

# Milton Council lightens up smoking by-law

By DONNA DANIELI

Although Milton Council passed a by-law in 2002 prohibiting smoking in all public places, except Mohawk Raceway and Bingo Country, this year it decided to take another look at the smoking issue. On April 28, Milton Council amended the Smoking By-Law to allow the creation of Designated Smoking Rooms (DSRs) in public establishments such as restaurants and bars.

"It is a major step backwards, and I can't support this," stated a frustrated Councillor Richard Malbouef, who was instrumental in the creation and implementation of the original Smoking By-Law in 2002. Councillor Malbouef cited the examples of neighbouring municipalities and their treatment of DSRs. Currently Oakville is 100% smoke free with no DSRs allowed, Halton Hills will be 100% smoke free with no DSRs as of January 2004 and Burlington will discontinue the use of DSRs as of January 2006. "DSRs do not work," he argued. "They are costly to construct, and they do not allow a level playing field between smaller and larger bars and restaurants."

The Town Council heard from several delegations, all urging the Council to turn down the recommended by-law allowing DSRs. Michael Perley, Director of the Ontario Campaign for Action on Tobacco, informed Council that DSRs cost, on average, \$35,000 to \$75,000 to build, and they are prone to misuse, are not very effective in keeping smoke out of public areas and are difficult to enforce. He also cited concern for wait staff who will work in DSRs. "No safe level of second-hand smoke exposure has been set to date," he pointed out. "Complete elimination is the only effective remedy."

Milton's Jennifer Mirosofin, who was also a part of the Citizens' Committee that

helped to draft the original by-law, urged Council not to take a step which could potentially put anyone else in the position she herself was in last year when she was told that she had lung cancer. Fortunately, Mrs. Mirosofin has recovered. She also pointed out that it is simple common sense to avoid changing the existing ban on smoking. "Eventually smoking will be banned by the regional or the provincial or the federal government," she explained. "The Town will not have to cope with irate owners at that time if it keeps the present by-law as it is."

Councillor John Challinor, who successfully lobbied Council for an amendment to the proposed DSR by-law which will guarantee the proprietors who construct DSRs five years of continuous use regardless of any future by-laws, downplayed any concerns about the Town's potential liability should a higher level of government force a smoking ban in the near future. "We don't let other levels of government make decisions for our municipality. It's our responsibility to deal with it," he argued. "It's quite conceivable that in five years the regional, provincial or federal government will have enacted a smoking by-law but, until then, the buck stops here."

Councillor Wally Hunter urged council not to approve any by-law that used the term "will guarantee them five years of continuous use" without consulting with the Town's solicitor first, while Councillor Malbouef bluntly predicted, "If we have a signed, legal contract, we'll be liable."

Despite all arguments, Councillors Richard Day, Ron Furik, Art Melanson, Brian Penman and Mayor Gord Krantz voted to accept the amended by-law as proposed by

continued on page 9

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