



CITY OF HAMILTON
PUBLIC HEALTH SERVICES
Healthy Environments Division

TO:	Mayor and Members Board of Health
COMMITTEE DATE:	April 20, 2017
SUBJECT/REPORT NO:	Prohibiting Smoking Within City Parks and Recreation Properties: Schedule Update BOH07034(k) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heidi McGuire (905) 546-2424, Ext. 6170
SUBMITTED BY: SIGNATURE:	Kevin McDonald (A) Director, Healthy Environments Division Public Health Services Department

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 By-law amending By-law No. 11-080 be enacted by Council.

EXECUTIVE SUMMARY

City of Hamilton By-law No.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.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

This report serves to update Schedule “A” under By-law No. 11-080. It does not in any way change or limit the parts of the City to which the By-law applies. The Schedule of properties (Appendix A) serves a two-fold purpose:

1. First, the Schedule provides detailed physical address information to assist with inspections and progressive enforcement of the By-law, and
2. 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 four City Wards. The properties identified within the Schedule in the other Wards remain unchanged.

Alternatives for Consideration – Not Applicable

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

Financial: There are no financial implications associated with this report.

Staffing: There are no staffing implications associated with this report.

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.
- By-law 15-112 to update Schedule “A” was approved by the Board of Health on April 1, 2015 and by City Council on April 8, 2015.
- By-law 16-094 to update Schedule “A” was approved by the Board of Health on February 18, 2016 and by City Council on February 24, 2016.

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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 20, 2017 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.

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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 in name of recreational properties for:
 - a) York Blvd., Parkette #4 (Ward 2) – was previously referenced as York St.
 - b) Hammer Park (Ward 3) – was previously referenced as Powell Park
 - c) Shawn Allen Eades Memorial Parkette (Ward 8) – was previously referenced as Mohawk/Sanitorium Parkette
2. Additional recreational properties acquired by the City:
 - a) Vincent Massey Park (Ward 6)
 - b) Perth Park (Ward 12)

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The existing Schedule “A” can be accessed through the following City of Hamilton web address: <http://www.hamilton.ca/parks-recreation/parks-trails-and-beaches/smoke-free-parks-recreation-areas>.

Schedule “A” will continue to be updated on an annual basis 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

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report BOH07034(k) – Schedule “A” to By-law 11-080 – Parks and Recreation Properties Where Smoking is Prohibited