

NOTICE OF PUBLIC INPUT SESSION

Proposed No Smoking in City Parks

Notice is hereby given that the Council of the City of Salmon Arm will hold a Public Input Session in the Council Chamber of City Hall, 500 - 2 Avenue NE on Monday, June 10, 2013 commencing at 7:00 p.m. to consider proposed amendments to Parks Regulation Bylaw No. 2119 to prohibit smoking in City Parks. It is also proposed that Ticket Information Utilization Bylaw No. 2760 be amended to create a \$100.00 fine for smoking in a park.

The City staff report and amending bylaws can be viewed at the front counter at City Hall and at www.salmonarm.ca.

All persons who deem their interest to be affected by the proposed amendments will be afforded an opportunity to be heard in person, by a representative, or by written submission on all matters contained in the proposal at the above time and place.

For more information, please contact Corey Paiement, RPP, Corporate Officer at 250.803.4029 or cpaiement@salmonarm.ca.



City of Salmon Arm
Memorandum from the Corporate Officer

TO: Her Worship Mayor Cooper and Council

DATE: April 4, 2013

SUBJECT: Proposed Amendments to Parks Regulation Bylaw No. 2119 to Prohibit Smoking in City Parks

MOTION FOR CONSIDERATION:

- THAT:** "Parks Regulation Amendment Bylaw No. 3954" be adopted as follows:
- 1) Replace the Definition of "District" with "City", define as "City shall mean the City of Salmon Arm," and replace "District" with "City" in the bylaw;
 - 2) New definition of "Park" as follows: "Park" shall mean:
 - (a) any improved land used for outdoor recreation such as a playground, beach, spray park, skateboard park, athletic court, athletic field, trail, wharf and public plaza that are under the care, management and jurisdiction of the City;
 - (b) any unimproved land for natural and environmental purposes that is under the care, management and jurisdiction of the City;
 - 3) New definition of "Smoking" as follows: "Smoking shall mean the inhaling of, or exhaling of, the smoke from tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning";
 - 4) New smoking prohibition in 4m) "Smoking shall be prohibited in a park";
 - 5) Deleting Appendix C "Smoking shall be prohibited in those parks list in Appendix "C";

AND THAT: Ticket Information Utilization Amendment Bylaw No. 3955 be adopted as follows: in Schedule 9 replace "Smoking in Fletcher Park" with "Smoking in a Park."

Proposal

City Council received a presentation at the Regular Council Meeting of January 28, 2013 from Mr. Dan MacQuarrie who requested that an outdoor tobacco bylaw be adopted. In addition to providing background and supporting information, Mr. MacQuarrie more specifically requested that City Council adopt a bylaw that "no person shall use tobacco on City managed

recreation properties including: municipal playgrounds, parks, beaches, sports fields and trails.”

At this same meeting, City Council unanimously passed the following resolution:

“THAT: staff prepare a report regarding a bylaw to prohibit smoking on all City recreation properties with a potential July 1, 2013 implementation.”

Authority for Regulating Smoking

The Provincial Tobacco Control Act and Regulations prohibit smoking in the following locations:

- In a building, structure or vehicle if it is a public place or workplace;
- In a vehicle where youth under the age of 16 years are present;
- Within three (3) metres of most public or workplace doorways, open windows or air intakes;
- In substantially enclosed transit shelters;
- In the common areas of apartment buildings, condominiums and dormitories; and
- On school property.

The Community Charter, in Section 8 Fundamental Powers, allows for a Council by bylaw to regulate, prohibit and impose requirements in relation to public health. Public health is considered in Section 9 as a Sphere of Concurrent Authority and therefore a bylaw related to public health is required to be deposited with the Ministry of Health between third and final readings. There is also a requirement for the municipality to consult with the local health authority during the drafting of the bylaw.

While many local governments have created or amended their bylaws to regulate or prohibit smoking in their communities, some local governments question this approach to an issue that should be addressed by the province under its jurisdiction.

History of Smoking Regulation in Salmon Arm

The Clean Indoor Air and Smoking Regulation Bylaw No. 1813 was adopted in 1989. This bylaw regulates the places that people may smoke indoors in the City and applies to buildings owned by the City, restaurants, and retail food outlets. This bylaw required and received approval from the Minister of Health. The prohibitions in this bylaw have since been superseded by provincial legislation. The City has not enforced this bylaw.

City Policy No. 8.5 Tobacco Free Sports Events and Sport Facilities was adopted by Council in 2003. This policy encouraged patrons to refrain from smoking in the following areas: Salmon Arm Community Centre Pool entrance, Salmon Arm Community Centre entrance, Sunwave Centre northwest entrance, Little Mountain Sports Complex entrance, Little Mountain Park (new playground), Fletcher Park, Jackson Park, Raven Park, Klahani Park, Elks Park and Blackburn Park. The location of smoking outside a public building is regulated by provincial legislation. The City has not enforced this policy.

City Policy No. 6.6 Smoking Prohibited in City-Owned Vehicles and Equipment was adopted by Council in 2007. Provincial legislation prohibits smoking in work vehicles. The City enforces this policy.

As of March 31, 2008 provincial legislation prohibits smoking in enclosed public workspaces, within 3 metres of public or workplace doorways, open windows or air intakes and enclosed transit shelters. City staff has installed signage around City Hall, Shaw Centre and SASCU Recreation Centre and on enclosed transit shelters.

Parks Regulation Bylaw No. 2119 was amended in 2010 to prohibit smoking in Fletcher Park. Ticket Information Utilization Bylaw No. 2760 was also amended at this time to provide for a ticket to be issued in the amount of \$100 for smoking in Fletcher Park. Signs have been posted. The Bylaw Enforcement Officer has not received any complaints about smoking in Fletcher Park. City staff has been told by members of the public that smoking does occur in the park.

For comparison, smoking on School District No. 83 and Interior Health Authority (IHA) properties was researched. The Tobacco Control Act and Regulation prohibits smoking on school properties. School District staff has indicated that enforcement can be difficult on secondary school properties. The IHA has a policy that regulates smoking on IHA properties and with a few exceptions prohibits smoking on properties owned and managed by the authority. The purpose of the policy is primarily for information and education since there is no authority to enforce the policy with penalties such as tickets. IHA staff has indicated that enforcement of the policy can be challenging.

Prohibiting Smoking in Municipal Parks

Some of the health and environmental benefits of prohibiting smoking in parks may include protecting from second hand smoke, increasing the motivation for smokers to quit or cut back, decreasing negative role modeling for children, protecting the environment and reducing litter and reducing fire risk (source: Canadian Cancer Society).

For those municipalities that have chosen to do so, smoking in municipal parks is regulated and/or prohibited in the municipality's park bylaw. Staff has researched parks bylaws in the following communities: Central Okanagan Regional District, Abbotsford, Duncan, Penticton, Vernon, Kamloops and Kelowna. Staff has spoken to staff at the City of Kamloops and the City of Kelowna.

Bylaws

The regulation and/or prohibition of smoking in each Park bylaw is a little different in its approach, but the common themes are as follows: definition of park (to which type of city properties the bylaw applies), a definition of smoking (what is smoking), and the regulation and/or prohibition (what is regulated and/or prohibited).

Enforcement and Public Awareness

For most bylaws there is a corresponding ticket and fine that may be issued by the municipality for non-compliance with the smoking prohibition in its Park bylaw. While issuing a ticket/fine is an available option, bylaw enforcement for smoking in parks is usually not proactive because of limited resources and other higher priority bylaw enforcement issues.

The focus for most municipalities is public awareness and education. Awareness may occur through public notices and by utilizing the municipality's website and Facebook and Twitter accounts. More direct awareness and education includes placing signage in parks that notify visitors that smoking is not permitted. By utilizing signage, park visitors are aware of that smoking is not permitted and may assist in informing smokers of the bylaw. Cigarette butt receptacles may also be installed with the signage.

Proposed Parks Regulation Bylaw Amendments

A City of Salmon Arm Parks Regulation Bylaw was originally adopted in 1978 and the current bylaw was adopted in 1993. One bylaw amendment was approved in 2010. The proposed Parks and Recreation Master Plan will be recommending that this bylaw be reviewed and updated. Prior to this review and update, the current bylaw may be amended to prohibit smoking in City parks.

Park Definition

There are two approaches for identifying the parks where smoking would be prohibited.

One approach is to prohibit smoking in parks. Park is defined in the bylaw. The Parks bylaws in the other communities researched use this approach. This approach is appropriate when the purpose is to prohibit smoking in all parks. With this approach the definition should be clear about what is a park. This approach ensures that the bylaw will not need to be amended to include new parks in the future.

A second approach is to only identify the specific parks by name and/or location where smoking is prohibited. This approach may be appropriate when smoking is prohibited in a limited number of parks. This approach was used when Council chose to prohibit smoking in Fletcher Park in 2010.

It is recommended that the first approach be utilized. This means that smoking will be prohibited in parks as defined in the Parks Regulation Bylaw No. 2119.

There are two definitions in this bylaw that need to be understood; park and public land.

“Park” shall mean any improved public lands and, without limitation, includes the following: playgrounds, roadways, paths, boulevards, athletic fields, swimming areas under the care, management and jurisdiction of the City of Salmon Arm.

“Public Lands” shall mean any public lands other than park under the care, management and jurisdiction of the City of Salmon Arm.

The Council resolution directed staff to prepare a bylaw that prohibited smoking on all City recreational properties. The intention of the proposed bylaw amendment is to prohibit smoking in City parks. City parks for the purpose of the amendment include City land where the use of the land for outdoor recreation is the primary use. The amendments would apply to park land that is under the care, management and jurisdiction of the City. The provincial Tobacco Control Act and Regulation does not regulate smoking on City land except within close proximity to building entrances. Therefore, the proposed bylaw amendments would prohibit smoking on City Park land. Examples of parks include the following: Fletcher Park, Little Mountain Park and Athletic Fields, Coyote Park, Blackburn Park, Canoe Beach, SABNES Foreshore Trail, Ross Street Plaza and Cemetery. The bylaw amendments would not apply to City owned properties that are leased to another party (e.g. southern part of the Fall Fair site that is leased to Salmon Arm & Shuswap Lake Agricultural Association, Rod & Gun Club property in South Canoe, and the Salmon Arm Tennis Club property next to Little Mountain Park).

The proposed amendments do not prohibit smoking on Public Lands. Public lands include land other than park under the care, management and jurisdiction of the City where the use of land for park purposes is not the primary use and where uses within buildings are the primary uses. Examples of public lands include the following: City Hall and Law Courts, SHAW Centre, SASCU Recreation Centre, and Public Works Yard and buildings. The provincial Tobacco Control Act and Regulation regulates smoking for these properties and buildings.

In order to clarify the distinction between “park” and “public lands” in Parks Regulation Bylaw No. 2119, a new Park definition is proposed:

“Park” shall mean:

- (a) any improved land used for outdoor recreation such as a playground, beach, spray park, skateboard park, athletic court, athletic field, trail, wharf and public plaza that are under the care, management and jurisdiction of the City; and
- (b) any unimproved lands for natural and environmental purposes that are under the care, management and jurisdiction of the City.

The proposed “Park” definition does not change the purpose or administration of Parks Regulation Bylaw No. 2119.

Smoking Definition

It is proposed to add a definition of smoking to Park Regulation Bylaw No. 2119. “Smoking shall mean the inhaling of, or exhaling of, the smoke from tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning.” This is the same definition used in the City’s Clean Indoor Air and Smoking Regulation Bylaw No. 1813.

Smoking Prohibition

It is proposed that Section 4.m) of Parks Regulation Bylaw No. 2119 be amended to replace "Smoking shall be prohibited in those parks list in Appendix "C"" with "Smoking shall be prohibited in parks." Appendix "C" would be deleted in its entirety.

Proposed Enforcement and Public Awareness

Proposed Municipal Ticket Information Bylaw Amendment

Municipal Ticket Information Utilization Bylaw No. 2760 includes the opportunity for the Bylaw Enforcement Officer or a member of the RCMP to issue a municipal ticket to a person smoking in Fletcher Park. With the amendments proposed for Parks Regulation Bylaw to prohibit smoking in all parks, it is proposed that Bylaw No. 2760 be amended to change this type of ticket from 'Smoking in Fletcher Park' to 'Smoking in a Park'.

Unless directed by City Council, the Bylaw Enforcement Officer does not plan on initiating any proactive bylaw enforcement of smoking in City parks because he has very limited time available after he completes his other duties. If the Bylaw Enforcement Officer is visiting a City park and sees somebody smoking he may inform them of the bylaw if his time permits. He may issue a verbal or written warning. It will likely be very rare that a municipal ticket is issued. However, the amendment to the bylaw provides for an opportunity for a ticket to be issued should persistent noncompliance of the bylaw occur.

Public Awareness

Public awareness may be the most effective means to informing residents and smokers of the new bylaw. If the proposed changes to the Parks Regulation bylaw are adopted by Council, City staff would place notices in the local newspaper after adoption and post information on the City's website and utilize Facebook and Twitter.

Another important component of public awareness may be to post signs in City parks that indicate that smoking is prohibited and there is a \$100 fine for noncompliance. The benefit of signs are twofold; to inform park visitors, including smokers, that smoking in the park is prohibited and to assist park visitors in explaining to smokers that smoking is prohibited. Signs informing of the smoking prohibition are posted in Fletcher Park at park entrances.

There is a cost to posting signs. The cost of a sign, including materials and installation, is a maximum of \$150. City staff has reviewed the City parks and estimates that approximately 134 signs would be required to adequately sign the entrances to the 24 parks listed in Appendix 2. There are other parks that could be also be signed. The total cost for this sign installation program is \$20,100 and does not include sign maintenance. Less expensive sign options could be explored. There is no money in the 2013 budget for these signs. IHA has indicated that they have no funding to contribute to the signage program. There may be an opportunity to phase in these signs over a number of years beginning in 2014 subject to available funding. The busiest parks would be prioritized for signs. There is also an option to install cigarette butt receptacles on a sign for the cost of about \$100 each.

Consultation and Adoption Process

The proposed bylaw amendments and sign program have been discussed with staff in the Development Services Department and Engineering and Public Works Department as well as staff of the Shuswap Recreation Society. The idea of prohibiting smoking in parks has been discussed with staff of IHA and the Ministry of Health. The proposed bylaw amendments have not been discussed with any City Committees.

The adoption process for the proposed bylaw amendments is proposed to include the following:

- Development and Planning Services Committee Meeting;
- Refer staff report to the Interior Health Authority for their comments (Comments received from Trish Hill, Tobacco Reduction Coordinator for Interior Health, are attached in Appendix 2);
- Council meeting for Council to consider first and second readings;
- Notification by two notices in the Salmon Arm Observer (not a statutory requirement);
- Public Input session at an evening session of a Council Meeting (not a statutory requirement);
- Council consider any amendments and third reading;
- Proposed amendments to the Parks Regulation Bylaw deposited with the Ministry of Health; and,
- Council considers final reading.

Summary

The proposed bylaw amendments to Parks Regulation Bylaw No. 2119 would prohibit smoking in City Parks. A new Park definition is proposed which provides clarification that a park is both improved outdoor recreational land and unimproved land for natural and environmental purposes. Both types of park land are under the care, management and jurisdiction of the City.

The proposed bylaw amendments would not prohibit smoking on Public Lands that are under the care, management and jurisdiction of the City. Public Lands do not include Parks. The prohibitions and regulations of the Provincial Tobacco Control Act and Regulations would continue to apply to these properties.

Respectfully submitted,


Corey Paielement, RPP
Corporate Officer

:cp

Appendices

1. Parks and proposed number of no smoking signs.
2. Comments from Trish Hill, Tobacco Reduction Coordinator Interior Health, dated April 25, 2013.

No Smoking Sign -Parks

Appendix 1

Marine Park	6
Jannink Park	3
Blackburn Park	20
McGuire Lake Park	12
Peoples Place	1
Fletcher Park	6
Badger Park	6
Klahani Park	6
Micku Park	1
Little Mountain Park and Fields	12
Ross Street Plaza	4
Raven Park	4
Coyote Park	4
Canoe Ball Park	4
Lund Park	2
Jackson Park	2
Canoe Beach	8
Zorn Park	2
Kin Park	2
Turner Creek Trail	12
Cemetery	3
Hoadley Park	4
Cress Creek Park	4
Pileated Woods Park	6

Corey Paiement

From: Hill, Trish [Trish.Hill@interiorhealth.ca]
Sent: April 25, 2013 4:22 PM
To: Corey Paiement
Cc: Jacobsen, Jennifer; Deegan, Heather; Sidenberg, Cheryl
Subject: Interior Health comments on Proposed Amendments to Bylaw 2119

Hi Corey;

Thanks for the opportunity to provide input on the **Proposed Amendments to Parks Regulation Bylaw 2119 to Prohibit Smoking in City Parks** for the City of Salmon Arm. Smoke Free Bylaws are an effective way for communities to preserve their municipal public spaces and to model tobacco free lifestyles to children and youth. As we discussed, the Interior Health Tobacco Reduction Program reviews content on proposed smoke free municipal bylaws, so the following comments come from our experience with other communities. Feel free to contact me if I can answer any questions about the following or if you'd like to discuss further:

1. We support the proposed amendments to Parks Bylaw 2119, including the proposed new definition of "Park" and prohibition of smoking in all parks in the City. These measures will provide important protection from secondhand smoke on City recreational properties where there is currently no regulation of smoking.
2. We recommend that Council also consider:
 - Prohibiting smoking on public lands in the future, to include properties such as City Hall and Law Courts, Shaw Centre, SASCU Recreation Centre and Public Works Yard and buildings. This will provide protection to residents beyond the current 3 metre buffer zone required by the provincial **Tobacco Control Act and Regulation**.
 - Including a prohibition on smoking in future land leases.
 - Exempting traditional aboriginal cultural use of tobacco/smoking from the prohibition. Traditional use of tobacco in aboriginal ceremonies protects against tobacco dependence. This is not to say that Aboriginal people smoking commercial tobacco in parks would be exempt from the bylaw, but that use of tobacco in traditional ceremonies would not result in enforcement activity.

I'm cc-ing Jennifer Jacobsen, Team Leader for Tobacco Enforcement with Interior Health in case she has any further comments.

Regards,

Trish Hill

Trish Hill, MA
Tobacco Reduction Coordinator
Community Integrated Health Services | Interior Health | 250-505-7232 | trish.hill@interiorhealth.ca

CITY OF SALMON ARM

BYLAW NO. 3954

A bylaw to amend "Parks Regulation Bylaw No. 2119, 1993"

WHEREAS the Council of the City of Salmon Arm has enacted "Parks Regulation Bylaw No. 2119, 1993", being a bylaw to provide for the use, regulation and protection of public lands and parks within the City of Salmon Arm;

AND WHEREAS under the provisions of Section 8 (Fundamental Powers) (3)(i) of the Community Charter, Council may regulate persons in respect to public health matters;

AND WHEREAS Council considers it expedient and desirable for the health, safety and welfare of the residents to prohibit smoking in parks in the City of Salmon Arm;

AND WHEREAS the Ministry of Health has been consulted with prior to the adoption pursuant to the Public Health Bylaws Regulation;

AND WHEREAS it is deemed expedient to amend said bylaw;

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

"Parks Regulation Bylaw No. 2119, 1993" is hereby amended as follows:

- 1) New definition of "Park" as follows: "Park" shall mean:
 - (a) any improved land used for outdoor recreation such as a playground, beach, spray park, skateboard park, athletic court, athletic field, trail, wharf and public plaza that are under the care, management and jurisdiction of the City;
 - (b) any unimproved land for natural and environmental purposes that is under the care, management and jurisdiction of the City;
- 2) New definition of "Smoking" as follows: "Smoking shall mean the inhaling of, or exhaling of, the smoke from tobacco or other organic substance, or the carrying of a burning cigarette, cigar or any device in which tobacco or any other organic substance is burning";
- 3) New smoking prohibition in 4m) "Smoking shall be prohibited in a park";
- 4) Deleting Appendix C "Smoking shall be prohibited in those parks list in Appendix "C";

2. This bylaw may be cited as “City of Salmon Arm Parks Regulation Amendment Bylaw No. 3954”.

READ A FIRST TIME THIS	13th	DAY OF	May	2013
READ A SECOND TIME THIS	13th	DAY OF	May	2013
READ A THIRD TIME THIS		DAY OF		2013
DEPOSITED WITH THE MINISTRY OF HEALTH THIS		DAY OF		2013
ADOPTED BY COUNCIL THIS		DAY OF		2013

MAYOR

CORPORATE OFFICER

CITY OF SALMON ARM

BYLAW NO. 3955

**A Bylaw to amend City of Salmon Arm Ticket Information Utilization
Bylaw No. 2760**

WHEREAS Council may designate certain Bylaw offences, authorize the use of certain words or expressions, set certain fine amounts and designate persons as Bylaw Enforcement Officers;

AND WHEREAS the Council deems it expedient to authorize the use of the Municipal Ticket Information for the enforcement of the Bylaws listed in Schedule 1 of "City of Salmon Arm Ticket Information Utilization Bylaw No. 2760";

AND WHEREAS the Council deems it expedient to amend "City of Salmon Arm Ticket Information Utilization Bylaw No. 2760";

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled, ENACTS AS FOLLOWS:

1. "City of Salmon Arm Ticket Information Utilization Bylaw No. 2760" is hereby amended as follows:
 - a) The replacement of Schedule 9: Smoking in Fletcher Park with Smoking in a Park
2. This bylaw may be cited for all purposes as "City of Salmon Arm Ticket Information Utilization Amendment Bylaw No. 3955 (No Smoking in a Park)".

READ A FIRST TIME THIS	13th	DAY OF	May	2013
READ A SECOND TIME THIS	13th	DAY OF	May	2013
READ A THIRD TIME THIS		DAY OF		2013
ADOPTED BY COUNCIL THIS		DAY OF		2013

MAYOR

CORPORATE OFFICER

BYLAW NO. 2760

SCHEDULE 9

BYLAW	SECTION	FINE
Parks Regulation Bylaw No. 2119		
Damage park or public lands	4 (a)	\$100.00
Deposit refuse	4 (b)	50.00
Animal at large	4 (g) (i)	50.00
Dog at large	4 (g) (i)	50.00
Fail to remove faeces	4 (g) (ii)	50.00
Light fire	4 (j) (iv)	50.00
Use fireworks without permit	4 (j) (v)	50.00
Camp without permit	4 (j) (vii)	50.00
Park vehicle without permit	4 (j) (vii)	50.00
Possession of open liquor	4 (j) (viii)	100.00
Motorized vehicle off vehicular route	4 (k) (i)	100.00
Boat in designated swimming area	4 (k) (iv)	100.00
Smoking in a Park	4 (m)	100.00