



City of  
**Peterborough**

---

**TO:** Members of the Arenas Parks and Recreation Advisory Committee

**FROM:** Rob Anderson, Recreation Division Coordinator

**MEETING DATE:** September 18, 2012

**SUBJECT:** Report APRAC12-023  
Amendments to the Smoking By-Law Pertaining to Del Crary and James Stevenson Parks

---

## **PURPOSE**

A report to request endorsement of proposed amendments to By-Law 11-074 (the Smoking By-Law), redefining the designated smoking area within Del Crary Park, and removing references which infer that smoking within James Stevenson Park is prohibited only within the spectator areas of the Ball Diamonds.

## **RECOMMENDATION**

That the Arenas Parks and Recreation Advisory Committee endorse the recommendation outlined in Report APRAC12-023 dated September 18, 2012, of the Recreation Division Coordinator as follows:

That By-Law 11-074, being a By-Law respecting smoking in the City of Peterborough be amended as follows:

- i) That section 7 be deleted in its entirety and replaced with the following:

No person shall smoke or hold lighted tobacco within Del Crary Park, except within the area designated for smoking, as outlined on the map attached hereto as Schedule A; and

- ii) That sections 8 and 9, and Schedule B and C, defining specific no smoking areas within James Stevenson Park, be deleted in their entirety.

## **BUDGET AND FINANCIAL IMPLICATIONS**

There is no budget or financial implication resulting from the approval of the recommendation of report APRAC12-023.

## **BACKGROUND**

On March 23, 2009, City Council approved the recommendations of Report CSD09-007 and passed By-Law 09-034, which amended By-Law 07-126 (the Smoking By-Law). The amendment prohibited the smoking or holding of any lighted tobacco product within the spectator area of Del Crary Park, and the spectator areas of both the diamonds known as East City Bowl and Riverside Ball Park, both of which are located within James Stevenson Park. These changes were identified as the First Phase of introducing smoke-free parks in Peterborough.

On May 5, 2010, City Council approved the recommendations of Report CSRS10-003, further amending the Smoking By-Law, to prohibit smoking and holding lighted tobacco products within defined City-owned outdoor public spaces over a 3-year phase-in period, as follows:

- i) Within a 9-metre radius surrounding any public playground, beach, wading pool or splash pad, effective July 1, 2010;
- ii) Within a 9-metre radius surrounding any sport field or Skateboard Park, effective May 1, 2011; and
- iii) Within all City parks, except for areas designated to allow smoking and or to hold lighted tobacco products, effective May 1, 2012.

The current Smoking By-Law (By-Law 11-074) is attached to this report as Appendix "A".

### **Complications with the Smoking By-Law**

City Staff have been in discussion with the Peterborough County City Health Unit (PCCHU) and the Peterborough Lakefield Community Police. It has been jointly identified by all 3 parties that sections 7, 8, and 9, as well as Schedules A, B and C of the By-Law are causing confusion to park users and difficulties with By-Law enforcement, at Del Crary and James Stevenson Parks.

### **Del Crary Park**

Section 7 and Schedule A of By-Law 11-074 designate the spectator area in front of the Fred Anderson Stage as being the only smoke-free area within Del Crary Park. By default, that leaves the remainder of the park as a designated smoking area. When Council approved the smoke-free parks phase-in process in 2010, it was their intent to ensure the By-Law provided the ability to designate smoking areas within City parks, if deemed appropriate. While section 6 of the Smoking By-Law provides the ability to designate such smoking areas, City Staff, the PCCHU, and the Community Police do not believe the large designated smoking area in Del Crary Park is in keeping with the intent of the Smoking By-Law.

Due to the nature and size of the events that regularly occur at Del Crary Park, Staff recommends that a specific smoking area be designated within Del Crary Park, rather than designating a smoke-free area as the current By-Law does. In keeping with the intent of the By-Law, the majority of the park must be smoke-free with a buffer zone being accommodated between the smoking area and the spectator area. This can be accomplished by designating the paved parking lot within Del Crary Park as the smoking area, as identified on Appendix “B” of this report.

If endorsed by APRAC and approved by Council, the contents of Appendix “B” of this report will replace the existing Schedule A of By-Law 11-074.

### **James Stevenson Park**

James Stevenson Park contains 2 ball diamonds, a basketball court, a children’s play structure, and various passive-use green spaces. Sections 8 and 9, and Schedules B and C of the Smoking By-Law specifically identify the spectator areas of East City Bowl and Riverside Ball Diamonds as smoke-free areas within James Stevenson Park. This infers the remainder of the park is a designated smoking area, which is contrary to sections 5 and 6 of the By-Law. As a result, Sections 8 and 9 and Schedules B and C of the By-Law are causing confusion and creating enforcement issues at James Stevenson Park.

Staff recommends that sections 8 and 9 and Schedules B and C of the By-Law be deleted in their entirety, making it clear that James Stevenson Park is a smoke-free park.

Submitted by,

Rob Anderson  
Recreation Division Coordinator

Contact Name:

Rob Anderson

Phone: 705-742-777 Ext. 1833

Fax: 705-748-8824

Toll Free: 855-738-3755

E-Mail: [randerson@peterborough.ca](mailto:randerson@peterborough.ca)

Attachments:

Appendix A – By-Law 11-074 (The Smoking By-Law)

Appendix B - Map of Del Crary Park Identifying the Designated Smoking Area