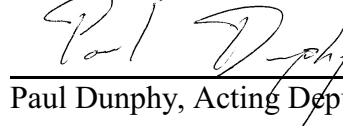


**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**



\_\_\_\_\_  
Geri Kaiser, Chief Administrative Officer



\_\_\_\_\_  
Paul Dunphy, Acting Deputy Chief Administrative Officer - Operations

**DATE:** September 23, 2009

**SUBJECT:** Tobacco Usage Restrictions at Outdoor Recreation Facilities

**ORIGIN**

- January 22, 2008: Halifax Regional Council meeting, Item 10.3.4, “that Regional Council request a staff report on the possibility of HRM prohibiting smoking on HRM-owned recreation facilities where children are participating in activities.”
- August 11, 2009: Halifax Regional Council meeting, Added Item 12.1, Councillor Mosher requested an update on a request for a staff report. This was a follow up to the original motion passed by Regional Council on January 22, 2008 requesting a staff report on the possibility of HRM prohibiting smoking on HRM-owned recreation facilities where children are participating in activities.

**RECOMMENDATION**

It is recommended that Council:

1. Approve the proposed policy requiring that all HRM owned and administered outdoor recreation facilities where children are participating in activities, such as sport fields, courts, beaches, playgrounds, outdoor rinks, swimming pools, spray parks, skateboarding parks, BMX parks, onsite canteens and public washrooms, Point Pleasant Park, and Hemlock Ravine Park be free of smoking and tobacco product uses, as outlined in Attachment 1; and
2. Establish an interim period of two months following policy approval during which time staff will work with members of Council to identify the official list of sites to be covered by the proposed policy.

## **EXECUTIVE SUMMARY**

HRM Council requested that staff examine the possibility of introducing a ban on smoking at outdoor recreation facilities where children participate in activities. Both a policy and by-law approach were considered, but ultimately staff are recommending that HRM Council pursue a policy approach that can be enforced under the provincial Protection of Property Act. The Protection of Property Act not only allows HRM Council to protect the health and well being of children and other citizens participating in activities at these sites, but will also increase fire safety and reduce property damage and litter resulting from discarded cigarette butts.

Over the past decade, HRM and the Province of Nova Scotia have been national leaders in the adoption of both indoor and outdoor smoke-free ordinances. Smoking is currently prohibited in the following places under the provincial Smoke Free Places Act:

- inside of public buildings or work spaces;
- outdoor restaurant, bar and lounge patios;
- within 5 m of a building entrance, exit, window or air intake;
- inside a vehicle with children under the age of 19 present; and
- on school grounds.

HRM additionally prohibits smoking within Point Pleasant Park, Hemlock Ravine Park and on artificial turf sports fields. By implementing the proposed policy, HRM will take the next step and join the other 75 Canadian municipalities that currently regulate smoking at outdoor recreation facilities.

Site categories included in the proposed policy include sport fields and courts, beaches, playgrounds, outdoor rinks, swimming pools, spray parks, skateboarding parks, BMX parks, onsite canteens and public washrooms, Point Pleasant Park, and Hemlock Ravine Park. However, there are other sites such as the Public Gardens, Grand Parade, and other festival and event venues that Council may choose to include in the policy, depending on the level of protection being sought by Council.

While a draft policy has been included in this report, it is important to note that the list of sites to be covered by this policy is not provided. It is recommended that Council work with staff during an interim period of two months before adopting the proposed policy, to finalize the list of sites to be included.

Additional issues such as the sites' geographic boundary, enforcement, and implementation tools require further analysis and discussion by members of staff and Council. Regardless of the policy framework directed by Council, it is important to note that on-site supervision at all of these sites is minimal, so the success of policy implementation will rely on a strong social marketing campaign which includes onsite signage.

## **BACKGROUND**

Over the past 12 years, HRM and the Province of Nova Scotia have implemented several regulations prohibiting the use of tobacco inside and outside of public and privately owned buildings, as follows:

- 1997** Council approved its first by-law on October 11, 1997 as By-law S-200 (Smoking By-law) came into force. This by-law required all open spaces in malls and lobbies to become smoke free. It also recommended that an advisory committee be struck to examine the possibility of expanding the scope of the by-law.
- 2000** HRM enacted amendments to By-law S-200 (Smoking By-law), which required that non-smoking areas be required in all restaurants, licensed premises, malls, and entertainment locations (generally consisting of at least 50% of the seating capacity). Smoking was also prohibited within 5 metres (16 feet) of the entrance of any public building.
- 2003** The Province passed the *Smoke Free Places Act*, which prohibited smoking in most enclosed public places with the exception of in separately ventilated and enclosed smoking rooms (which could be comprised of a maximum of 25% of the total seating capacity) in: restaurants; bars and lounges; casinos and private clubs; bingo halls; outdoor eating places at bars/lounges; and, psychiatric facilities, nursing homes, or residential care facilities or part of a health care facility used for the acute or long term care of veterans. It also enabled municipalities to pass more restrictive smoking legislation should they choose to do so.
- 2003** HRM repealed By-law S-200 and replaced it with the more restrictive By-law S-203 (Smoke Free Places By-law), which prohibited smoking as noted in the provincial *Smoke Free Places Act*, with the added restrictions that the enclosed smoking room cannot exceed 25 percent of the total drinking area of the drinking establishment, casino or private club, and that no persons under the age of 19 would be permitted to enter said smoking room provided that food was not being served in that area.
- 2003** HRM Council prohibited smoking in Point Pleasant Park and Hemlock Ravine Park as a safety measure following Hurricane Juan. This prohibition continues to be upheld today under the HRM Parks By-law (P-600) which is intended to protect park property.
- 2006** The *Smoke-free Places Act* was amended in late 2006. These amendments required that all indoor workplaces and public places be completely smoke free. It also prohibited smoking on all outdoor patios regardless of whether they have a roof, within 4 m of licensed outdoor areas, entrances and exits, air intakes and windows of workplaces, and on school grounds. This was the first step in legislating tobacco use in outdoor public spaces.
- 2008** Most recently, the Province took this legislation a step further by prohibiting smoking in motor vehicles with children under the age of 19 present. *Bill No. 6, An Act to Amend Chapter 12 of the Acts of 2002, the Smoke-free Places Act*, was passed on December 13th, 2007 and came into force April 1st, 2008.

**2009** HRM staff implemented a Code of Conduct for artificial turf field users that is signed as part of the facility rental agreement (Attachment 2). This Code of Conduct prohibits many items on or near the fields including the use of tobacco products, and glass bottles to name a few.

## **DISCUSSION**

### **Overall Purpose**

The implementation of a policy prohibiting smoking at HRM-owned outdoor recreation facilities where children are participating in activities is a logical next step in the evolution of anti-smoking regulation. Over the past few decades, public opinion of smoking as an acceptable behaviour has increasingly declined, including in relation to outdoor recreational and park spaces. Eighty percent of respondents in a 2008 Corporate Research Associates poll that surveyed 400 residents, indicated strong support for complete restriction of smoking in outdoor spaces such as parks and playgrounds (Attachment 3). Furthermore, over 75 Canadian municipal jurisdictions have instituted tobacco restrictions for outdoor spaces and others are evaluating the impacts of smoking and chewing activity at outdoor facilities.

### **Current HRM Smoking Bans**

After Hurricane Juan in 2003, HRM Council prohibited smoking and open fires in both Point Pleasant Park and Hemlock Ravine Park due to fallen timber in those parks that created safety hazards. That prohibition was enforced under the HRM Parks By-law (P-600) by installing onsite signage and remains in effect today.

More recently in 2009, HRM staff prohibited tobacco use at artificial turf sports fields by establishing a Code of Conduct for all facility users. The Code of Conduct lists a variety of prohibited behaviours at the artificial turf fields, including smoking or chewing tobacco, and is signed as part of the facility rental agreement.

The above noted smoking prohibitions at Point Pleasant Park, Hemlock Ravine Park, and at the artificial turf sports fields are being carried forward under the proposed policy to ensure clarity and consistency with the application of smoking prohibitions at outdoor recreation facilities. In addition, prosecutions are likely be more successful through the use of the Protection of Property Act, which is discussed in the next section.

The proposed policy would benefit citizens and HRM staff by reducing property damage and litter as a result of discarded cigarette butts, promote healthy lifestyles, and improve environmental health outcomes. Policy implementation would rely on a strong social marketing campaign that would build awareness and educate the public of the policy benefits.

### **Regulatory Framework**

While HRM has the option of instituting either a policy or a by-law on this issue, a policy is the preferred legislative tool for two key reasons:

- Nova Scotia's Protection of Property Act, S.3(1) already contains the regulatory power required to prohibit certain activities on HRM-owned property provided notice of such prohibition has been posted (Attachment 4). A public hearing is not required to adopt a policy pursuant to the Protection of Property Act. Therefore, a new by-law is not required.

A policy is much more adaptable to changing circumstances and external environments. For example, should Council wish to expand or reduce the number of sites covered by the regulation, it can do so without going through a public hearing process, which would be required to amend a by-law. In addition, it is unlikely that another public hearing on smoking restrictions would yield any unique or useful information that has not already been heard by Council during previous public hearings on this issue.

#### Enforcement Penalties

Section 3(1) of the Protection of Property Act states that any person that dumps or deposits material on premises, or engages in an activity prohibited on the premises by posted notice, is guilty of an offense and may be fined up to \$500 through a summary conviction. As part of the regulatory requirements for enforcement, onsite signage prohibiting smoking will be posted. No smoking signage will be co-located with existing facility signage that denotes hours of operation and other permitted or prohibited behaviours.

It should be noted that regardless of whether Council adopts a policy or a by-law, onsite enforcement will be difficult and primarily complaint driven. Due to the lack of regular supervision of these locations by staff, HRM will need to rely on a strong social marketing and public education campaign to encourage behaviour change among site users over time.

#### **Policy Framework**

The framework used to develop options for the proposed policy (Attachment 1) is based on Council's request to design a policy that would prohibit tobacco use at HRM-owned outdoor recreation facilities where children are participating in activities. The definition of 'outdoor recreation facilities where children are participating in activities' includes:

- sports fields and courts;
- beaches;
- playgrounds;
- outdoor rinks;
- swimming pools;
- spray parks;
- skateboarding parks;
- BMX parks;
- onsite canteens and public washrooms; and
- Point Pleasant Park and Hemlock Ravine Park.

HRM owns over 480 of these sites, which leads to several issues related to effective implementation and enforcement of such a policy. The majority of the 480 sites do not have any means of monitoring compliance as most sites are not staffed even in the summer months, with the exception of 24 beach front sites. Additionally, it must be noted that the primary responsibility of lifeguards at beach front sites is to ensure the safety of citizens, not to enforce such a policy.

Table A outlines the proposed policy framework based on Council's original motion, including site categories, geographic boundary, enforcement, implementation tools, and budget. The following information is meant to precipitate further discussion among members of Council as to the direction the proposed policy will undertake.

**TABLE A**

Consideration	Level 1 Restriction
<b>Sites to be included</b>	HRM-owned sports fields and courts, beaches, playgrounds, outdoor rinks, swimming pools, spray parks, skateboarding parks and BMX parks, onsite canteens and public washrooms, Point Pleasant Park and Hemlock Ravine Park
<b>Geographic boundary</b>	Entire signed area
<b>Implementation Tools</b>	<ul style="list-style-type: none"> <li>• Onsite signage</li> <li>• Policy information to be included in facility rental agreements</li> <li>• Social Marketing Campaign</li> </ul>
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>• Public complaint driven</li> <li>• Monitoring and enforcement by HRM staff where possible</li> </ul>
<b>Budget Requirements</b>	<ul style="list-style-type: none"> <li>• \$10,000 from Capital District Health Authority (CDHA) for social marketing campaign</li> <li>• \$50,000 for the next 2 years for signage (\$100,000 will create 2000 signs)</li> </ul>

Additional Sites

Aside from the essential policy ingredients noted in Table A, there are other areas that Council may choose to include as part of the policy, including the Grand Parade. While the Grand Parade is not generally seen as an outdoor recreation facility, families and local day cares are regular visitors. This may be an area that Council would like to consider being covered by the policy. The same example can be applied to other HRM-owned parks and recreation facilities, such as the Public Gardens, Victoria Park, horseshoe pits, lawn bowling facilities, boat launches, wharfs and seawalls.

Festivals & Events

Festival and public event venues comprise another category of sites that may be considered for inclusion in the proposed policy. For example, the three main waterfront sites in Halifax, Dartmouth and Bedford frequently host festivals and events that are attended by children. The Grand Parade is also host to large public events, such as the Holiday Tree Lighting. Council will need to decide if sites like the Grand Parade will be included in the policy on the basis that they are public spaces where children are involved in activities, or to exclude them on the basis that they are not continuous outdoor activity locations for children, which was the original intention of the policy.

**Social Marketing Campaign**

Social marketing campaigns are an effective way to promote and encourage adherence to laws and policies related to behaviour modification. For example, the campaigns conducted to encourage the use of seatbelts or to prohibit driving while under the influence have helped increase compliance with these laws in cooperation with enforcement.

A social marketing campaign for this policy would be aimed at informing park and facility users, as well as HRM staff, of the serious impacts of smoking at outdoor recreation sites. The program would be designed to promote the value of smoke free environments, communicate the dangers of second hand smoke, and focus on respect for the safety and well-being of individuals (youth in particular) and the facilities they enjoy.

The campaign should contain four major components:

1. Post signage in those areas where the behaviour is prohibited, to both promote the policy but also as part of the regulatory requirements to administer the Protection of Property Act.
2. Create and distribute information materials outlining the policy, why it is necessary, the benefits of compliance and the result of non-compliance.
3. Train internal recreation, parks, and municipal operations staff on the policy, and encourage monitoring and enforcement of the policy where appropriate.
4. Cooperate with external stakeholders including local community health boards and Capital Health to promote the smoke free message, have members of the public commit to the policy and encourage behaviour modification in other facility users.

HRM staff are already working with Community Health Boards and the Capital District Health Authority (CDHA) Tobacco Reduction team to promote the freedom from second hand smoke message. The CDHA is a key stakeholder in this matter and has signed a Memorandum of Understanding (MOU) with HRM to promote cooperative efforts in building healthier communities. In support of restricting tobacco use at HRM owned outdoor recreation facilities, the CDHA has committed \$10,000. As this funding could only cover the costs of relatively few signs, the emphasis will be placed using these funds to design and implement a social marketing campaign as per the policy direction.

### **BUDGET IMPLICATIONS**

Costs to implement this policy relate almost entirely to signage, which could cost \$100,000 to \$200,000 over the next four years should Council choose to phase in signage implementation. This cost is not budgeted in HRM's 2009/10 Operating or Capital budgets. As signage for parks is considered a land improvement under the Tangible Capital Asset policy, the required funding for signage will be proposed in the 2010/11 Capital budget for Council's consideration. The \$10,000 received from Capital Health District Authority will be used to design and implement the social marketing strategy.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

Council may:

- Choose to approve the proposed policy restricting tobacco usage at outdoor recreation facilities and work with staff during the interim period before policy adoption to refine the list of sites to be included in the policy (Recommended).
- Choose to expand the scope of the proposed policy as outlined in Table B of the report and work with staff during the interim period before policy adoption to refine the list of sites to be included in the policy.
- Choose not to address tobacco usage at outdoor recreation facilities. This is not recommended due to the potential health and environmental benefits of implementing the policy.
- Pursue the adoption of a by-law. A municipal by-law is no more effective than the Protection of Property Act. However, the adoption of a by-law would require a public hearing, as would any future amendments to said by-law.

**ATTACHMENTS**

Attachment 1: Proposed Policy Restricting Tobacco Use at Outdoor Facilities

Attachment 2: All Weather Sport Field Contract and Code of Conduct

Attachment 3: Excerpt from a 2008 Corporate Research Associates Poll

Attachment 4: Excerpt from Nova Scotia's Protection of Property Act S.3(1)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Tiffany Chase, Coordinator, Director's Office, Community Development 490-5057

Financial Approval by:



\_\_\_\_\_  
Catherine Sanderson, Senior Manager, Financial Services, 490-1562



## ATTACHMENT "1"

### Proposed Policy Restricting Tobacco Use at Outdoor Facilities

This policy prohibits smoking and the use of tobacco products at all HRM owned and administered sport fields and courts, beaches, playgrounds, outdoor rinks, swimming pools, spray parks, skateboarding parks, BMX parks, onsite canteens and public washrooms, Point Pleasant Park, and Hemlock Ravine Park .

#### 1. Purpose

The purpose of this policy is to:

- 1.1 Enhance the stewardship role of Halifax Regional Municipality related to the management of outdoor recreational and leisure sites, sport and park facilities, as it pertains to clean and healthy environments;
- 1.2 Increase awareness of the risks posed by second hand smoke and other tobacco product uses for residents, visitors and employees through social marketing and public education;
- 1.3 Improve the environmental health of outdoor recreation spaces in Halifax Regional Municipality; and
- 1.4 Enhance the health and safety of users, particularly youth, as well as the quality of life for all residents, through the promotion of healthy messages and best practices in the use of HRM owned and administered outdoor facilities.

#### 2. Authority

- 2.1 Authority to enact this policy is authorized under the Halifax Regional Municipality Charter.
- 2.2 Authority to implement this policy is authorized by resolution of the Halifax Regional Municipality Council.

#### 3. Policy Statement and Definitions

- 3.1 Halifax Regional Municipality supports tobacco free environments and therefore promotes freedom from second hand smoke and waste from tobacco product use at all outdoor recreation facilities owned and administered by the Halifax Regional Municipality where children are participating in activities.

- 3.2 Therefore, this policy prohibits smoking and the use of tobacco products at all HRM owned and administered outdoor recreational facilities where children are participating in activities. No visitor or employee shall smoke or use tobacco products in these facilities.
- 3.3 “Tobacco products” include but are not restricted to cigarettes, cigarillos, cigars, loose tobacco, pipes, chewing tobacco, and other tobacco products.
- 3.4 “Outdoor recreational facilities” include but are not restricted to:
- 3.4.1 Sports fields and courts, including grandstands, seating areas or bleachers;
  - 3.4.2 Beaches;
  - 3.4.3 Playgrounds;
  - 3.4.4 Outdoor rinks;
  - 3.4.5 Swimming pools;
  - 3.4.6 Spray parks;
  - 3.4.7 BMX and skateboarding parks;
  - 3.4.8 Onsite canteens and public washrooms; and
  - 3.4.9 Point Pleasant Park and Hemlock Ravine Park.

#### **4. Signage**

- 4.1 Priority areas will be selected for the posting of signs.
- 4.2 The size and placement of signs will reflect existing HRM standards.
- 4.3 Where signage protocols are in place such as HRM Recreation Services “way finding and identity program”, No Smoking or Tobacco Use messaging will be included in accordance with existing design.
- 4.4 Signs and other awareness materials will display the universal No Smoking logo.

#### **5. Resources**

- 5.1 Resources to support aspects of this policy, such as development and installation of signage, information material, education activities and enforcement, will be applied through the annual budget process, subject to available resources.

**6. Compliance and Remedy**

- 6.1 Social marketing and public education will be the primary tools in supporting compliance.
- 6.2 The enforcement standard for the policy will be complaint driven.
- 6.3 The option to ask persons to leave HRM owned and administered sites due to non-compliance or unacceptable behaviours will be available to program staff, park patrol and, if risk behaviours escalate, police.

**7. Administration**

- 7.1 Creation and implementation of the social marketing campaign will be led by Corporate Communications in cooperation with Community Recreation Services, Parkland Planning and Real Property Planning.
- 7.2 Operational procedures for implementation of this policy will be developed cooperatively by Community Recreation Services, Parkland Planning and Real Property Planning.
- 7.3 The impact of the policy will be regularly monitored and reviewed by Corporate Communications in cooperation with CDHA, and staff from those Business Units involved in carrying out this policy, to determine public response, compliance, educational strategies and strategic enforcement sites.

Done and passed this Council, [DATE], [YEAR]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

EFFECTIVE DATE ..... [DATE], [YEAR]

**ATTACHMENT "2"**  
**HALIFAX REGIONAL MUNICIPALITY**  
**All Weather Sport Field Contract and Code of Conduct**

All requests for the use of the All Weather Field(s) must be made through the Halifax Regional Municipality (HRM) Community Development Scheduling Office and confirmed by HRM Scheduling staff. Once confirmed, the user is responsible for the associated fees. The HRM Scheduling staff will issue a Facility Rental Contract for signature by the user group's representative as soon as possible after receipt of verbal confirmation. Please refer to the "Procedures for Booking and Regulations for the All Weather Sport Facilities – Halifax Mainland Common and Harbour East Region" for additional information.

1. Client agrees to pay all rental fees and other charges in advance of use as per the payment procedures set forth by the HRM Scheduling Office. Under certain circumstances, the option of a payment plan may be available. Once the facilities are verbally confirmed by the HRM Scheduling staff, there will be no cancellations or refund of fees. The user may wish to coordinate the sell off of excess all weather surface time in consultation with the HRM Scheduling staff.

2. No motorized or large vehicles permitted within the fenced area of the all weather complexes unless written permission has been approved by the Facility Manager. Vehicles are only permitted near the gated entrances to off load and load equipment. All Emergency Exits are to remain clear of any and all vehicular traffic. Parking regulations will be strictly enforced.

3. The consumption and/or selling of alcoholic beverages on or about the facility are prohibited except by special permission granted and in adherence to the HRM Policy "Temporary Alcoholic Beverage Tent/Garden Procedure".

4. NO SMOKING permitted on or around the facilities as per the Smoke Free Places Act (Bill 125).

5. No pets (except with a visually impaired individual) are permitted within the facility.

6. The following items that may cause damage to the all weather surfaces or present a risk to other people are prohibited:

- hair clips and bobby pins
- sunflower seeds, shelled nuts, and peanut products
- chewing tobacco
- glass bottles or similar products
- spitting on the playing surface
- golfing within the facilities
- chewing gum being thrown on the all weather surfaces
- swinging or hanging on netting, goal posts or crossbars
- metal cleats/studs that can damage the All Weather surfaces unless approved by the Facility Manager
- tape being attached to the all weather surfaces or site amenities
- high heels or lawn chairs on the all weather surfaces.

7. No foul, abusive or derogatory language is permitted. Excessive noise beyond the facility is not permitted except by special permission according to HRM ByLaw N200.

8. The scheduled client will be held responsible for:

- signing the Daily Confirmation of Use Form upon arrival for each use of each facility
- behaviour of participants/spectators. No spectators permitted on the All Weather surface, especially in the player bench areas.
- damages caused to the facility/equipment due to your participants/spectators negligence.
- assisting in keeping the facility clean (especially in the player bench areas) during and immediately following usage. Failure to adhere will result in a charge for any cleaning services performed by the facility staff.

9. If the client causes damage to the facility, that client will be accountable for and charged for the restoration costs that are required to bring the facility back to its original playing status or condition.

10. Request /s for the use of scoreboard/s must have prior approval from the Facility Manager. Clients must be trained in the operation of the scoreboards prior to being issued the scoreboard controls. These controls are to be issued and returned on the same day as use. Clients are responsible for any damages and/or restoration costs to the equipment.

11. Security requirements for events must be agreed to by both HRM and the client. Any associated costs will be the responsibility of the client. When HRM is involved, then such payment will be made in accordance with the Scheduling Office regulations.

12. Prior approval by the Facility Manager is required for the movement and/or installation of major equipment in or around the facility for special events. For the installation of any tents, canopies, and/or temporary structures as well as the movement of any goals Facility Monitors must be in attendance and supervise the installation/movement in order to protect the All Weather surfaces and the equipment.

13. Clients charging admission to events must receive prior approval from the Facility Manager.

14. HRM has entered into agreements for the provision of various services, advertising, and sponsorships. The client agrees to abide by the terms associated with these services, advertising, and/or sponsorships.

15. Concessions/fundraising opportunities for the client's event must receive prior approval from the Facility Manager. Clients are responsible for obtaining any/all required licensing and permits.

16. Any accidents and/or injuries must be reported immediately to the Facility Monitor.

17. HRM is not responsible for lost or stolen articles of any participant or spectator while at the HRM facilities, in the parking lots or on the HRM property.

18. Clients must provide a copy of their Facility Rental Contract when requested by the Facility Monitor. Any client who is not able to provide verification of facility use when requested, will be asked to leave the facility immediately.

19. HRM reserves the right to:

- Cancel usage due to inclement weather and/or circumstances beyond HRM control.
- Cancel a client from the facility for any reason. Where possible, rental time will be rescheduled immediately or lost time will be credited towards future use.

20. Failure to adhere to the conditions of this contract and/or regulations will result in the immediate loss of the contract and/or future booking privileges.

21. By accepting this contract, the client agrees to notify all of its participants of the Code of Conduct, accepts all responsibility for any damage to equipment, property or facilities caused by usage and/or damages or injuries sustained by participants or spectators and agree to indemnify Halifax Regional Municipality safe and harmless of any and all responsibility.

Client/organization/league name: (please print):

Authorized Client Representative:

(please print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Date \_\_\_\_\_

February 4, 2009

**ATTACHMENT "3"**

**2008 Corporate Research Associates Poll**

Table 1<sup>1</sup>All things considered, would you completely favour, mostly favour, mostly oppose, or completely oppose:

A law that would make public areas such as parks, and playgrounds 'smoke free' ?

	<b>Nova Scotia %</b>	<b>Metro %</b>
Completely favour	60	64
Mostly favour	16	16
Mostly oppose	10	8
Completely oppose	11	10
Don't know/No answer	3	2
<b>% FAVOUR</b>	<b>76</b>	<b>80</b>
<b>% OPPOSE</b>	<b>21</b>	<b>18</b>

A law that would make public beaches 'smoke free'?

	<b>Nova Scotia %</b>	<b>Metro %</b>
Completely favour	55	60
Mostly favour	15	14
Mostly oppose	15	13
Completely oppose	12	9
Don't know/No answer	3	4
<b>% FAVOUR</b>	<b>69</b>	<b>74</b>
<b>% OPPOSE</b>	<b>27</b>	<b>22</b>

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<sup>1</sup>Summary: In the autumn 2008, Corporate Research Associates Inc. polled four hundred Nova Scotians on their attitudes toward restrictions on smoking in certain outdoor locations. Question: One of the issues recently in the news is the health risks of what is known as 'second-hand smoke', or smoke that enters the environment from cigarettes and other tobacco products being smoked.

## ATTACHMENT "4"

### Nova Scotia Protection of Property Act

#### NS Protection of Property Act, Section 3(1):

*"Every person who, without legal justification, whether conferred by an enactment or otherwise, or without the permission of the occupier or a person authorized by the occupier, the proof of which rests upon the person asserting justification or permission,*

*(f) engage in an activity which is prohibited on the premises by notice*

*is guilty of an offence and on summary conviction is liable to a fine of not more than five hundred dollars."*