



Governance and Priorities Committee Report

Date: April 10, 2014 **From:** Kate Friars
Director Parks Recreation and Culture
Subject: Amendments to the CRD Clean Air Bylaw

Executive Summary

This report is to advise Council of a request from the CRD Health and Capital Planning Strategies Division to engage in their consultation process on the matter of the amendments to the Clean Air Bylaw (attached).

On October 9, 2013, the CRD Board approved an amendment to the Clean Air Bylaw which expanded the ban on smoking within the region to include all playgrounds, public playing fields and designated public spaces in municipalities and electoral area; bus stops; regional parks; all electoral area community parks; and all municipal parks. It also calls for an expansion of the buffer zone around buildings to increase from three meters to seven meters.

The CRD has requested as part of their consultation process that municipalities send them a list of all areas identified as a park; playing field; playground; and any other high traffic areas that would be used for the purposes of congregation or gathering that are not already identified as a public park or square.

Various implications are discussed and will be shared with the CRD as part of this report.

Recommendation:

1. That Council support working with the CRD Health and Capital Planning Strategies Division in the implementation of the Clean Air Bylaw Amendment.
2. That a copy of this report be forwarded to the CRD for consideration in the Clean Air Bylaw Amendment implementation plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Friars".

Kate Friars
Director Parks, Recreation and Culture

Report accepted and recommended by the City Manager:

Date:

A handwritten signature in blue ink, appearing to read "M. [unclear]".
Apr 11 9, 2014

Purpose

This report is to advise Council of a request from the CRD Health and Capital Planning Strategies Division to engage in their consultation process on the matter of the amendments to the Clean Air Bylaw.

Background

On October 9, 2013, the CRD Board approved the following motion:

That staff be directed to draft an amendment of the Clean Air Bylaw and an implementation plan to:

- Ban smoking within the Region in: all public playgrounds and public playing fields; designated public spaces in municipalities and electoral areas; bus stops; Regional parks; all areas of Electoral Area community parks; and all municipal parks;
- Extend the current buffer zone for smoking from three metres to seven metres; and,
- Enact other administrative amendments as recommended by CRD legal counsel.

The CRD has exclusive jurisdiction for the regulation of all public health matters through the CRD's Health Letters Patent, the Local Government Act and additional powers granted by an Order in Council.

The CRD Board requested that staff consult with its municipalities on the designation of public areas that each municipality may wish to identify for inclusion in the smoking prohibition under the Clean Air Bylaw amendment. The CRD is requesting participation from all of its municipalities in order to determine the number, type and location of designated areas. Of note, CRD staff are particularly interested in high traffic areas, that are used for the purpose of congregation or gathering, that are not already identified as a public square, park, playground, or playing field. Attached is a list of City of Victoria Parks, some of which include a playing field, or playground; public squares; and other city and private public gathering spaces for consideration.

Related Policy

The OCP provides some high-level direction that supports involvement in the CRD's consultation process:

- Policy 10.15 (paraphrased) states that the City will work with senior levels of government, regional partners and others to address issues related to air pollution and their impacts on public and ecological health.
- More generally, the OCP's policies collectively support a healthy community, one that takes a holistic approach to improving personal health (Goal 15(F)) and other social conditions.

Issues & Analysis

In response to the request from the CRD, staff considered several implications of expanding the Clean Air Bylaw to park areas, expanded buffer areas and other gathering areas. Common to each category are questions regarding notification and enforcement. CRD staff indicated that once they receive input from its municipalities, the information will form the basis of a comprehensive communication plan and enforcement approach.

A comprehensive list of spaces for consideration under the Clean Air Bylaw amendment is attached. In consideration of the general uses of park spaces, playgrounds, and sports fields, and the ability to easily define these spaces, there is support for the expansion of the Clean Air Bylaw

in these locations. It will be imperative that a communication plan include notification at each site and general broadcast of the introduction and application of the bylaw.

Public Squares in the City of Victoria are either bounded by building infrastructure or are open air and bounded by streets and sidewalks. Application of the Bylaw amendment will vary in these locations.

Where bounded by buildings the new buffer criteria (from 3 meters to 7 meters) will apply and in most cases cover the entire square. Larger locations such as Centennial or Bastion Square are both listed as park spaces and therefore fall under the more general application for park areas.

The implications for enforcement are considered harder to achieve in these locations due to transient movement of the general public. It would be hoped that a comprehensive communications plan will raise heightened awareness of the impact of second hand smoke even in outdoor settings.

Consideration also needs to be given to employees who smoke and are located in buildings surrounding a square. These amendments could impede their ability to take a smoke break within a reasonable distance or time frame.

Included in the attachment is a list of gathering areas for consideration. A number of these locations are permitted for large gatherings and festivals. These spaces will be virtually impossible to regulate due to the nature of use for a festival or large gathering. The CRD will have to rely on a comprehensive communication plan, to promote the benefits of not smoking and the perils of second hand smoke in the outdoor realm.

Options & Impacts

The success of implementing a strategy and bylaw to regulate smoking is difficult to enforce. The City supports a communication plan which encompasses an educational component on the effects of second hand smoke both indoors and outdoors and where the amended bylaw will apply. The City looks forward to providing comment on the enforcement of the amended bylaw in order to work toward compliance.

Recommendations

1. That Council support working with the CRD Health and Capital Planning Strategies Division in the implementation of the Clean Air Bylaw Amendment.
2. That a copy of this report be forwarded to the CRD for consideration in the Clean Air Bylaw Amendment implementation plan.



Making a difference...together

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MANAGER'S OFFICE

MAR 06 2014

VICTORIA, BC

February 28, 2014

Mr. Jason Johnson, CAO
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mr. Johnson:

**RE: AMENDMENTS TO THE CLEAN AIR BYLAW
PARKS, PLAYGROUNDS, PLAYING FIELDS AND PUBLIC SPACES -
DEFINITION OF PUBLIC SPACES**

I am writing to begin the consultation process with our municipal stakeholders on the matter of the CRD Board-approved amendments to the Clean Air Bylaw.

On October 9, 2013, the CRD Board approved the following motion:

That staff be directed to draft an amendment of the Clean Air Bylaw and an implementation plan to:

- a) Ban smoking within the Region in: all public playgrounds and public playing fields; designated public spaces in municipalities and electoral areas; bus stops; Regional parks; all areas of Electoral Area community parks; and, all municipal parks;*
- b) Extend the current buffer zone for smoking from three metres to seven metres; and,*
- c) Enact other administrative amendments as recommended by CRD legal counsel.*

The CRD has exclusive jurisdiction for the regulation of all public health matters through the CRD's Health Letters Patent, the statutory authority provided in the *Local Government Act* and additional powers granted by an Order in Council.

At the October Board meeting, staff received direction from the CRD Board to commence the process of consultation with its municipalities concerning the designated public areas that each municipality may wish to identify for inclusion in the smoking prohibition under the Clean Air Bylaw amendment.

In order to determine the number, type and location of designated public areas within the Capital Regional District for this purpose, participation from each municipality is required. The Bylaw amendments will impose the smoking prohibition on parks, playgrounds, playing fields and public squares; however, we have been asked to consult with you with a view to identifying the high traffic public areas within your municipality that are used for the purpose of congregation or gathering, that are not already designated as a public square, park, playground or playing field.

Could you please provide to the undersigned, a list of public areas within your municipal boundaries that fit this criteria and that you want to include in the prohibition against smoking, identifying how the lands are designated by the municipality in some way for public use such as a green space or by a Statutory Right of Way.

Additionally, could you please provide to the undersigned a list of all parks, playgrounds, playing fields and public squares within the municipal boundaries.

Upon completion, kindly return this information to:

Christine Neufeld, Capital Projects and Administrative Coordinator
Health and Capital Planning Strategies
PO Box 1000
Victoria, BC V8W 2S6
Email: cneufeld@crd.bc.ca

Thank you in advance for your cooperation and participation with this request. This information is required in our office by March 31, 2014. If you have any questions, concerns or require further information, please do not hesitate to contact the undersigned at 250-360-3114.

Yours sincerely,



Rajat (Raj) Sharma, Acting Senior Manager
Health and Capital Planning Strategies

Attach:

cc: Robert Lapham, CAO, Capital Regional District
Dr. Richard Stanwick, Chief Medical Health Officer, Island Health
Travis Whiting, Acting GM, Planning & Protective Services, CRD
Kim Bruce, Regional Manager, Tobacco Prevention and Control
Christine Neufeld, Capital Projects and Administrative Coordinator,
Health and Capital Planning Strategies, CRD

RS:cln