

By-law Development as a Health Promotion Strategy Webinar Questions and Answers

Approximately 126 participants from across Canada joined the By-law Development as a Health Promotion Strategy webinar held on December 12, 2013 from 10:30 to 11:30 EST. The webinar was presented by Kim Bergeron, Health Promotion Field Support Specialist, Health Promotion Capacity Building Services, Public Health Ontario. During the webinar, participants were invited to submit questions via the chat feature in Adobe Connect. Below are the questions submitted and answers provided by Kim Bergeron.

Q1: The terms bylaw and policy seem to be used interchangeably. From a municipal perspective they are quite different. What is the relationship between policy and by-law development? Do you need both on a specific issue? Which usually comes first?

A1: By-law development is a specific type of policy development. Both are forms of healthy public policy in that they address health and/or equity by creating supportive environments (physical and social) that enable people to lead healthy lives.¹

Here are some other ways to differentiate between municipal policy and by-laws:

- Municipal policies govern the actions of a municipal government (such as a Food Procurement Policy or Affordable and Access to Recreation Policy) or they govern the actions by the public within municipally owned facilities (such as a Municipal Alcohol Policy or Smoke-free Multi-Unit Dwelling Policy for Municipally Owned Social Housing).
- By-laws govern the actions of all people in the municipality. For example, Animal Control By-laws are to be followed by everyone who owns or has an animal within the municipal boundaries.

Q2: How do Official Plan policy statements fit into the discussion of municipal policies and municipal by-laws?

A2: An Official Plan is a statutory document which sets out long-term land use policy for growth and development in a municipality (over a minimum 20-year period). Official Plans incorporate a wide range of social, economic, and environmental conditions. It is important for by-laws to align with an Official Plan.

Here is an example from *Building Complete and Sustainable Communities: Healthy Policies for Official Plans* (2013) produced by Hastings & Prince Edward Counties Health Unit available at www.pecounty.on.ca/pdf/HealthyPoliciesforOfficialPlans_Final_web_1.pdf.²

Official Plan Policy Statement: Development standards shall include supportive infrastructure for active transportation such as bicycle-activated lights, enhanced street crossing, pedestrian rest areas, and bicycle racks.²

By-law Response: Encourage the development of a zoning by-law that requires a minimum number of bicycle parking spaces at retail, institutional, employment, educational, and residential centres.²

By-law development is one way to operationalize overarching municipal policies such as Official Plan policy statements.

As to which one should come first, it depends on what is happening within the municipality. Context matters. For example, if a community is updating their Official Plan policy statements, it is a great opportunity to encourage municipal decision-makers to create statements that will support healthy public policy.

If a community is not working on their Official Plan (generally open for discussion every 5 years), but the municipality has experienced a recent challenge that could be addressed by developing a by-law, then this is another opportunity to act. For example, the City of London Nuisance by-law was drafted for a period of time prior to it being enacted by the municipality. It finally moved forward when there were riots in March 2012.³

Alignment between municipal policies and by-laws is key. If you can demonstrate that a potential by-law will model/operationalize a specific Official Plan policy statement, the probability of it being considered increases.

Q3: Is there a list somewhere of examples of healthy public policy addressing a variety of health promotion topics?

A3: One resource that may be helpful is the Canadian Partnership against Cancer Prevention Policies Directory⁴ which includes examples of municipal policies on a variety of health promotion topics. On behalf of Public Health Ontario (PHO) I am working on developing a resource that will include examples of municipal by-laws categorized by public health topics. This should be available late spring 2014. In the meantime, here is the slide with examples that I shared during this webinar.⁵

By-law Examples	Topics	Focus
<ul style="list-style-type: none"> Refreshment vehicles Parkland dedication Sidewalk/snow removal 	<ul style="list-style-type: none"> Healthy eating Physical activity Injury prevention 	Chronic Disease and Injury Prevention
Smoke-free apartments	<ul style="list-style-type: none"> Healthy pregnancies and child development Tobacco prevention 	Family Health Chronic Disease Prevention
Idling control	Health hazard prevention	Environmental Health
Harm reduction	Infectious diseases	Communicable Diseases
Emergency Planning and Response	Emergency preparedness	Emergency preparedness
<ul style="list-style-type: none"> Transit Taxi 	Equitable access to community services	Social Determinants of Health

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Q4: How do we make by-laws more palatable for municipal decision-makers when they appear to go against what the community wants? For example: by-laws to (1) encourage active travel when a municipality has been built around motorized vehicle use; (2) allow needle exchange programs/methadone clinics when the community does not understand the value of harm reduction or bases decisions on morals/values and ignores evidence.

A4: By-law development/policy work should complement other health promotion strategies such as education and skill building. In the situation described above, social norms and individual practices are barriers to engaging in active transportation or harm reduction practices. Therefore, it is important to work with community members to influence social norms. One way to do this is to develop a communication campaign about the role of municipal decision makers to create healthier communities in general, or about the benefits of a specific by-law being considered. This type of work is often needed before or during other by-law development work.

Q5: What specific bylaws (policies beyond municipally owned facilities) have been developed in relation to alcohol in Ontario?

A5: According to a scan conducted by PHO, two by-laws related to alcohol use in Ontario are:

Name of by-law / Administrative Order	Brief Description	URL / Contact Information
Hamilton, ON: Bylaw 01-219 - To Manage and Regulate Municipal Parks ⁶	Prohibits the consumption or sale of alcohol within parks without a license.	http://www.hamilton.ca/NR/rdonlyres/60463BAA-4170-4775-9A01-2F523C1D8C9C/0/01219asamended.pdf
London, Ontario: Public Nuisance By-law PH-18 ⁷	A By-law to prohibit and regulate public nuisances within the City of London including (a) disorderly conduct; (b) public drunkenness or public intoxication; (c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances; (d) the deposit of refuse on public or private property; (e) damage to or destruction of public or private property; (f) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services; (g) unreasonable noise, including loud music or shouting; (h) unlawful open burning or fireworks; (i) public disturbances, including public brawls or public fights; (j) outdoor public urination or defecation;	http://www.london.ca/city-hall/by-laws/Documents/public-nuisancePH18.pdf

Other jurisdictions across Canada have implemented by-laws in relation to alcohol including density, pricing, advertising and other topic areas. Please contact PHO's alcohol policy specialist at Benjamin.rempel@oahpp.ca for further information.

Q6: What is the title of the 2013 study you mentioned about the impact of zoning bylaws that restrict methadone maintenance treatment/needle exchange?

A6: The title of the 2013 study mentioned about the impact of zoning by-laws that restrict methadone maintenance treatment/needle exchange is "Zoned out 'NIBYism', addiction services and municipal governance in British Columbia."⁸

Q7: Has any discussion begun regarding policy/by-law development to tackle the issue of "hoarding" in owner/rented residents?

A7: I have not researched this topic yet, so I am unsure. I do know that some municipalities are hosting meetings with municipal staff, housing, fire and police services to discuss this issue and public safety. For example, Northumberland County is developing a manual to address the growing risk of hoarding behaviors and the health, safety and financial impact it has on citizens.⁹

www.northumberlandnews.com/news-story/3777643-northumberland-hopes-to-help-hoarders/

I did a quick search and found this resource for service providers:¹⁰

http://www.health.vic.gov.au/agedcare/publications/hoarding/hoarding_resource.pdf

I did find a Property Standards By-law in the City of Mississauga that includes hoarding:¹¹

<http://www.mississauga.ca/file/COM/propertystandardsheritage.pdf>

Q8: Which municipality has a smoke-free apartment by-law?

A8: The Region of Waterloo has a Smoke-Free Housing Policy.¹² This resource describes their success factors and lessons learned:

www.ptcc-cfc.on.ca/common/pages/UserFile.aspx?fileId=104038

Here is another link that may be of interest:¹³

www.smokefreehousingon.ca/cms/file/files/wRH_ROWCHI_SMOKE_FREE_IMPLEMENTATION_POLICY.pdf

Q9: The challenge is not so much having all the evidence to influence policy change, but how to get decision-makers (e.g., BOH/councillors) to buy-into the recommended for by-law. Will there be additional webinars to address this issue?

A9: Yes, there will be additional webinars related to better understanding and influencing decision-makers (January 23, 2014 @ 10:30 to 11:30 am, and March 5, 2014 @ 1:30 to 2:30 pm). Please visit <http://www.publichealthontario.ca/en/LearningAndDevelopment/Events/Pages/Understanding-Decision-Makers-and-Influencers.aspx> to register. In addition, PHO has developed a Roadmap for By-law Development: Eight Steps for Developing a Municipal By-law.¹⁴ Step 4 is identify and understand municipal decision-makers and influencers and provides actions for consideration. To view a presentation on this resource, please visit

www.publichealthontario.ca/en/LearningAndDevelopment/Events/Documents/Bylaw%20development%20at%20a%20glance%20w%20disclaimer.pdf

Q10: What happens to by-laws once provincial legislation/regulations come into effect? Do by-laws become null and void?

A10: There is a hierarchy of power with federal laws at the top, followed by provincial and then municipal. Most often Provincial laws override municipal by-laws. Municipal by-laws can complement but not conflict with federal or provincial legislation (e.g., Provincial law states that establishments that sell alcohol must close at 2 am but a municipality can pass a by-law that they must close at 1 am). Municipal by-laws may be developed when there is no relevant provincial or federal legislation in place or when the municipality wants to strengthen existing provincial legislation.

Q11: Enforcement is often a huge issue, especially in more rural municipalities. Are there any suggestions due to limited enforcement staff?

A11: Here are some suggestions:

- One of the benefits of having a municipal by-law is that in addition to municipal by-law officers, the police can enforce it.
- Complete and comprehensive public education and promotion efforts about new by-laws, including signage, can really help with by-law adherence.
- Some municipalities use a complaint system, where residents can call the municipality and report issues of concern about various things including by-law infractions. Once a complaint is filed the municipality forwards the information to the appropriate department and they identify strategies to deal with the complaint.

Q12: I would be interested in a seminar about covering the costs related to policy/by-law implementation and enforcement.

A12: Thank-you for this suggestion! We will consider this.

Q13: Will you offer a repeat of the January 23rd (By-Law Development Series: Understanding Municipal Decision Makers & Influencers) webinar?

A13: Yes. The date is March 5, 2014 from 1:30 – 2:30 pm. Registration is open. Please register at <http://www.publichealthontario.ca/en/LearningAndDevelopment/Events/Pages/default.aspx#>

For more information about Health Promotion Capacity Building Services, please visit:

<http://www.publichealthontario.ca/en/ServicesAndTools/HealthPromotionServices/Pages/default.aspx>

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