



**CITY OF HAMILTON**  
**PUBLIC HEALTH SERVICES**  
Healthy Living Division

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| <b>TO:</b>                | Mayor and Members<br>Board of Health  |
| <b>COMMITTEE DATE:</b>    | April 1, 2015   |
| <b>SUBJECT/REPORT NO:</b> | Prohibiting Smoking Within City Parks and Recreation<br>Properties: Schedule Update BOH07034(i) (City Wide)     |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Heidi McGuire 905-546-2424 Ext. 6170  |
| <b>SUBMITTED BY:</b>      | Jessica Hopkins, MD, MHSc, CCFP, FRCPC<br>Acting Medical Officer of Health<br>Public Health Services Department |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION**

- (a) That the City Solicitor be authorized and directed to prepare a by-law to amend By-law No. 11-080, updating Schedule "A" which lists the parks and recreation properties where smoking is prohibited; and
- (b) That the amending By-law be enacted by Council.

**EXECUTIVE SUMMARY**

City of Hamilton By-law #11-080 Prohibiting Smoking Within City Parks and Recreation Properties came into force on May 31, 2012 to prohibit tobacco smoking and limit the impact of tobacco smoke on persons using the City's parks and recreational properties, buildings and structures. This by-law was enacted to protect and promote the health of the public generally, and particularly children and youth, as well as protect and enhance the quality and use of City property.

This report serves to update Schedule "A" under this by-law. It does not in any way change or limit the parts of the City to which the by-law applies. The Schedule of property serves a two-fold purpose:

- first, the Schedule provides detailed physical address information to assist with inspections and progressive enforcement of the By-law
- secondly, it demonstrates a level of due diligence on behalf of the City in promoting and notifying the public of where smoking is prohibited under the By-law.

This annual exercise updates the Schedule with any municipal property name changes, address changes and “new” property acquisitions that have occurred over the preceding year. The additions identified for this year occur in five City Wards. The properties identified within the Schedule in the other ten Wards remain unchanged.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)**

Financial: No additional funding is required for this amendment.

Staffing: This amendment will not have an effect on staffing.

Legal: The Amending By-law will assist with enforcement, by providing an updated list of the physical location of sites where smoking is prohibited.

**HISTORICAL BACKGROUND (Chronology of events)**

- By-law No. 11-080 was approved by the Board of Health on February 28, 2011, and passed by City Council on March 9, 2011.
- By-law No. 12-242 which amended By-law No. 11-080 by adding Schedule “A”, was approved by the Board of Health on October 15, 2012, and passed by City Council on October 30, 2012.
- By-law 14-006 to update Schedule “A” was approved by the Board of Health on January 13, 2014 and by City Council on January 29, 2014

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

No Policy Implications.

**RELEVANT CONSULTATION**

- City Councillors were notified and consulted on the Schedule additions in lead-up to the April 1, 2015 Board of Health.
- City Manager’s Office, Legal Services Division were consulted and engaged in Amending the By-law and corresponding Schedule.
- Public Works, Environmental Services - Parks and Cemeteries reviewed the revised Schedule.

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In preparation of the original By-law and Schedule, City of Hamilton Councillors; Community Services, Recreation Division; Public Work, Operations and Waste Management Division; Public Works, Environmental Services Division; Human Resources; and the Senior Management Team, City of Hamilton were consulted.

**ANALYSIS AND RATIONAL FOR RECOMMENDATION  
(Include Performance Measurement/Benchmarking Data if applicable)**

Schedule “A” to By-law No. 11-080 lists the physical location of properties, addresses, places and areas where smoking is prohibited under that By-law.

The Amending By-law replaces Schedule “A”, which has been updated to reflect additional acquisitions and changes to City of Hamilton recreational properties in the past year.

Namely, the amendments to Schedule “A” include:

1. Changes to municipal addresses for:
  - a) Berklin Drive Ravine Land (Ward 1);
  - b) Brampton Street Park (Ward 4);
  - c) Chedoke Expressway Open Space (Ward 1);
  - d) Conservation Run (Ward 13);
  - e) Delottinville Park Open Space (Ward 13);
  - f) Escarpment Ward 1 (Ward 1);
  - g) Gage Park (Ward 3);
  - h) Greenhill Open Space #1 (Ward 5);
  - i) Newcombe Rd. Open Space (Ward 13);
  - j) Talbot Lot (Ward 4);
  - k) Victoria Park (Ward 1); and
  - l) Vincent/Gershorne Open Space (Ward 5)
2. Changes in name of recreational properties for:
  - a) Tim Horton’s Field (Ward 3) - was previously referenced as Ivor Wynn Stadium & Parkette; and
  - b) Veterans Park Open Space (Ward 13) – was previously referenced as Veterans Park (Natural OS)
3. Additional recreational properties acquired by the City:
  - a) A.M. Cunningham Parkette (Ward 4);
  - b) Churchill Park (Ward 1);
  - c) Dofasco Parkette (Ward 3);
  - d) Green Millen Trail (Trail);
  - e) Meadowbank Parkette (Ward 8);

- f) Summerlea West Park (Ward 11);
  - h) Trillium Open Space (Ward 11)
4. Deletion of recreational property:
- a) Globe Park (Ward 4)
5. Formatting:

The format of Schedule “A” has been changed to read the properties alphabetically rather than listed by Ward number.

The existing Schedule “A” can be found here –  
<http://www.hamilton.ca/HealthandSocialServices/PublicHealth/Tobacco/smokefreeoutdoorspaces.htm>

Schedule “A” will continue to be updated on an annual basis each April and the updated Schedule “A”, as approved, will be posted on the City’s website. This will ensure that future or proposed assets that are developed will be clearly outlined to the public and will also assist with enforcement.

## **ALTERNATIVES FOR CONSIDERATION**

**(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)**

No Alternatives

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

### **Strategic Objective**

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

## **APPENDICES AND SCHEDULES ATTACHED**

Not applicable