



ADMINISTRATIVE REPORT

Report Date: May 28, 2010  
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VanRIMS No.: 08-2000-20  
Meeting Date: June 10, 2010

TO: Standing Committee on Planning and Environment  
FROM: Acting General Manager, Board of Parks and Recreation  
SUBJECT: Amendment to City of Vancouver Health Bylaw

**RECOMMENDATION**

- A. THAT Council delegate the authority to regulate smoking in parks for the care, promotion and protection of the health of persons in parks, to the Board of Parks and Recreation;
- B. AND FURTHER THAT the Director of Legal Services be instructed to prepare and bring forward the necessary changes to the Health Bylaw as generally described in Appendix A, which in the opinion of the Director of Legal Services, are necessary to carry out the direction of Council.

**COUNCIL POLICY**

There is no applicable Council Policy.

**PURPOSE**

The purpose of this report is to request an amendment to the Health Bylaw to delegate authority to regulate smoking in parks to the Park Board.

**BACKGROUND**

On April 19, 2010 the Park Board unanimously approved a recommendation that instructed the General Manager to seek amendments to the Health Bylaw and Parks Control Bylaw to prohibit smoking in all parks. This meeting represented the third public discussion on the matter, and the Board heard from staff as well as members of the public on the basis for along with the implications of such a policy.

## *DISCUSSION*

The Vancouver Charter (section 330(a) provides that Council may make bylaws for the care, promotion, and protection of the health of inhabitants of the city. Pursuant to that power, Council has enacted the smoking regulations in the Health By-law. The City of Vancouver Health Bylaw currently bans smoking in all buildings, in vehicles for hire, on public transit, in customer service areas, and within six metres of any opening into a building. That by-law is presently enforced by property use inspectors and police. The Park Board wishes to broaden the prohibition against smoking to include all outdoor locations within the park system, including facilities, passive green spaces, playing surfaces, beaches, playgrounds, trails and pathways. As well, the Park board wishes to have the power to enact by-laws and to enforce smoking regulations in parks and buildings in parks.

Approximately 87% of the population is identified as "non-smoking" in British Columbia (highest among all provinces). Despite this fact, exposure to second-hand smoke is the third leading cause of death, according to Vancouver Coastal Health (VCH). The medical evidence linking smoking to health issues is well-documented and smoking bans for public places are considered the most effective means of reducing exposure to second-hand smoke. With acceptance that no level of exposure to second-hand smoke can be considered safe, reducing such exposure remains a key component of health promotion by the World Health Organization, Health Canada, the Province of British Columbia, and VCH.

In recent years, restrictions on smoking in outdoor public spaces have occurred throughout North America. In the majority of instances these jurisdictions cited medical and environmental rationale as the foundation for these actions.

Local examples of municipalities that have taken this approach include, White Rock, Squamish, Whistler, West Vancouver, and Port Moody. Each has enacted a bylaw which prohibits smoking in public parks. Across North America many jurisdictions have taken similar steps in an attempt to promote healthier lifestyles and increase the quality of the local urban environment. Large cities such as Los Angeles and Chicago, for example, have had these bylaws in place for years.

Local support for the Park Board's decision was determined in part through a review of two public surveys. The results of a web-based survey hosted by the Park Board, which was completed by 608 people in 2009, reflected significant support (77%) for a smoking ban for all parks. Similar findings were documented in a survey conducted by the Clean Air Coalition of BC in 2008, in which 73% of respondents indicated support for a goal of "100% smoke-free public places", including parks and beaches.

Section 489(1)(p) of the Vancouver Charter provides that the Park Board, in addition to the powers delineated in that section, shall have the power to provide for "doing such other things with respect to any of the parks as the Council shall from time to time authorize".

In order for the Park Board to regulate smoking in parks, Council must authorize the Park Board to do so. Such a delegation may be effected by amending the Health By-law as provided in this report. Once that authority has been delegated, it would be the intention of the Park Board to enact a by-law to regulate smoking in parks and in buildings, vehicles for hire and transit vehicles in parks. Those regulations would differ from the present regulations in the Health By-law because they would apply to outdoor spaces not presently regulated by the Health By-law. As well, there may or may not be other differences in the Park Board By-law

regarding matters such as signage provisions. Once the by-law was enacted, the Park Board would take steps to ensure effective enforcement, including possibly enacting a by-law to provide for municipal ticket offences, enabling park rangers and other designated persons such as police to enforce the smoking regulations in parks.

#### ***FINANCIAL IMPLICATIONS***

There are no financial implications.

#### ***IMPLEMENTATION PLAN***

The proposed amendments to the Health Bylaw would take effect on September 1, 2010. In advance of this date the Park Board would enact a new by-law to regulate smoking in parks and continue with an awareness campaign to educate residents and visitors about the upcoming bylaw changes. After the new bylaw changes take effect, an enforcement program led by Park Board staff would address compliance issues, as required.

#### ***CONCLUSION***

The parks, beaches, pathways, playgrounds and playing surfaces in Vancouver offer year-round outdoor recreation and leisure opportunities for residents and visitors. The recommendations in this report are based on the April 19, 2010 decision by the Park Board with input from Legal Services, as an effort to improve the experience of visiting city parks by providing a healthier, safer environment.

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BY-LAW NO. \_\_\_\_\_

**A By-law to amend Health By-law No. 9535  
regarding regulation of smoking in parks**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Section 2.7 is renumbered "2.9" and section 2.8 is renumbered "2.10".
2. After section 2.6, Council inserts:

**"Regulation of smoking in parks**

2.7 The Board of Parks and Recreation is authorized to enact by-laws to regulate smoking in parks for the care, promotion and protection of the health of people in parks.

2.8 Sections 2.2, 2.3, 2.4, 2.5 and 2.6 of this By-law have no application to parks regulated by the Park Board Smoking Regulation By-law."

3. This By-law is to come into force and take effect on September 1, 2010.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk