

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>November 25, 2019</u>
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

November 8, 2019
File: 09.4020.20/007.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: **Bylaws 8409, 8410 and 8411: Prohibiting Smoking in District Parks and Trails**

RECOMMENDATION:

THAT "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)" is ADOPTED;

AND THAT "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment 1)" is ADOPTED;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8410, 2019 (Amendment 49)" is ADOPTED.

BACKGROUND:

Bylaws 8409, 8410 and 8411 received First, Second and Third Readings on November 4, 2019. In accordance with BC Reg 42/2004 *Public Health Bylaws Regulation to the Community Charter*, Bylaw 8409 was deposited with the Minister of Health on November 7, 2019.

The bylaws are now ready to be considered for Adoption by Council.

OPTIONS:

1. Adopt the bylaws;
2. Abandon the bylaws; or,
3. Rescind Third Reading and debate possible amendments to the bylaws.

Respectfully submitted,


James Gordon
Municipal Clerk

SUBJECT: Bylaws 8409, 8410 and 8411: Prohibiting Smoking in District Parks and Trails

November 8, 2019

Page 2

Attachments:

- Bylaw 8409
- Bylaw 8411
- Bylaw 8410
- Staff report dated October 7, 2019

REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services	_____		
<input type="checkbox"/> Review and Compliance	_____	<input type="checkbox"/> Planning	_____		

The Corporation of the District of North Vancouver

Bylaw 8409

A bylaw to amend Smoking Regulation Bylaw 7792, 2010

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)”.

Amendments

2. Smoking Regulation Bylaw 7792, 2010 is amended by:

- (a) adding the following definitions to section 2 in alphabetical order:

“**Fire Chief**” means the person appointed as the Chief of the District Fire Department or an authorized designate;

“**Highway**” means the area of every public right of way lying between two property lines title to which area is vested in the District and which is designated or intended for or used by the general public for the passage of vehicles or persons and means the area of every public right of way lying within any District Park title to which area is vested in the District and which is designated or intended for or used by the general public for the passage of vehicles;

“**Trail**” means any footpath or other pathway in a Park and includes footpaths and other pathways on Unopened Road Allowances whether inside or outside a Park;

“**Unopened Road Allowance**” means any dedicated highway that has not been opened and improved by the District or that has been closed by the District;

- (b) deleting the definition of Park in section 2 and substituting the following:

“**Park**” means any real property owned, occupied or controlled by the District and used by the public for pleasure, recreation or other community purposes, including but not limited to dedicated parks, beaches, District-controlled water lots, forested recreation areas, conservation areas, Maplewood Farm, Lynn

Canyon Ecology Centre, Murdo Frazer Pitch and Putt, and the Northlands Golf Course, but does not include any municipal land leased to a third party;

- (c) deleting the definition of “Swimming Beach” in section 2;
- (d) moving “or” at the end of subsection 3(e) to the end of subsection 3(f);
- (e) inserting the following as subsection (g):
 - (g) in any area which is the subject of a fire ban pronounced by the Fire Chief.
- (f) inserting the following as section 3A immediately following section 3:
 - 3A. A person must not discard, throw, place or dispose of any lighted or extinguished cigarette, cigar, match, smoking or vaporizing equipment or other burning substance except into a garbage container or other container designed for such disposal.
- (g) deleting “Swimming Beach” from subsection 4(a) and substituting “beach”;
- (h) deleting “part of a Park or other” from subsection 4(b);
- (i) moving “or” from the end of subsection 4(c) to the end of subsection 4(d);
- (j) adding the following as subsection 4(e):
 - (e) any Park, Trail or Unopened Road Allowance;
- (k) deleting the table in section 14 and substituting the following:

Section	Designated Expression	Fine
3	Smoking where prohibited	\$100
3	Smoking where prohibited – subsequent offence	\$200
3A	Throw extinguished cigarette	\$100
3A	Throw lit cigarette	\$300
4	Smoking where prohibited in a park	\$100
4	Smoking where prohibited in a park – subsequent offence	\$200
5	Responsible person allow smoking where prohibited	\$200
6	Responsible person fail to display sign	\$200
8	Person remove or deface sign	\$100
10	Obstruction	\$200

READ a first time November 4th, 2019

READ a second time November 4th, 2019

READ a third time November 4th, 2019

Certified a true copy of "Bylaw 8409" as at Third Reading

Municipal Clerk

DEPOSITED with the Minister of Health on November 7th, 2019

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8411

A bylaw to amend Park Regulation Bylaw No. 8310, 2018

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment 1)".

Amendments

2. Park Regulation Bylaw No. 8310, 2018 is amended by:
 - a) deleting subsections (d) and (e) from section 2.4 and re-numbering the remaining subsections of section 2.4 accordingly;
 - b) deleting subsections (d) and (e) of section 2.4 from the table in section 6.9 and re-numbering the remaining subsections of section 2.4 accordingly.

READ a first time November 4th, 2019

READ a second time November 4th, 2019

READ a third time November 4th, 2019

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8410

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)”.

Amendments

2. Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:
 - a) deleting the violations for the Smoking Regulation Bylaw 7792 and substituting the following:

Smoking Regulation Bylaw						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3	Smoking where prohibited	100	75	150	NO	N/A
3	Smoking where prohibited – subsequent offence	200	150	300	NO	N/A
3A	Throw extinguished cigarette	100	75	150	NO	N/A
3A	Throw lit cigarette	300	225	450	NO	N/A
4	Smoking where prohibited in a park	100	75	150	NO	N/A
4	Smoking where prohibited in a park – subsequent offence	200	150	300	NO	N/A
5	Responsible person allow smoking where prohibited	200	150	300	NO	N/A
6	Responsible person fail to display sign	200	150	300	NO	N/A
8	Person remove or deface sign	100	75	150	NO	N/A
10	Obstruction	100	75	150	NO	N/A

- b) deleting the violations for subsections (e) and (f) of section 2.4 of the Park Regulation Bylaw 8310, 2018 and re-numbering the remaining subsections of section 2.4 accordingly.

READ a first time November 4th, 2019

READ a second time November 4th, 2019

READ a third time November 4th, 2019

ADOPTED

Mayor

Municipal Clerk

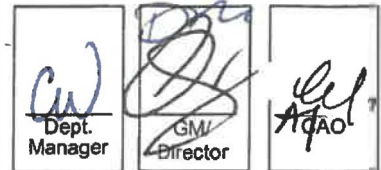
Certified a true copy

Municipal Clerk

AGENDA INFORMATION

- Regular Meeting
 Other:

Date: November 4, 2019
Date: _____



**The District of North Vancouver
REPORT TO COUNCIL**

October 7, 2019

File: 09.4020.20/007.000

AUTHOR: Susan Rogers, Parks Manager
Carol Walker, Chief Bylaw Officer

SUBJECT: Prohibiting Smoking in District Parks and Trails

RECOMMENDATION:

THAT "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment Bylaw 1)", "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)" and "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)" is given FIRST, SECOND and THIRD reading.

REASON FOR REPORT:

On June 17, 2019 at the regular Council meeting, Council passed the following resolution: "THAT staff bring back amending bylaws to Bylaw 7792 (Smoking Regulation) to ban smoking in all DNV parks & trails."

SUMMARY:

Council provided direction to staff to expand the areas of the District parks where smoking is prohibited and include trails. Existing regulations in the Smoking Regulation Bylaw prohibited smoking in prescribed areas within District parks such as near playgrounds, picnic areas, beaches, playing fields and at public events where people congregate. The proposed amendments seeks to include and clarify that smoking will be prohibited in all parks, trails outside of parks, including those that link residential neighbourhoods and forested recreational areas.

BACKGROUND:

Currently, the Smoking Regulation Bylaw bans smoking in the following areas of a park:

Smoking in Parks and other Municipal Property

4. A person must not smoke in or within 6 metres:

(a) children's play equipment or a playground, playing field (if other persons are present), Swimming Beach, food concession, picnic area or skateboard park in a Park;

- (b) any part of a Park or other municipal property that is being used for any public event or activity that the District has authorized by the issuance of a permit;
- (c) the grounds of any municipal Building used for public recreation; or
- (d) Lynn Valley Village or Maplewood Farm.

The Fire Bylaw and powers of the Fire Chief can declare a fire ban during high hazard periods in the summer. This amendment prohibits smoking in parks and trails throughout the year.

Under the Parks Regulation Bylaw, smoking during a fire ban and discarding smoking materials are prohibited. As this will now be in the Smoking Regulation Bylaw, the amending bylaw removes this duplication.

Communication Plan:

Staff are developing an implementation plan, which includes a communication and enforcement strategy and updated signage to educate the public of the new regulations.

Enforcement:

Peer pressure can be effective method to curb smokers from lighting up in prohibited areas. Additional signage and other means of communication will help support enforcement efforts where the resources can be challenged by the large number and size of District parks and trails and isolated locations. Resources will be prioritized by problem areas. The fines have been increased (ex: from \$25 to \$100) for smoking where prohibited.

Environmental Impact:

The bylaw will reduce litter associated with discarded cigarette butts, in combination with a fire reduction risk connected to discarded cigarettes.

Concurrence:


Under the *Public Health Bylaws Regulation* s. 2(2)(a), a council may not adopt a bylaw under 8(3) (i) of the *Community Charter* until a copy is deposited with the minister. This will occur before the bylaw is returned for adoption.

Conclusion:



Council directed staff to amend the Smoking Regulation Bylaw to ban smoking on trails and parks.

Options:

1. THAT "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment Bylaw 1)", "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)" and "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)" is given FIRST, SCOND and THIRD reading.
2. Direct Staff to take other action.


Susan Rogers
Parks Manager


Carol Walker,
Chief Bylaw Officer

REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input checked="" type="checkbox"/> Solicitor		<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input checked="" type="checkbox"/> Bylaw Services	_____		
		<input checked="" type="checkbox"/> Regulatory Review			

The Corporation of the District of North Vancouver

Bylaw 8411

A bylaw to amend Park Regulation Bylaw No. 8310, 2018

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment 1)".

Amendments

2. Park Regulation Bylaw No. 8310, 2018 is amended by:
 - a) deleting subsections (d) and (e) from section 2.4 and re-numbering the remaining subsections of section 2.4 accordingly;
 - b) deleting subsections (d) and (e) of section 2.4 from the table in section 6.9 and re-numbering the remaining subsections of section 2.4 accordingly.

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8409

A bylaw to amend Smoking Regulation Bylaw 7792, 2010

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)".

Amendments

2. Smoking Regulation Bylaw 7792, 2010 is amended by:

- (a) adding the following definitions to section 2 in alphabetical order:

"Fire Chief" means the person appointed as the Chief of the District Fire Department or an authorized designate;

"Highway" means the area of every public right of way lying between two property lines title to which area is vested in the District and which is designated or intended for or used by the general public for the passage of vehicles or persons and means the area of every public right of way lying within any District Park title to which area is vested in the District and which is designated or intended for or used by the general public for the passage of vehicles;

"Trail" means any footpath or other pathway in a Park and includes footpaths and other pathways on Unopened Road Allowances whether inside or outside a Park;

"Unopened Road Allowance" means any dedicated highway that has not been opened and improved by the District or that has been closed by the District;

- (b) deleting the definition of Park in section 2 and substituting the following:

"Park" means any real property owned, occupied or controlled by the District and used by the public for pleasure, recreation or other community purposes, including but not limited to dedicated parks, beaches, District-controlled water lots, forested recreation areas, conservation areas, Maplewood Farm, Lynn

Canyon Ecology Centre, Murdo Frazer Pitch and Putt, and the Northlands Golf Course, but does not include any municipal land leased to a third party;

- (c) deleting the definition of "Swimming Beach" in section 2;
- (d) moving "or" at the end of subsection 3(e) to the end of subsection 3(f);
- (e) inserting the following as subsection (g):
 - (g) in any area which is the subject of a fire ban pronounced by the Fire Chief.
- (f) inserting the following as section 3A immediately following section 3:
 - 3A. A person must not discard, throw, place or dispose of any lighted or extinguished cigarette, cigar, match, smoking or vaporizing equipment or other burning substance except into a garbage container or other container designed for such disposal.
- (g) deleting "Swimming Beach" from subsection 4(a) and substituting "beach";
- (h) deleting "part of a Park or other" from subsection 4(b);
- (i) moving "or" from the end of subsection 4(c) to the end of subsection 4(d);
- (j) adding the following as subsection 4(e):
 - (e) any Park, Trail or Unopened Road Allowance;
- (k) deleting the table in section 14 and substituting the following:

Section	Designated Expression	Fine
3	Smoking where prohibited	\$100
3	Smoking where prohibited – subsequent offence	\$200
3A	Throw extinguished cigarette	\$100
3A	Throw lit cigarette	\$300
4	Smoking where prohibited in a park	\$100
4	Smoking where prohibited in a park – subsequent offence	\$200
5	Responsible person allow smoking where prohibited	\$200
6	Responsible person fail to display sign	\$200
8	Person remove or deface sign	\$100
10	Obstruction	\$200

READ a first time

READ a second time

READ a third time

Certified a true copy of "Bylaw 8409" as at Third Reading

Municipal Clerk

DEPOSITED with the Minister of Health on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8410

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)".

Amendments

2. Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:
 - a) deleting the violations for the Smoking Regulation Bylaw 7792 and substituting the following:

Smoking Regulation Bylaw						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty: Within 14 days	A3 Late Payment: After 28 days	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
		(\$)	(\$)	(\$)		
3	Smoking where prohibited	100	75	150	NO	N/A
3	Smoking where prohibited – subsequent offence	200	150	300	NO	N/A
3A	Throw extinguished cigarette	100	75	150	NO	N/A
3A	Throw lit cigarette	300	225	450	NO	N/A
4	Smoking where prohibited in a park	100	75	150	NO	N/A
4	Smoking where prohibited in a park – subsequent offence	200	150	300	NO	N/A
5	Responsible person allow smoking where prohibited	200	150	300	NO	N/A
6	Responsible person fail to display sign	200	150	300	NO	N/A
8	Person remove or deface sign	100	75	150	NO	N/A
10	Obstruction	100	75	150	NO	N/A

- b) deleting the violations for subsections (e) and (f) of section 2.4 of the Park Regulation Bylaw 8310, 2018 and re-numbering the remaining subsections of section 2.4 accordingly.

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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