



City of Hamilton Report for Consideration

To: Chair and Members
Public Health Sub-Committee

Date: May 20, 2025

Report No: BOH07034(p)

Subject/Title: Annual Update to City of Hamilton By-law No. 11-080
to reflect Revised Names, Addresses, and
Acquisitions of Municipal Property

Ward(s) Affected: (City Wide)

Recommendations

- 1) That the Amending By-law to the City of Hamilton By-law No.11-080, being a by-law to Prohibit Smoking and Vaping within City Parks and Recreation Properties, attached as Appendix “A” to Report BOH07034(p), and which has been prepared in a form satisfactory to the City Solicitor, **BE APPROVED**.

Key Facts

- Report BOH07034(p) provides an update to Schedule “A” under By-law No. 11-080. The update includes revisions to property names, addresses, and new municipal property acquisitions to ensure accurate enforcement and public awareness;
- By-Law No. 11-080 was enacted to prohibit smoking and vaping in city parks and on recreational properties;
- The Schedule update serves a dual purpose: (1) It provides detailed property information to assist with inspections and enforcement of the By-law; and (2) It demonstrates a level of due diligence on behalf of the City of Hamilton in promoting and notifying the public of where smoking and vaping are prohibited under the municipal By-law;
- This routine exercise updates the By-law Schedule with any municipal property name changes, address changes, and “new” property acquisitions that have occurred over the preceding year(s). The present additions identified occur in

four City of Hamilton Wards. The properties identified within the Schedule in the other City of Hamilton Wards remain unchanged.

Financial Considerations

Not Applicable.

Background

City of Hamilton By-law No.11-080 Prohibiting Smoking within City Parks and Recreation Properties came into effect on May 31, 2012. An amendment became effective on July 1, 2019 to prohibit smoking and vaping of substances that limits the impact on persons using the City of Hamilton'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 of Hamilton property. Periodic updates to the Schedule have been completed as necessary.

Analysis

Schedule "A" of By-law No. 11-080 lists locations where smoking and vaping is prohibited. The Amending By-law updates Schedule "A" to reflect new property acquisitions and changes to the names of recreational properties (see Appendix "A" to Report BOH07034(p)).

Amendments include:

1. Changes in name of recreational properties for:

- Copps Pier Park (Ward 2) – was previously referenced as Pier 8 Promenade; and,
- Kaneskare Recreation Centre (Ward 2) – was previously referenced as Ryerson Recreation Centre.

2. Additional recreation properties acquired by the City:

- Kenilworth Avenue Parkette, (Ward 3);
- Century Street Parkette, (Ward 3);
- Times Square Park, (Ward 9);
- Upper Red Hill Park, (Ward 9); and
- Dalglish Trail Parkette, (Ward 9).

The existing Schedule "A" can be accessed through the following City of Hamilton web address: <https://www.hamilton.ca/people-programs/public-health/smoking-vaping/smoke-vape-free-spaces>

Schedule "A" will continue to be updated on an annual basis and the updated Schedule "A", as approved, will be posted on the City of Hamilton'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 the execution of enforcement.

Legal Implications/Legislated Requirements:

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

Results of Consultations:

Corporate Services, Legal Services Division were consulted and engaged in Amending the By-law and corresponding Schedule and supported the recommendation in this report; and, Public Works, Environmental Services - Parks and Cemeteries reviewed the revised Schedule and supported the recommendation in this report.

Additionally, in preparation of the original By-law and Schedule, 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.

Alternatives

Should the recommendation in Report BOH07034(p) not be approved, the existing By-law 23-073 to update Schedule "A", would remain in place.

Relationship to Council Strategic Priorities

The recommendations in this report support the following 2022-2026 Council Priorities, Outcomes, and Measures of Success:

1. Sustainable Economic & Ecological Development
 - 1.4. Protect green space and waterways
2. Safe & Thriving Neighbourhoods
 - 2.3. Provide vibrant parks, recreation and public space
3. Responsiveness & Transparency

By-law No. 11-080 protects green spaces by decreasing tobacco and vape product litter within City of Hamilton parks and recreation properties, as well as the amount of these products that make their way into local waterways. It creates a healthier environment, especially for children and youth, by reducing the amount of tobacco and vape litter within City parks and recreation properties. It also serves to de-normalize tobacco/nicotine use and supports individuals to cut down or quit smoking/vaping. The Schedule update enhances enforcement efforts and clarifies where smoking and vaping is prohibited in the city of Hamilton.

Previous Reports Submitted

- [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;
- [By-law 17-081](#) to update Schedule “A” was approved by the Board of Health on April 26, 2017 and by City Council on May 10, 2017;
- [By-law 18-148](#) to update Schedule “A” was approved by the Board of Health on April 16, 2018 and by City Council on June 13, 2018;
- [By-law 19-168](#), which amended By-law 11-080 to prohibit smoking of cannabis and other substances and vaping within recreation areas, was approved at the Board of Health on June 26, 2019 and City Council on July 12, 2019; and
- [By-law 23-073](#), to update Schedule “A” was approved at the Board of Health on May 1, 2023 and City Council on May 10, 2023.

Consultation

- David Trevisani, Manager, Finance & Administration, Healthy and Safe Communities Department
- Maryam Jalalipour, Business Administrator, Finance & Administration, Healthy and Safe Communities Department
- Patricia D’Souza, Solicitor, Legal Services Division, Corporate Services
- Kasey Livingston, Senior Project Manager, Parks Operations, Parks & Cemeteries, Public Works.

Appendices and Schedules Attached

Appendix A: To Amend By-law No. 11-080, a By-law to Prohibit Smoking within City Parks and Recreation Properties

Prepared by: Heidi McGuire, Program Manager
Public Health Services, Healthy Environments Division
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**Submitted and
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