

Stouffville Tribune

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OPINION

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Dave Teetzel

*Where do you
draw the line on
smoking laws?*

The demon smoke is finally on the run in York Region.

All workplaces are now tobacco-free and smokers face a \$5,000 fine for lighting up on the job.

As the region launches a public education campaign about the bylaw, it's preparing to introduce the second phase, a ban on unenclosed smoking areas in restaurants, theatres, bowling alleys, stores and malls.

This is being met with anger by the business community in many parts of York Region, but not in Vaughan, where a similar bylaw has been in effect since 1996. Vaughan business owners are glad their competitors in neighbouring municipalities will have to abide by the same rules.

In June 2004, the regional smoke ban will apply to bars, bingo halls, billiard halls and casinos. At long last, the anti-tobacco lobby should be perfectly content in York Region.

Except for Daniel Applebaum. He thinks the law should go further and is plotting a private legal fight, with the help of three law students, to push the smoking ban outdoors.

People smoke in the front entrance-way of his condominium — not in the lobby, because smoking is prohibited in all common areas of the building.

Applebaum, who has asthma, says tobacco smoke collects in the entrance. He says running the gauntlet of tobacco smoke causes him serious health problems and believes his condominium should put a stop to it.

His condo board says it has eliminated second-hand smoke indoors and Applebaum's case is frivolous.

At least one Ontario municipality, Peterborough, passed a bylaw prohibiting smoking outdoors. But the city lost a 1998 challenge by two people who were charged with smoking within 30 feet of a hospital.

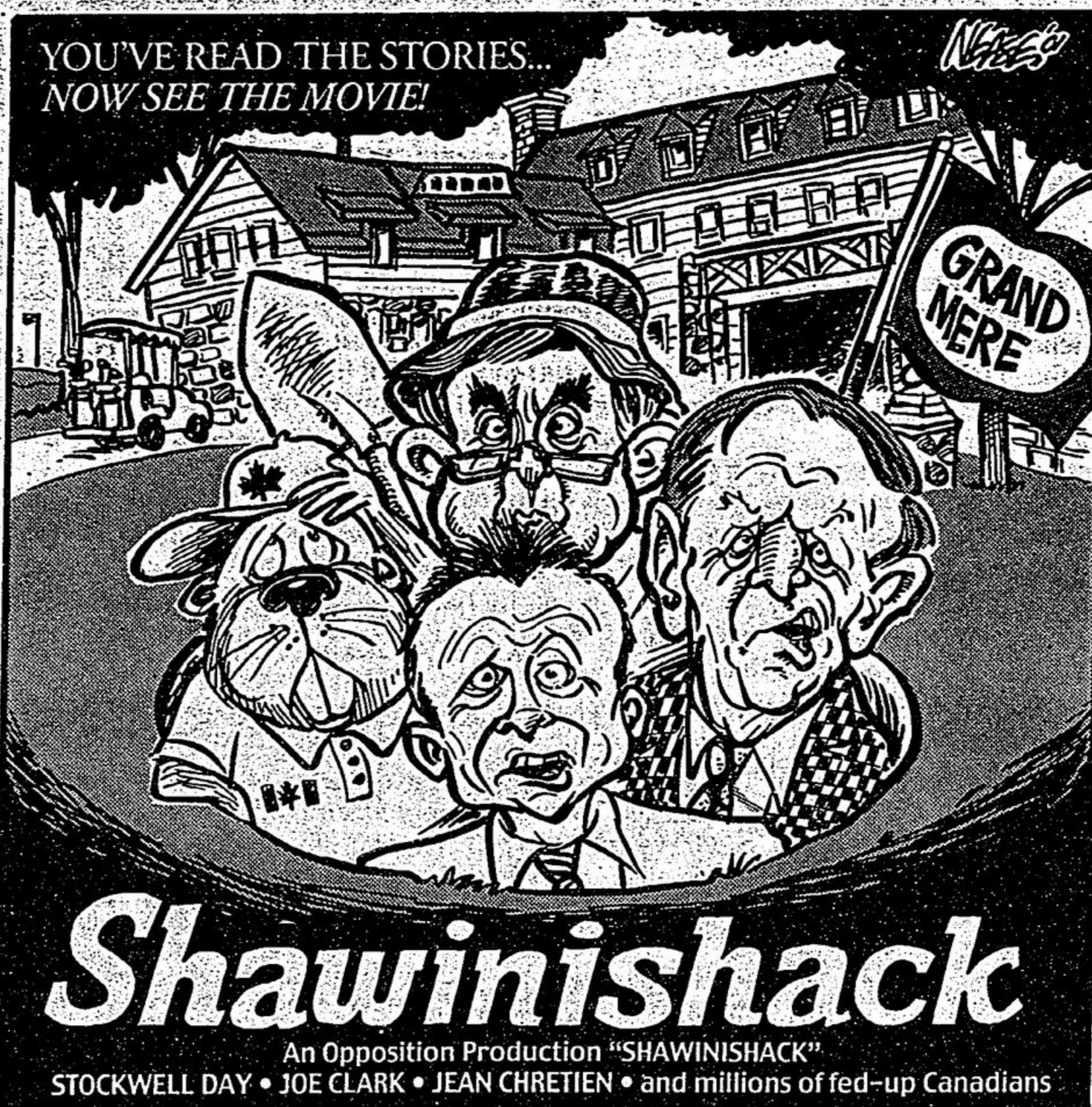
Another possible precedent might be Toronto's SkyDome, where smoking is banned whether the roof is open or closed. So should York Region extend its bylaw to stop smoking outside the doors of buildings, at outdoor sporting events, or in playgrounds?

I'm not a fan of having cigarette smoke blow past my face as I enter the office, but I'm not sure I'd be in favour of chasing smokers away with a new set of rules.

Then again, I wasn't so sure businesses should be compelled by law to order customers to butt out.

There are those who would make it illegal to smoke in your car if there's a child riding with you. In which case, why not prohibit smoking if you have children in your home, or if you're pregnant?

The question is where you draw the line — and you'll never get full agreement on that issue.



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EDITORIAL

Arguments against York Region's smoking bylaw are no longer valid

No one should have to inhale cancer-causing carcinogens while enjoying a meal.

No one should have to endure the stench of second-hand smoke while sharing a glass of wine with friends.

And no one should have to ask a smoker to put out a cigarette to protect a child from its effects.

Recreational facilities, stores, shopping malls, theatres, food courts and restaurants must comply with York Region's no smoking bylaw by June 1.

Even then, proprietors can build enclosed, separately ventilated smoking rooms taking up no more than 25 per cent of their floor space.

But several restaurant owners complained this week — at the first in a series of meetings on York Region's smoke ban bylaw — that they'll lose business if forced to ban smoking customers from their establishments.

After all, they say, the bylaw still doesn't protect waiters from being subjected to second-hand smoke (now more concentrated) when serving customers who light up.

The 25-per-cent clause is an unfair advantage to owners of bigger bars and restaurant chains, they claim, who can well afford to ventilate a portion of their businesses, making it an unlevel playing field.

And while these points are all well taken, the arguments are tired. Studies have shown smokers are in the vast minority today and that lost business will eventually bounce back after customers adjust to the change.

One Newmarket business owner argued the bylaw won't help people quit smoking anyway and that entrepreneurs, in many cases, have sunk their life savings into businesses that are being financially squeezed by the region.

But the good of free enterprise is not why the region is banning smoking from its 5,000 food premises and 21,000 workplaces. The region's first priority is to protect all residents from a potentially fatal health hazard.

The region's public health department, which has committed \$382,000 this year, will run a massive worker and public education blitz and will make the implementation of its no smoking bylaw one of its top priorities. As it should be.

LETTERS TO THE EDITOR

Compromise can solve standoff over off-leash dogs in parks

I am one of the dozens of dog owners who walk at Milne Park in Markham; my dog is vaccinated and licensed.

We represent a cross-section of Markham residents, parents, business owners, office workers, teachers and retirees.

From October to April, we are often the only people who use the park.

We are not a marauding pack of unlawful vigilantes, swarming through the area with our aggressive, fighting, biting dogs. In fact, we are the responsible owners.

Our dogs are vaccinated, mainly licensed, and many have obedience training. We are not people who like animals more than people, or who ruin the day for skiers and children.

We are trying to prevent behaviour problems in our animals by taking them to the park. They get a chance to interact with people/dogs and get some strenuous exercise by running and playing games with their "buddies".

Often dogs who are troublesome do not have this experience or training.

The vast majority of the "non-doggers" we meet are quite happy to greet and pet the dogs.

Those who are outraged are often fearful of any dog. They do not like any animals or their own dog is untrustworthy off the leash. We respect these reasons, but why should

their needs be any more valid than ours?

Our companion animals add immeasurably to our quality of life. Can we not have some reasonable use of the park?

After much research, Toronto has created at least 21 off-leash areas. We are pleased that our council is reassessing Markham's bylaws.

If there were rules in place, those who do not like dogs would also know which hours to use the park.

Most of us regard a few leash-free hours in the morning and evening, when the park is usually quiet, as one equitable solution.

We look forward to an impartial, moderate updating of our guidelines which can give everyone a just piece of the pie for which we also pay into.

MARGUERITE HINDERLE
Markham

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