
CITY OF KELOWNA

MEMORANDUM

Date: July 21, 2009
File No.: 6130-00
To: City Manager
From: Manager, Park Services
Subject: Amendments to Park and Public Spaces Bylaw 6819-91

RECOMMENDATION:

THAT Council receive the report from the Parks Services Manager dated July 21, 2009;

AND THAT Council direct staff to prepare a 2010 budget request to investigate further options for prohibiting smoking in parks and public spaces through a public survey and consultation with other stakeholders;

AND THAT Council consider the form of notice as outlined in the report of the Park Services Manager dated July 21, 2009 to be sufficient;

AND THAT Council give reading consideration to Bylaw No. 10222 being Amendment No. 15 to Parks and Public Spaces Bylaw No. 6819-91;

AND FURTHER THAT Council give reading consideration to Bylaw No. 10223 being Amendment No. 75 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89.

BACKGROUND:

The following amendments are recommended to the Parks and Public Spaces Bylaw 6819-91:

- "No smoking" in all city owned natural areas (defined as non-irrigated areas) in order to reduce the risk of wildland fire ignition;
- Fishing prohibited within designated swimming areas of parks, or from commercial or city docks, or in areas posted as "no fishing";
- Expand the current litter prohibition from parks, to include "public space" as well (Section 3.2); and
- Clarify Section 3.21, to state that vehicles are not permitted in parks outside of designated roads and parking lots, and that bicycles, roller blades etc. are only permitted on designated pathways.

Smoking is currently permitted in parks or public spaces, although it is illegal to discard cigarette butts (litter) or ashes in a park, and fires are also prohibited. In the past, an educational approach has been used to educate park users about fire hazard and the risk of fire ignition from cigarette butts. Research has found that this risk is usually low but it does increase under the right conditions. Interior



Health (IHA) have also recently contacted Park Services staff with recommendations regarding smoking in public spaces (attached).

RDCO parks and most recently West Kelowna parks have complete smoking bans in all parks. Staff in these areas have indicated that the bylaws are difficult to enforce but that they generally receive few complaints about the bylaws. Most cities in California have completely banned smoking in parks.

Staff recommend a two step process regarding smoking: (1) "no smoking" bylaw should be enacted immediately for all natural areas, and (2) that future expansion of the no smoking regulations into all other parks or public spaces also be explored, in consultation with the community as well as Interior Health. This could potentially cover all parklands and publicly accessible city properties, but would not impact streets or sidewalks. There would be some budgetary impacts due to the need to update and install additional signage, and in some areas there may be additional costs to create designated smoking areas.

If it is the wish of Council to expand the smoking prohibition immediately to other parks and public spaces, an Alternative Recommendation is presented below for consideration.

Bylaw staff have received some complaints in the past with regards to fishing near swimming areas, or on docks. Therefore staff recommend that fishing is prohibited within these areas.

The current prohibition on littering in the Parks and Public Spaces bylaw only applies to park lands. It is recommended that the prohibition be extended to all public spaces.

Finally, the current regulations regarding vehicles or conveyances in parks are somewhat confusing. Staff recommend that Section 3.21 of the bylaw is re-written to clarify.

INTERNAL CIRCULATION TO:

Planning and Development Services
Corporate Services

LEGAL/STATUTORY AUTHORITY:

Community Charter section 8,9 and 59.

EXISTING POLICY:

Parks and Public Spaces Bylaw No. 6819-91 requires further clarification in order to deal effectively with the issues discussed.

FINANCIAL/BUDGETARY CONSIDERATIONS:

Estimated costs:

- Signage and additional receptacles for cigarette butts at park entrances for "natural areas": \$5,000.
- Public survey and stakeholder consultation: \$5,000
- If smoking were to be prohibited at all parks and public spaces: additional signage: \$5,000; additional costs to create designated smoking areas in key public spaces: \$25,000 (depending on the number of areas to be created)

ALTERNATE RECOMMENDATION:

THAT Council give reading consideration to Bylaw No. 10222 being Amendment No. 15 to Parks and Public Spaces Bylaw No. 6819-91;

AND THAT Council give reading consideration to Bylaw No. 10223 being Amendment No. 75 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89;

AND FURTHER THAT Council consider the form of notice as outlined in the report of the Park Services Manager dated July 21, 2009 to be sufficient.

CONSIDERATIONS THAT WERE NOT APPLICABLE TO THIS REPORT:

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

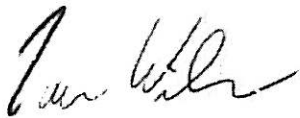
LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

EXTERNAL AGENCY/PUBLIC COMMENTS:

Submitted by:



I. Wilson, Park Services Manager

Approved for Inclusion:



John Vos

Cc: John Vos, General Manager Community Services
Joe Creron, Director Civic Operations
Stephen Fleming, City Clerk
Al Dixon, Bylaw Enforcement Supervisor
Carla Stephens, Director Community & Media Relations

Attachment: Letter from Interior Health

CITY OF KELOWNA

BYLAW NO. 10222

Amendment No. 15 to “City of Kelowna Parks and Public Spaces Bylaw No. 6819-91”

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Parks and Public Spaces Bylaw No. 6819-91 be amended by adding a new definition for “Natural Area” as sub-paragraph 2.8.1 under **PART 2 – DEFINITIONS** as follows:

“2.8.1 Natural Area means publicly owned lands that are not irrigated.”
2. AND THAT **PART 3 – PROHIBITIONS** City of Kelowna Parks and Public Spaces Bylaw No. 6819-91 be amended by;
 - a) Adding the words “,public space” after the words “or rubbish in a park” in sub-paragraph 3.2”; and
 - b) Deleting sub-paragraph 3.21 in it's entirety and replacing it with the following:

“3.21 Except for conveyances for the handicapped, children's carriages and strollers, no person shall ride or drive any horse or animal or drive or propel any vehicle or mode of conveyance outside of designated access roads, lanes or parking lots, without a valid access permit under Section 4.3 of this bylaw. Self propelled vehicles limited to bicycles, trailers pulled by bicycles, roller blades and skateboards are permitted provided they are used on designated pathways and are operated in a safe manner.”
 - c) Adding a new sub-paragraph 3.40 as follows:

“3.40 No person shall ignite any substance for the purpose of smoking or burning in natural areas ”
 - d) Adding a new sub-paragraph 3.41 as follows:

“3.41 No person shall engage in fishing in or immediately adjacent to a designated swimming areas, or from City or commercial docks or where signage prohibits fishing”
2. This bylaw shall be cited for all purposes as “Bylaw No. 10222, being Amendment No. 15 to City of Kelowna Parks and Public Spaces Bylaw No. 6819-91”.
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Interior Health

August 4, 2009

Ian Wilson
City of Kelowna
Civic Operations
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Mr. Wilson:

I am writing to encourage policy eliminating smoking on beaches and other public recreational areas. A growing number of jurisdictions around the globe have taken, or are seriously considering, this step for three very good reasons:

1. **Litter reduction:** Public support for bans on smoking on beaches and other recreational areas is often linked to the issue of cigarettes and litter. The town of Solana, California found that it was the negative impact of tobacco litter on the environment that garnered wide-spread support for their move to smoke-free beaches, a move that is being replicated in many other communities. Worldwide, an estimated three-quarters of a billion kilograms of cigarette butts end up dropped on the ground every year. They deposit nicotine, heavy metals, plastic fibers, benzene and other carcinogens into our environment. Cigarette butts can take up to 15 years to breakdown.
2. **Fire prevention:** Residents of the BC Interior are attuned to the fire dangers cigarettes pose at beaches and forested recreation areas. Estimates for the proportion of forest fires caused by smoking run from 10-25 percent. While imposing a ban on smoking will not automatically prevent everyone from smoking, the experience of other jurisdiction – even in places like Hong Kong, where smoking rates are very high – have showed a marked decrease in smoking in areas where it is restricted.
3. **Being responsible role models for our children and teens:** Despite the reductions in smoking rates of the last two decades, smoking continues to be a major health issue, bringing illness and death to thousands of British Columbians every year. Most smokers become addicted before they turn 16. Reaching youth with effective anti-smoking messages requires a community wide response. Children and teens are heavily influenced by the physical and social environments in which they live. We as adults should model tobacco use as unacceptable and not associated with pleasurable activity.

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INTERIOR HEALTH
Medical Health Officer
1340 Ellis Street, Kelowna, BC V1Y 9N1

When the town of Opotiki, New Zealand, decided to impose a ban on smoking in outdoor public spaces, it focused its message on adults becoming role models for young people. The town's mayor, himself a smoker, publicly announced, "Everyone knows I'm a smoker but I try to be a responsible one and never light up in places where there are lots of people, particularly children, crowded around playing sport or enjoying themselves. I challenge all smokers in the community to use their common sense and do the same."¹

We want our children and teens to go to beaches and other recreational areas to play, socialize and have fun. We should expose them to messages that reinforce that smoking is not socially acceptable or related to fun activities. . Smoking in the presence of children normalizes this unacceptable behaviour – it may even foster the perception that smoking is associated with outdoor activity. Placing restrictions on smoking in outdoor locations where people congregate reinforces the message that using tobacco is not the norm. There is significant public support for an expanded ban on smoking – in fact, a survey conducted by Statistics BC in 2008 found that 73 percent of those surveyed were in favour of 100-percent smoke-free public places, including outdoor patios, parks, and beaches.²

In conclusion, there are many good reasons for municipalities and operators to consider smoking bans on beaches and in other recreation areas. These bans have proven to be an effective means of reducing smoking, litter, fire hazard and children and youth's exposure to cigarettes. We would like to encourage you to consider enacting policy or bylaws to ban smoking on beaches, in parks and in other recreational areas.

With the new Provincial indoor non-smoking laws effective March 31, 2008, the time is opportune to update current policies and bylaws for progressive amendment. Health Canada has produced an excellent resource to assist municipalities and communities through the various stages of planning, implementing and evaluating non-smoking by-laws and policies in public places. Smokefree Public Places: You Can Get There can be downloaded for free from <http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/sfpp-fslp/index-eng.php>. IH staff would also be happy to provide additional information to support your efforts.

I/We welcome the opportunity to work with you in ensuring expansion of smoke free areas to include outdoor public places such as beaches, parks and recreation areas.

Yours in health,



Dr. Paul Hasselback, MD, MSc., FRCPC

¹ http://www.smokefreecouncils.org.nz/fileadmin/clients/cancer_society/pdf/OpotikiAdvertorialFINAL0408.pdf

² http://www.cleanaircoalitionbc.com/PDF/081201_CACFallFieldReport.pdf