

Most of the owners (65%) did not believe the current number of employees in their business would change because of the smoking by-law. Only 12 (20%) believed that the number of employees would decrease. To sum up, most of the comments regarding the impact of the smoking by-law on business were positive or neutral. Very few owners thought the by-law would have a very negative effect. The few that did declare solely negative effects were all bar owners.

## **6. Attitudes and Perceived Outcomes**

In general, many of the respondents thought it would be difficult to predict what the outcome of the smoking by-law would be and very few had negative comments. One owner said, "I think the outcome will be positive. More families will go out. Therefore, the average check amount will increase. It will be cleaner. It will be a better working atmosphere. It will just be a lot nicer." Another satisfied business owner stated, "I am very much okay with the by-law. I feel my restaurant should be smoke-free anyway; the by-law is just forcing me to do it." A number of other business owners asserted that "the City is doing a great job" and that they are "very happy the City is finally going smoke-free."

The most common negative reaction is the by-law's expected impact on bars; many expressed pity for the owners of these establishments as they are expected to suffer the most under the new by-law. In fact, many business owners feel that exceptions should be made for this type of business. By the same token, it is no surprise that bar owners are convinced the by-law will bring only negative results. One bar owner indicated the vicious circle that could arise when a bar owner is forced to tell long-time customers that they can no longer smoke in his establishment. According to the law, if they do not comply, the owner will have to ask them to leave. This individual pointed out the complexity in treating such loyal customers in this manner.

## **7. Concerns**

Concerns regarding the smoking by-law generally fall into one of two categories. The first of these categories deals with the enforcement of the by-law. There are four areas of concern here. First, business owners are worried about having to enforce the by-law themselves. As indicated in the previous section, there is often a fair amount of awkwardness involved in telling customers to stop smoking in their establishment. Second, business owners are leery of the fairness of officials. There is concern that officials may be biased against bigger establishments while being less harsh with smaller ones. The logic here is that bigger establishments can accommodate greater numbers of

customers. Therefore, smoking in these buildings can inevitably cause harm to a larger number of people. Third, there are questions regarding the absorption of the costs of properly enforcing the by-law. The main concern is whether or not tax rates for businesses will increase. Finally, in the realm of enforcement, there is concern regarding the severity, suitability and accessibility of penalties.

The second category of concerns encompasses the limits of the by-law. The question often put forward is “Where do you draw the line?” Business owners are concerned about various applications of the by-law. For instance, they want to know where exactly smoking is not permitted: Is it not permitted on the entire premises of the company? Is it banned inside the building only? How many feet must smokers be from the entrance before they can light up? Will smoking be permitted on outdoor patios? Does smoking in a car, with windows rolled down, in a drive-thru line-up constitute an offence because others can smell the smoke?

Other concerns include the fact that the business owners were not given the option of building smoking rooms, as was done in the Toronto area and that bingo halls will not be forced to comply with the smoking by-law until 2004.

## **8. Suggestions**

Many business owners surveyed had no suggestions because they felt that “the City is doing a great job!” The suggestions that were brought forward include several good ideas. First, one business owner suggested that the City provide businesses with free “No Smoking” signage. Second, it was proposed that the City increase awareness of the by-law by improve its marketing campaign. Third, it was recommended that the City provide programs to help employees of affected businesses quit smoking. This business owner underlined the fact that customers will not be the only individuals who will have to adapt to the new by-law; employees will likely have difficulty adapting, as well. Furthermore, it was advised that officials be consistent in their assessment of businesses and in the assignment of penalties. Moreover, another business owner suggested that the City provide easily accessible precise information regarding the limits and applications of

the by-law. Finally, another business owner recommended that the City recognize businesses that decide to go smoke-free before the by-law actually becomes effective. These businesses often endure a sales loss. These businesses should be recognized for their efforts with some form of reward, free advertising or a congratulatory message.

## **9. Conclusion**

In general, the respondents believed that the smoking by-law is a step towards a healthier community. While some concerns were expressed, these appear to be temporary. As one business owner said, "People won't stop going out."

**Exhibit A**  
**Questionnaire**

# Smoking By-Law Questionnaire

Business Name: \_\_\_\_\_

Owner/Contact Person: \_\_\_\_\_ Phone No.: \_\_\_\_\_

1. What kind of business do you operate? Bar \_\_\_\_ Restaurant \_\_\_\_ Restaurant & Bar \_\_\_\_ Other \_\_\_\_
2. How long has your business been in operation? No. of years: \_\_\_\_\_
3. How many full-time employees work in your business? \_\_\_\_\_
4. How many part-time employees work in your business? \_\_\_\_\_
5. Is your establishment smoke-free? Yes \_\_\_\_ No \_\_\_\_
6. If no, when will your business adopt a no smoking policy? Immediately \_\_\_\_ Gradually \_\_\_\_ Wait for effective by-law \_\_\_\_
7. Are you aware of the City of Greater Sudbury smoking by-law? Yes \_\_\_\_ No \_\_\_\_
8. When does the smoking by-law come into effect? Date \_\_\_\_\_
9. What kind of effect do you think the smoking by-law will have on your business? Very positive \_\_\_\_ Positive \_\_\_\_ Neutral \_\_\_\_ Negative \_\_\_\_ Very negative \_\_\_\_
10. Why do you feel this way?
11. In general, what positive or negative outcomes do you feel will come from the smoking by-law?
12. a. Do you think the number of employees in your business change because of the smoking by-law? Yes \_\_\_\_ No \_\_\_\_  
b. Explain:
13. Can you suggest any ways in which the City can assist businesses in becoming smoke-free establishments?
14. Are there any other comments you would like to add?

**Exhibit C**

**Survey Results**

## Smoking By-Law Results

### 1. What kind of business do you operate?

	Frequency	Percentage
Bar	4	7%
Restaurant	28	47%
Restaurant & Bar	15	25%
Other	13	22%
	60	100%

### 2. How long has the business been in operation ?

	Frequency	Percentage
1 to 5	17	28%
6 to 10 years	9	15%
11 to 20	19	32%
More than 20 years	15	25%
	60	100%

### 3. How many full-time employees work in the business?

	Frequency	Percentage
5 employees or less	32	54%
6 to 10 employees	15	25%
11 to 15 employees	4	7%
16 or more employees	8	14%
	59	100%

### 4. How many part-time employees work in the business?

	Frequency	Percentage
5 employees or less	28	47%
6 to 10 employees	18	31%
11 to 15 employees	6	10%
16 or more employees	7	12%
	59	100%

### 5. Is your establishment smoke-free?

	Frequency	Percentage
Yes	20	33%
No	40	67%
	60	100%

**6. If no, when will your business adopt a no smoking policy?**

	<b>Frequency</b>	<b>Percentage</b>
Immediately	0	0%
Gradually	4	10%
Wait for by-law	35	90%
	39	100%

**7. Are you aware of the new Greater City of Sudbury smoking by-law?**

	<b>Frequency</b>	<b>Percentage</b>
Yes	59	98%
No	1	2%
	60	100%

**8. Do you know when the smoking by-law will come into effect?**

	<b>Frequency</b>	<b>Percentage</b>
Yes	31	52%
No	29	48%
	60	100%

**9. What kind of effect will the smoking by-law have on your business?**

	<b>Frequency</b>	<b>Percentage</b>
Very Positive	0	0%
Positive	6	10%
Neutral	32	53%
Negative	12	20%
Very Negative	6	10%
N/A	4	7%
	60	100%

## 10. Why do you feel this way?

### **Bars**

- 15 People come to the bar after work to relax have a beer and cigarette and they may go home instead.
- 38 Smokers get together here to smoke after work. It is mostly older folk who have smoked their whole lives. They will just stop coming. I will have less customers.
- 51 Because we have a lot of smoking clients; Bar end of business will lose out, some customers have stated that they won't come
- 56 Business will be lost once we go smoke-free, many old customers smoke and will not come here

### **Restaurants**

- 1 N/A
- 2
- 5 Our clientele is used to the non-smoking restaurant.
- 7 Hoping the customers will understand and go outside.
- 12 Will not affect because we are already smoke free.
- 17 They lost a lot of customers but this owner was tired of having smokers lounge in the restaurant and smoke all afternoon.
- 20 They may lose half of their customers.
- 21 Less customers; Most customers smoke; Afraid of losing them.
- 23 I will lose some customers but gain others. So the effects will nullify each other.
- 24 It's already started to have a negative effect. Everything is negative.
- 26 Smoking is no good for people... but it's hard to tell people what to do.
- 27 We have been smoke-free for a while.
- 28 People will go have lunch anyway.
- 29 -
- 30 -
- 31 There is no smoking in the restaurant as it is.
- 33 We've been non-smoking for a while.
- 36 Business has been bad since I went smoke-free.
- 39 The majority currently all sit on the smoking side (even if they are non smokers) but it's just for socializing. They won't stop coming here just because it's non-smoking.
- 42 Customers will enjoy cleaner air, and smokers should not mind going outside
- 44 Clean restaurant, better environment for dining
- 47 Employees and customers are happier
- 49 Customers will know to smoke outside
- 50 The restaurant's layout is small so it is hard to segregate smoking and non-smoking.
- 52 Have had negative feedback from smokers and positive feedback from non-smokers; Balanced out
- 55 Always has been smoke free; will tell customers to smoke outside
- 57 More customers; Customers do not mind going outside; Better environment; Customers no longer have to wait for smoking table.
- 59 Lose business

### **Restaurant & Bar**

- 3 Not sure
- 4 The bar is attracting a younger crowd and this clientele is more open to a smoke free bar therefore it should not be too bad.
- 9 It will be positive for the restaurant but negative for the bar.
- 10 Customers who smoke may not come any more but on the other hand I may have more because we are smoke free.

- 11 Because 40 to 50% are smokers.
- 13 The same clients use the restaurant and the bar and these people are totally happy about the restaurant being completely smoke free but are not happy about the bar side.
- 14 Because we have a lot of smoking clients
- 16 Not sure at all. There is no way of knowing.
- 18 Hard to say. Night customers might be more affected.
- 19 It may be negative initially but people will get used to it .
- 32 70% of my customers still smoke. They won't come out as much.
- 35 We are in a farming community where all the farmers smoke. They come in after work for a cigarette and to talk about old times. We also get a lot of American tourists here. They all smoke too.
  
- 40 Even out in the long run, every restaurant has to do it
- 41 Everyone has to do it in May; Not worried about losing business; Will tell smokers to go outside to smoke
- 48 Gain non-smokers, lose smokers

***Other establishments***

---

- 6 Because we deal with private functions and corporate meetings, this type of clientele is used to the no smoking environment.
- 8 It will depend on the customers.
- 22 I opened up non-smoking so it won't change anything.
- 25 There is no dine-in here.
- 34 We're only a take out place.
- 37 I am a non-smoker.
- 43 No real effect on business
- 45 Will lose smoking customers who are usually loyal
- 46 Evens out between smokers and non-smokers; both positive and negative feedback; employees are happier
- 53 Will lose business from smokers, especially since this is a bar and people enjoy smoking while drinking
  
- 54 Balances out between smokers and non-smokers
- 58 People like to enjoy coffee and cigarettes together, but I think all in all it will even out between smokers and non-smokers
- 60 Always has been smoke free

**11. What outcomes (positive or negative) do you feel will come from this smoking by law?**

***Non-smoking establishments***

---

**Restaurants**

- 1 When the restaurant went smoke free about 3 yrs ago the breakfast sales decreased.
- 2 It has been a positive experience for this restaurant.
- 12 Overall, it is a positive outcome however it will have more of an effect on bar owners.
- 17 Positive
- 27 I think the outcome will be positive. More families will go out. Therefore, the average cheque amount will increase. It will be cleaner. It will be a better working atmosphere. It will just be a lot nicer.
  
- 31 A lot of restaurants will lose business. The taxes will go up.
- 33 No sure.
- 36 It's a good thing.
- 47 None
- 52 No effects
- 55 N/A
- 57 Employees love it; cleaning air; everyone's happier; the staff members do not go home smelling of smoke

**Other non-smoking establishments**

- 6 No impact
- 22 It will impact a lot of businesses. I think it will have a negative impact.
- 25 People are not going to stop going out. They are going to go out anyway. There will be no changes in the long term. People will work around it.
- 34 I am all for the by-law but if I were a bar owner, I would be concerned.
- 37 More non-smokers will be able to enjoy themselves more.
- 46 Happier employees; no big effect on customer flow
- 54 None
- 60 No effects

***Establishments not yet smoke-free***

---

**Bars**

- 15 Not positive
- 38 Bad all around.
- 51 Loyal customers won't come here at all
- 56 Negative outcome because it will be hard to tell customers to smoke outside

**Restaurants**

- 5 It will positive
- 7 Yes if sales go down.
- 20 It is good for the health but not good for the customers.
- 21 Less customers will come in. Not really sure how it will affect business.
- 23 I think the outcomes will be positive all around.
- 24 Totally, totally negative.
- 26 People will adjust to it.
- 28 There will be more families going out. It will be a cleaner area (no smell).
- 29 Don't know.
- 30 No idea.
- 39 It's a good thing.
- 42 None
- 44 Everyone will be working in a cleaner environment, healthier customers
- 49 No effect, neutral

**12. Do you think that the number of full-time and part-time employees would change at all?**

	Frequency	Percentage
Yes	12	20%
No	39	65%
Not sure	3	5%
Not applicable	6	10%
	60	100%

**Bars**

- 15 Possibly if sales go down.
- 38 No: I am the only employee.
- 51 Might if sales go down to far; Staff is worried about enforcement standards
- 56 No

**Restaurants**

- 1 N/A
- 2 N/A
- 5 No
- 7 No.
- 12 n/a
- 17 n/a
- 20 No
- 21 YES: All employees smoke
- 23 No.
- 24 YES: I'm not sure to what extent, though. It depends on how business will do.
- 26 No.
- 27 Yes.
- 28 No.
- 29 Don't know.
- 30 Yes: If I start losing business I will have to get rid of some employees.
- 31 No.
- 33 No.
- 36 Yes: If business continues to be bad.
- 39 No: Just one employee.
- 42 None
- 44 No
- 47 Not effected; Happier employees, don't mind smoking outside
- 49 No
- 50 No: The restaurant is too small. I also have a catering business so I need them to keep that going.
- 52 No
- 55 No
- 57 No, gained more business
- 59 None

**Restaurants with bar**

- 3 No
- 4 Not sure. The staff is worried about their jobs. It creates uncertainty and may cause a domino effect.
- 9 Yes, for the bar staff
- 10 No
- 11 Not sure.
- 13 There may be a small effect on the number of staff. Not sure.
- 14 No.
- 16 Maybe if sales go down.

50 On the positive side, I will have a cleaner restaurant. On the negative side, I will be much busier doing room service because people will stay in their rooms to smoke instead of coming down to the restaurant. (There are always ways to by-pass a law like that.

59 None

**Restaurants with bar**

3 Not sure

4 It is positive.

9 This is a touching situation and it is hard to say.

10 Positive

11 Positive health wise but no for the business.

13 Personally it is positive

14 Overall, it will have a positive effect.

16 It will not be positive because the gov't should not impose the law on the owners.

18 No.

19 Absolutely positive

32 It's positive because, eventually, people will stop smoking. People will adapt to it eventually. Businesses will suffer at the start but will adapt.

35 For the bars, it will be very bad. For the restaurants, it will be very positive. The overall effect will be negative.

40 None

41 It's 50/50; May lose smokers and then may gain non-smokers

48 None

**Other types of establishments**

8 It is positive because everyone will be working in a cleaner environment (healthier for staff and customers)

43 No outcomes

45 Lose business

53 Lose business since smokers will be upset when asked to smoke outside

58 No real effect

- 14 No.
- 16 Maybe if sales go down.
- 18 No.
- 19 No affects however it will depends on sales.
- 32 Yes: Employment will fluctuate with business.
- 35 No: We are too small.
- 40 None
- 41 No effect
- 48 None

**Other establishments**

---

- 6 N/A
- 8 No
- 22 No. I have been smoke-free from the beginning.
- 25 No.
- 34 No: We are already smoke-free.
- 37 No.
- 43 None
- 45 Yes, may have to lay off employees
- 46 No effect
- 53 No
- 54 None
- 58 No
- 60 N/a

**13. Do you have any ideas of how the city council can assist you in making the transition to a non-smoking establishment easier?**

**Bars**

- 
- 15 Need to give bars a break. It would have been a better idea to give owners an exemption for bars not allowing minors.
  - 38 The City should just stop selling cigarettes. How will businesses pay taxes if there will be no business?
  
  - 51 Need a complete definition of the enforcement rules (ie. 9 meters away from entrance); We are all confused by enforcement
  - 56 City should inform us better of what this means to go smoke free

**Restaurants**

- 
- 1 None
  - 2 None
  - 5 Should be gentle at first on the clients and gradually make the fines bigger.
  - 7 No.
  - 12 None
  - 17 The effects are negative. The City should recognized restaurants who decided to go smoke free before the deadline by providing rewards, congratulations because you went smoke free or even provide free advertising to help them with the loss of earnings.
  - 20 I'm ready. I will tell customers to go outside to smoke.
  - 21 City should provide signage.
  - 23 I think the City is doing a GREAT job. Keep up the good work!
  - 24 No.
  - 26 The City is doing enough. I don't agree when the City does TOO much (spends too much money) because it means they are spending my tax dollars.
  - 27 No way. They can't do it any differently than the way they've done it.
  - 28 The City is doing a great job.
  - 29 No.
  - 30 No.
  - 31 No.
  - 33 I don't know.
  - 36 I don't know.
  - 39 The City should specify what should be smoke-free. Is the whole premise smoke-free? Is it just the building? What about people who smoke in their cars with the windows open in a drive-thru line-up?
  - 42 Could introduce it slowly, especially for those businesses that have a lot of loyal customers who smoke.
  
  - 44 None
  - 47 No
  - 49 None
  - 50 The Health Unit should just stay out of my business.
  - 52 Nothing they can do; It's up to the bar owners
  - 55 No
  - 57 No, it's up to the owners
  - 59 No

**Restaurants with bar**

- 
- 3 None
  - 4 Until we know how it will be policed it is difficult to say. We had meeting already. It will be a difficult transition
  - 9 A separate room option would have been a better solution like they have in TO instead of imposing this law.
  
  - 10 They are not anticipating any problems
  - 11 Should be allowed to build a smoking room.

- 13 This is a touchy issue and there should be more education available towards the results of smoking. There should be more awareness geared to the clients.
- 14 Assistance with the staff would be a good idea to help them stop smoking or to deal with the fact that they will not be allowed to smoke inside. It will be difficult for them.
- 16 City needs a good plan. The law needs to be policed properly. It must also be fair to everyone. It will cost a lot of money to police it properly.
- 18 No.
- 19 No.
- 32 The City should implemen it slowly, not all at once, gradually.
- 35 No.
- 40 No
- 41 No
- 48 No

**Other establishments**

---

- 6 N/A
- 8 None
- 22 No.
- 25 For the downtown area, restaurants and bars should be allowed outdoor patios with smoking without too much hassle from officials.
- 34 No.
- 37 No.
- 43 Nothing that they can do
- 45 No
- 46 More education about the by-law and the penalties should be easily accessible
- 53 None
- 54 None
- 58 Option to build a smoking section according to new standards
- 60 They should make it easier for businesses to get patio licenses

**14. Do you have any additional comments you would like to add?**

**Bars**

- 15 No.  
38 If the government wants people to stop smoking, stop selling cigarettes.  
51 Want verification and information in layman's terms; Why don't the bars stop selling cigarettes?  
56 None

**Restaurants**

- 1 The by-law will not affect the business.  
2 This restaurant has been smoke free since May 6/02 and they did not have any complaints so far and the level of business has increased.  
5 Should be fair across the board. It should be the same for the bingos and charity facilities.  
7 Hoping that the small businesses won't be too hurt by it. It will be a good time because of the nicer weather in May.  
12 When they went smoke free, they lost the smoking clients but gained a new smoke free clientele.  
17 Need an awareness campaign for the customers.  
20 No.  
21 No.  
23 I am very much okay with the by-law. I feel my restaurant should be smoke-free anyway; the by-law is just forcing me to do it.  
24 I don't agree with the by-law at all. The public has no say. There should have been a referendum. The owner has no say because the City is telling people what to do. I am not happy at all.  
26 If the doctors say it's bad, we believe them...  
27 My dad lives at Pioneer Manor and will be forced to smoke outside. I totally disagree with this because Pioneer Manor is his home. The law should be different in this situation.  
28 I think the City should leave bars alone and let the consumer make the decision in that area. I am happy with the by-law. I think it's a great idea. I have been meaning to go smoke-free for a long time.  
29 No.  
30 The City should keep their nose out of people's business. They should not dictate what other people do.  
31 The City should let good enough alone.  
33 All these changes make life confusing.  
36 No.  
39 If you are going to say "smoke-free", include outside (at the entrance doors) as well.  
42 No  
44 I think that this will be better because everyone will be healthier and happier  
47 No  
49 None  
50 Where does it stop? This is a private place, not a public one.  
52 No.  
55 None  
57 At first, nervous - did not know how the customers would react, but they spread the word; made the transition easier for us  
59 No
- Restaurants with bar**
- 3 None  
4 Because 95% of the business is the bar, the by-law will have a significant impact.  
9 Not fair that the by-law does not apply to Bingo halls until 2004. Everyone should be treated the same way.  
10 No.

11 Not happy about how the city dealt with the imposition. We did not get the option to build a smoking room.

13 I agree with the food side but we should have an option to go half and half or a certain percentage on the bar side.

14 The restaurant may become totally smoke free before May. Not sure.

16 The establishment is 25% smoking at this time. It should be 100% non-smoking because it is good for everyone's health but it should not be imposed. It will create problems.

18 Unhappy customers but they will get used to it.

19 No.

32 I am conforming to the Naim Center by-law right now.

35 The effect of the by-law depends on the location of the establishment. I think this smoking by-law is mostly a political thing. It isn't fair to smokers. It will hurt the economy.

40 No

41 No

48 No

---

**Other establishments**

6 It will be more of a transition for the bars.

8 It will be more significant for certain bars and customers with lower income. They may decide de drink at home instead.

22 If smoking is that bad, they should just ban it and quit selling cigarettes instead of making money off the taxes.

25 By-laws like this can be frustrating. The City dictates so much (i.e. Business hours, etc.) Smoking is the business owner's business. I wish the City kept their nose out of day-to-day business.

34 I would like to see Sudbury smoke-free.

37 I am very happy that the City is going smoke-free.

43 No

45 No

46 No

53 No.

54 No

58 No.

60 Glad that the city is finally going smoke free

**ADDENDUM TO CITY OF GREATER SUDBURY SMOKING BY-LAW STUDY**

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Prepared by Small Business Consulting Service  
*February 20, 2003*

Four additional hotels were surveyed on February 19, 2003 in order to obtain more feedback from this sector.

Each of these establishments has already implemented a 100% smoke-free policy in their eating areas. The owners and/or managers do not expect the City of Greater Sudbury smoking by-law to have much of an impact on their business. In fact, all four owners surveyed stated that the smoking by-law would have a neutral effect of their business. However, one concern expressed pertains to the application of the by-law to private rooms and functions. The person stated: "Should the by-law apply to the smoking rooms, the effect will definitely be negative".

All four respondents were very satisfied that the City of Greater Sudbury will be going smoke-free. One manager emphasized the positive effects of a smoke-free environment: "It will be better for the employees and better for the children because we are a family restaurant." In general, they are happy with the by-law and feel it will be a step forward for the restaurant industry. In fact, one respondent added that the customers were very happy when the restaurant had decided to go smoke-free last year. This is encouraging news for restaurants that have not yet implemented smoke-free policies.

Suggestions made by the owners of these establishments include better advertising of the by-law as well as equitable enforcement of the by-law. Another respondent expressed her satisfaction with the survey itself. This individual said, "Getting feedback the way the City is doing with this survey is a good thing, too."



# How do you tell a 300 lb. wrestler to put out a cigar?

## Changing Rules – Changing Behaviour Strategies for Encouraging Compliance to Smoking By-laws

The City of Greater Sudbury's new smoking by-law goes into effect May 31, 2003. This by-law prohibits smoking in all public places and workplaces, including entranceways. "No Smoking" regulations are not popular with some members of the public and implementing these new rules can lead to some difficult situations.

### Workshop Topics

This interactive workshop involves participants in a variety of exercises and activities that will assist with:

- How to get co-operation and support for a no smoking by-law
- How to deal with people who ignore the by-law
- How to manage difficult situations and un-cooperative people
- How to develop a personal plan that will work for your facility

A resource package of materials is included for participants to take away and use in their own organization.

### Who Should Attend?

Managers, business owners and workers who have responsibility for increasing awareness of and implementing the the new by-law in their workplace.

### Our Workshop Leader

Bill Tranter is a Senior Consultant at MICA Management Resources and has almost 20 years of experience as a trainer and consultant. Bill brings practical, useable strategies and opportunities to help organizations and people with leadership responsibilities handle change in a positive way. For your convenience, morning and afternoon sessions will be available.

**Date:** Monday, March 24, 2003  
**Time:** Session 1 - 8:30 a.m. to 12 p.m. or  
Session 2 - 1 p.m. to 4:30 p.m.  
Lunch included from 12 p.m. to 1 p.m.  
(both sessions)  
**Location:** Older Adult Centre, 140 Durham Street  
**Cost:** \$25.00/person

**Looking for training on how to deliver a  
Smoking Stages of Change program in your  
workplace? Call for more information!**



Sudbury & District

**Health Unit**

Service de **36**  
santé publique

Please register on or before March 17, 2003  
Call the Tobacco Action Line at 522-3433.

Supported by Greater Sudbury Development Corporation

# CITY OF GREATER SUDBURY GOING 100% SMOKE-FREE IN ALL PUBLIC PLACES AND WORKPLACES ON MAY 31<sup>ST</sup>, 2003

## FREQUENTLY ASKED QUESTIONS AND ANSWERS

**Q. Is smoking prohibited everywhere?**

A. Smoking is prohibited in designated public places and workplaces. A designated public place with a separately ventilated smoking area which was fully constructed and in operation on or before October 23, 2002, and which complied then and continues to comply with all requirements established in section 11 of By-law 2001-7L of the City of Greater Sudbury, may continue to permit smoking within the separately ventilated smoking area until May 31, 2004.

**Q. Will "No Smoking" signage be available to business owners and workplaces?**

A. Yes. The City By-law Enforcement Section will be visiting each business and workplace to deliver an information package including No Smoking signage, workplace policy and other helpful information.

**Q. Who will develop the Workplace Policy?**

A. The City of Greater Sudbury will be preparing "sample" workplace policies, which employers may use.

**Q. Are there any programs available to assist employees of affected businesses quit smoking?**

A. Yes. The Sudbury & District Health Unit along with other community agencies do offer programs to assist individuals quit smoking. For a list of smoking cessation programs and resources call the Tobacco Action Line at 522-3433.

**Q. Is any training being offered to employers and business owners to assist them in implementing the No Smoking Workplace Policy?**

A. Yes. The Sudbury & District Health Unit is offering a strategy for encouraging compliance by hosting a workshop. This workshop will take place March 24, 2003. For further information call the Tobacco Action Line at 522-3433.

**Q. Who is responsible for enforcement of the Smoking By-law and who do we call for assistance or information about the by-law?**

A. The City of Greater Sudbury By-law Enforcement Section will be enforcing the By-law and if there are any questions or concerns you may call 671-2489 ext. 4322 to speak with a By-law Enforcement Officer.

**Q. What are the City and Health Unit doing to increase awareness of the Smoking By-law?**

A. The City and the Sudbury & District Health Unit will be embarking on an extensive media campaign educating the public on the implementation of the By-law. This should commence April of 2003.



# LA VILLE DU GRAND SUDBURY AURA DES LIEUX PUBLICS ET DES MILIEUX DE TRAVAIL SANS FUMÉE À 100 % dès le 31 mai 2003

## RÉPONSES AUX QUESTIONS FRÉQUEMMENT POSÉES

**Q. Est-ce que l'usage du tabac est interdit partout?**

R. L'usage du tabac est interdit dans les lieux publics désignés et les milieux de travail. Un lieu public désigné ayant un secteur ventilé séparément construit et en fonctionnement le ou avant le 23 octobre 2002 et qui respectait et continue de respecter toutes les dispositions de la Partie 11 du Règlement 2001-7L de la Ville du Grand Sudbury, peut continuer à permettre l'usage du tabac dans le secteur ventilé séparément jusqu'au 31 mai 2004.

**Q. Est-ce que les propriétaires et les milieux de travail auront accès à des affiches d'interdiction de fumer?**

R. Oui. La Division de l'application des règlements de la Ville visitera chaque lieu d'affaires et de travail afin d'y laisser une trousse d'information qui contiendra des affiches d'interdiction de fumer, la politique concernant les milieux de travail et d'autres renseignements utiles.

**Q. Qui élaborera la politique concernant les milieux de travail?**

R. La Ville du Grand Sudbury préparera des « modèles » de politiques que les employeurs pourront utiliser dans leurs milieux de travail.

**Q. Existe-t-il des programmes d'abandon de la cigarette pour les employés de commerces touchés par le nouveau règlement?**

R. Oui. Le Service de santé publique de Sudbury et du district et d'autres agences communautaires offrent des programmes d'aide aux personnes qui désirent cesser de fumer. Pour obtenir la liste des programmes de cessation de fumer et des ressources disponibles, communiquez avec la Ligne d'action anti-tabac, 522-3433.

**Q. Est-ce qu'on prévoit de la formation pour les employeurs et les propriétaires de commerces afin d'aider ces derniers à appliquer la politique d'interdiction du tabac dans les milieux de travail?**

R. Oui. Le Service de santé de Sudbury et du district organise un atelier propre à encourager le respect de la nouvelle politique. Cet atelier aura lieu le 24 mars 2003. Pour plus d'information, communiquez avec la Ligne d'action anti-tabac, 522-3433.

**Q. Qui est responsable de l'application du règlement anti-tabac et qui faut-il appeler pour de l'aide ou de l'information au sujet de ce règlement?**

R. La Division de l'application des règlements de la Ville du Grand Sudbury sera responsable de l'application du règlement. Si vous avez des questions ou des remarques, veuillez appeler un responsable de l'application des règlements au 671-2489, poste 4322.

**Q. Que font la Ville et le Service de santé publique de Sudbury et du district pour sensibiliser davantage les gens aux dispositions du Règlement anti-tabac?**

R. La Ville et le Service de santé publique de Sudbury et du district s'engageront dans une campagne d'information publique au sujet des dispositions du règlement anti-tabac. La campagne devrait débuter en avril 2003.



# Request for Recommendation Priorities Committee



## Type of Decision

Meeting Date	April 9, 2003				Report Date	April 2, 2003			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

## Report Title

**Culvert Entrance Policy**

### Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

Background attached

### Recommendation

That Council establish an Entrance Culvert Policy for the City of Greater Sudbury and adopt the recommendations set out in the attached report prepared by staff.

Recommendation attached

### Recommended by the General Manager

Don Bélisle  
General Manager of Public Works

### Recommended by the C.A.O.

Mark Mieto  
Chief Administrative Officer

39

Date: April 2, 2003

**Report Authored By**



Don Bélisle  
General Manager of Public Works

**Division Review**

On September 25, 2002, the attached report on the implementation of a uniform entrance culvert policy was reviewed by the Priorities Committee. The Committee and Council referred the proposed policy to the 2003 Current Budget, with a view of possibly dropping all fees associated with new and replacement entrance culverts. This carries a cost (or loss of revenue) in the amount of \$220,000, and consequently, Council did not opt to forego the fees.

Consequently, we are left with no uniform policy at the present time, and it would be in order for Council to revisit this proposal and establish a City-wide policy on entrance culverts.

Attachment

# Request for Recommendation Priorities Committee



## Type of Decision

Meeting Date	September 25, 2002				Report Date	September 18, 2002			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

## Sub-Committee Check-Off

Please indicate which sub-committee will deal with this issue

<input checked="" type="checkbox"/>	Community Viability	<input type="checkbox"/>	Public & Intergovernmental Affairs	<input type="checkbox"/>	Financial & Program Accountability
-------------------------------------	---------------------	--------------------------	------------------------------------	--------------------------	------------------------------------

## Report Title

City of Greater Sudbury Culvert Entrance Policy

## Policy Implications + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<input checked="" type="checkbox"/>	Background attached

## Recommendation

That Council establish an Entrance Culvert Policy for the City of Greater Sudbury and adopt the recommendations set out in the attached report prepared by staff.

Recommendation attached

## Recommended by the General Manager

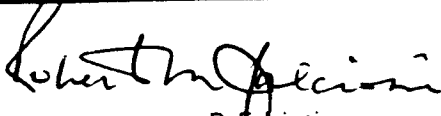
  
D. Bélisle  
General Manager of Public Works

## Recommended by the C.A.O.

M. Mieto  
Acting Chief Administrative Officer

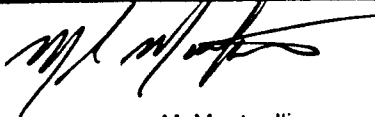
Date: September 18, 2002

**Report Authored By**



R. Falcioni  
Operations Engineer

**Division Review**



M. Montpellier  
Director of Operations

With the creation of the City of Greater Sudbury it is necessary to rationalize the entrance culvert policy from the former municipalities to a single policy for the new City. The following chart summarizes briefly what the policies were in each of the former municipalities for residential entrance culverts.

Municipality	Initial Installation	Replacement/ Reset	Costs	Comments
Valley East	home owner	home owner	-permit required -Town set grades -installation - \$101/meter -\$500 refundable deposit on application	-min size 450 mm -may use contractor -deposit refunded if culvert installed to standard
Capreol	N/A	N/A	N/A	no residential culverts in Town
Flayside - Balfour	home owner	home owner	-permit req'd - \$57 fee -replacement - \$67/meter -reset - \$50/meter -\$400 refundable deposit on application	-min size 450 mm -2 year guarantee if installed by Town -may use contractor -deposit refunded if culvert installed to standard
Onaping Falls	home owner	home owner	-permit req'd - \$57 -replacement - \$67/meter -reset - \$50/meter -\$400 refundable deposit on application.	-min size 450 mm -2 year guarantee if installed by Town -may use contractor -deposit refunded if culvert installed to standard
Walden	home owner	after 5 years the Town maintains	-permit required -actual costs	-min size 375 mm -min length 6 meters
Nickel Centre	home owner	replacement by the home owner reset by the Town	-no permit required -must inform Town -replacement - \$133/m	-min size 450 mm -may use contractor -Town inspected after installation
Sudbury	home owner	home owner	-permit required -replacement - 75% of actual cost, about \$115/m -reset - \$145 lump sum	-min size 450 mm -may use contractor
Region of Sudbury	home owner	home owner	permit required replacement - \$139/m reset - \$298 lump sum	-min size 450 mm -may use contractor

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Ongoing maintenance, in all cases, such as cleaning and thawing is done by the municipality.

As part of developing a new policy, the policies of several other municipalities around the Province were investigated. The following chart summarizes the policies from six other municipalities.

Municipality	Initial Installation	Replacement /Reset	Costs	Comments
North Bay	home owner	city	permit required. -installation - \$75/m plus \$25/coupling -\$200 min charge	-allow poly, -will reset if they get a 6" heave /rusted out /causing a liability for City, - do about 200/yr -may use registered contractors
Sault Ste. Marie	home owner	city	-permit required. -installation-\$100/m	-allow poly -must be scraping before resetting/ will pad before resetting/ -restore with asphalt if hard surfaced -\$122,000/ditching - \$55,000/mtce
London	home owner	city	-permit required.	-allow poly -must use contractor
Hamilton	home owner	city	permit required.	-allow poly -new policy being developed by consultant expected in April/May
County of Wellington	home owner	county	-permit required. -\$300 refundable deposit on application	-allow poly -may use contractor -deposit refunded if installed correctly - no problems with heaving

From the chart it can be seen that these other municipalities look after all future maintenance of entrance culverts once they are installed. North Bay and Sault Ste. Marie are the only municipalities that experience significant heaving problems with culverts and replace and reset up to 200 culverts each year. The City of Greater Sudbury covers a larger geographical area with a large rural component, so we could expect to do a larger number of resets. If Council wishes to cover the cost of future maintenance of entrance culverts, the budget for culvert replacements

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should be increased by \$220,000.00. This represents the cost of 150 replacement culverts and 100 resets annually. There would also be the need for strict guidelines under which culverts would be replaced, otherwise the budget increase would have to be substantially larger.

**Summary:**

The former Municipalities of the City of Greater Sudbury had a user pay policy with respect to entrance culverts and on going maintenance and unless Council is prepared to improve service levels with a corresponding increase in costs it is recommended that the new culvert policy reflect that philosophy. The following summarizes the recommended policy and process that should be followed.

Description	Responsibility	Cost	Comments
entrance culvert application	home owner	\$50.00 fee if work to be done by home owner or contractor. - Cost of application included in installation charge if done by City.	-Covers the cost of administration. -Application to be processed through Transportation and Operations Departments for location, sizing and grades. -Permit issued after application is approved. -Grades and final inspection done by Operations. - Required for new installation and replacement.
new installation	home owner	\$100.00 per meter for all sizes up to 1 meter diameter. - Over 1 meter the charges will be based on actual costs.	-Minimum size 450mm -This fee is based on the actual cost of a culvert installation. -Home owner may use an approved contractor to do installation.
reset or replacement	home owner	\$50.00 per meter	-This fee is based on 50 % cost of a new culvert. -City will reset or replace culvert. - Surface restoration and head wall replacement is the responsibility of the property owner.

The minimum length of an entrance culvert is 6 meters (20 feet) and would cost the average home owner \$600.00 plus taxes for a new entrance and a minimum of \$300.00 for a reset or replacement.

The policy recommends that Council pass a by-law establishing that should an entrance culvert not be installed in accordance with municipal standards or a home owner refuse to replace or reset a culvert that has collapsed or heaved, causing interference with roadside drainage or property flooding, the city may proceed with corrective work and recover the costs through the home owners municipal taxes. The by-law should include that the proposed fees identified in this recommended policy be adjusted annually with the user fee bylaw.

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When the City does road reconstruction, drainage improvements or sewer and water work that requires the excavation of the entrance culverts there would be no cost to the home owner for replacement or resets. The City would not be responsible to put back culvert head walls, but would install longer culverts to maintain the entrance width and provide for side sloping.

Commercial, industrial and institutional entrance culverts that fall under a Site Plan Control Agreement would not require an entrance permit. All future maintenance and alterations or replacement of those culverts would be the responsibility of the property owner.

**Policy:**

The policy shall:

- 1) Establish that all entrance culverts require an application and permit by the property owner.
- 2) Establish charges for this work if performed by City forces.
- 3) Establish that reset and future replacements for residential residences be subsidized at the rate of approximately 50% of the new installation charge.
- 4) Include that Council pass a By-Law establishing that should an entrance culvert not be installed in accordance with municipal standards or a home owner refuses to replace or reset a culvert that has collapsed or heaved, causing interference with roadside drainage or property flooding, the City may proceed with corrective work and recover the costs through the home owner's municipal taxes. The By-Law should include that the proposed fees identified in this recommended policy be adjusted annually with the User Fee By-Law.
- 5) Include that when the City does road reconstruction, drainage improvements or sewer and water work that requires the excavation of the entrance culverts there would be no cost to the home owner for replacement or resets. The City would not be responsible to put back culvert head walls, but would install longer culverts to maintain the entrance width and provide for side sloping.
- 6) Include that all commercial, industrial and institutional entrance culverts would not be subsidized. If they fall under a Site Plan Control Agreement they would not require an entrance permit and all future maintenance and alterations or replacement of those culverts would be the responsibility of the property owner.