

## **COMMITTEE OF THE WHOLE - JUNE 14, 2011**

### **SMOKING IN OUTDOOR PUBLIC SPACES**

#### **Recommendation**

The Commissioner of Legal & Administrative Services & City Solicitor, in consultation with the Director of Recreation and Culture, Director of Building and Facilities, and Director of Enforcement Services, recommends:

1. That a by-law be brought forward in fall 2011 to establish a minimum nine (9) metre smoke free area outside of entrances and openings (windows) of all municipally-owned buildings and/or restricting smoking to designated areas outside of such buildings.
2. That staff obtain input at the September 2011 Sports Congress with respect to prohibiting smoking at or near wading pools, splash pads, sports fields (including soccer, baseball, etc.) playground areas, tennis and basketball courts and report back to a Committee of the Whole (Working Session) in the fall.
3. That the City Clerk circulate this report to Regional Council.

#### **Contribution to Sustainability**

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 4, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

#### **Economic Impact**

No impact to the 2011 Operating Budget. Should additional resources will be required for signage, this will be identified in the 2012 budget.

#### **Communications Plan**

Once approved, signage indicating the by-law would be installed outside the main entrances of all municipally owned buildings and appropriate locations at municipally owned parks. Information regarding the by-law would be posted on the City website. Educational information would be developed for residents and forwarded to user groups to inform their membership.

#### **Purpose**

The purpose of this report is to provide information regarding the establishment of an increased area outside municipal buildings and to obtain input from the Sports Congress on restricting smoking at outdoor recreational areas.

#### **Background - Analysis and Options**

On February 17, 2011 Regional Council approved Report No. 2 of the Regional Community and Health Services Committee Meeting held on February 9, 2011 requesting local municipalities review and make consideration for smoke-free by-law implementation in outdoor recreational spaces. In addition, concerns have been received from residents upset by smoking at the entrances to community centres.

In October 2010, the Tobacco Strategy Advisory Group, established by the Ministry of Health Promotion and Sport to inform the Ontario government's direction in tobacco control, released its report to the Province. Recommendations of the Tobacco Strategy Advisory Group represent the consensus of all the leading tobacco control organizations in Ontario and focus on steps that are practical and achievable over time. One of the report's recommendations is to eliminate the smoking of tobacco products in priority settings, including: playgrounds, unenclosed restaurant and bar patios, doorways and entrances, operable windows and air intakes. The provincial government, however, indicated that it would not currently move forward with any further bans relating to the Smoke-Free Ontario Act.

Smoking is prohibited in all enclosed workplaces and enclosed public places across Ontario as of May 31, 2006 under the Smoke-Free Ontario Act (SFOA). As the dangers of secondhand smoke become better known, interest in expanding smoking restrictions to other types of outdoor public places is increasing. The harms associated with secondhand smoke have been demonstrated in many studies and the Surgeon General has reported that no level of exposure is safe in indoor environments (Surgeon General, 2007). There is now increasing evidence of the harmful effects of secondhand smoke in outdoor environments resulting in a need for more comprehensive smoke-free legislation to protect people from exposure (Klepeis, 2007; WHO, 2009). Outdoor smoke-free policies are being implemented not only to prevent drift into indoor areas but also to protect nearby individuals in outdoor environments. In addition, these by-laws promote positive role modeling, prevent cigarette litter, prevent fires started by cigarette butts and promote smoking cessation (Kennedy 2010; WHO, 2009; Shields, 2007). For all of these reasons, outdoor smoke-free by-laws are important for communities looking to expand their current smoke-free legislation.

Many communities are moving towards more comprehensive restrictions that cover outdoor environments. Many regions have elected to not include active enforcement in these ordinances resulting in concerns about their effectiveness. Currently there is a limited amount of research on compliance with outdoor smoking restrictions and enforcement issues associated with these by-laws. A study conducted in Woodstock, Ontario, which enacted a comprehensive outdoor smoking by-law in 2008, which banned or restricted smoking in parks, recreational fields, around transit stops, doorways and downtown patios had the following findings:

- Enforcement has not been an issue;
- In the first year of the by-law, there have been no tickets issued in parks or recreation fields – some warnings were given by enforcement officers in these environments;
- Approximately 50 tickets have been issued in the first year, mostly on private properties where owners sought to be listed in the by-law;
- There was no increase in staff time required to enforce this by-law.

In 1996, Vaughan Council enacted the "Smoking By-law" (by-law 10-96) to address smoking in enclosed spaces. In 2006, the establishment of the SFOA effectively superseded and replaced By-law 10-96. Although the act does not specifically pertain to outdoor spaces, a 3 metre smoke-free buffer zone was designated by the Corporation around municipally owned Community Centres and City Hall to identify a smoke-free buffer zone. Non-smoking signs were installed at main entrances along with a painted white line marking the buffer zone. In late 2010, in response to resident concerns, the 3 metre smoke free buffer zone was extended 9 metres at community centres. Despite these attempts to curtail smoking behaviour, problems and complaints have persisted at several community centres. Smoking often persists at the 9 metre zone still forcing residents to be inconvenienced by smoke. The Vellore Village Community Centre and Rosemount Community Centre have unique problems associated with being a joint complex with a school attached. As the SFAO prohibits smoking on school property, students seek out community centre property on which to smoke. Despite the best efforts from staff, youth consistently smoke, loiter, and engage in behaviour upsetting to residents.

In an Ontario scan of by-laws/ordinances, legislation and policies in support of tobacco-free sports and recreation, over 40 municipalities, with varying degrees, have outdoor smoking bans that are more comprehensive than the SFAO.

Options for enhancement of the SFOA have been divided into two (2) categories in order to allow consideration of the context of specific municipal comparatives. The categories are divided as follows:

1. Municipally Owned Buildings and Adjacent Property
2. Wading pools, splash pads, sports fields (including soccer, baseball and other) playground areas, tennis and basketball courts.

### **Municipally Owned Buildings and Adjacent Property**

The Smoke-Free Ontario Act prohibits smoking within 9 metres of any entrance or exit of a public or private hospital, a psychiatric facility, a nursing home, an approved home or charitable home for the aged, or an independent health facility. The SFAO does not pertain to municipally or privately owned buildings. Numerous municipalities have enacted by-laws and legislation which create a defined buffer zone around entrances and exits of municipal buildings, prohibit smoking on municipally owned property, or permit smoking only at designated areas. A complete scan of by-laws can be found in Attachment 1.

Staff is recommending that smoking be prohibited on the property of all municipally owned buildings except in a designated smoking zone, placed a minimum 9 meters away from entrances and openings (windows) of the building perimeter. It has become evident that even when a buffer zone is established, the non-smoking community still experience discomfort and inconveniences directly outside the buffer zone. Staff believe a minimum threshold of 9 metres for the designated smoking area is both consistent with other areas within the SFOA and a reasonable baseline distance from the building perimeter, and that designating smoking areas will better protect the non-smoking public as they enter and exit buildings.

### **Wading Pools, Splash Pads, Sports Fields, Playground Areas, Tennis and Basketball Courts**

The SFOA prohibits smoking on elementary and secondary school grounds and in the reserved seating areas of sport arenas or entertainment venues, including outdoor venues. Numerous municipalities have enacted by-laws and legislation that go further than the SFOA by prohibiting smoking outdoors at playgrounds, parks, wading pools, splash pads, swimming pools, sports and recreational fields and facilities, festivals, concerts, parades, markets, zoos, golf courses, etc. (See Attachment 1).

Staff believe that a by-law prohibiting smoking within 9 metres of wading pools, splash pads, sports fields (including soccer, baseball and other) playground areas, tennis and basketball courts may be consistent with municipal comparators and consistent with the values of Vaughan residents. However, staff recommend the Sports Congress in the fall of 2011 be consulted with, as they represent the bulk of the organizations whose members will be impacted. Staff would report back to a Committee of the Whole (Working Session) in the fall.

### **Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, this report will provide:

- STRATEGIC GOAL:  
Service Excellence – Providing service excellence to citizens
- STRATEGIC OBJECTIVES:  
Enhance and Ensure Community Safety, Health and Wellness.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

### **Regional Implications**

Regional council has requested local Councils report on their position regarding smoke-free by-law implementation in outdoor recreational spaces.

### **Conclusion**

Emerging evidence has led experts to agree that making outdoor recreational spaces smoke-free is an important part of a comprehensive approach to tobacco control. The recommendations in this report are designed to both take a comprehensive approach to tobacco control and recommend by-laws which respond to the specific needs of Vaughan residents. Experiences in other jurisdictions indicate that the smoke-free by-laws are effective and general supported by the community. Enacting a by-law that introduces a nine (9) metre buffer zone with designated smoking areas in outdoor spaces is consistent with the SFOA and follows examples previously implemented by other municipalities.

### **Attachments**

1. Scan of by-laws in support of tobacco-free playgrounds, parks, recreational facilities and outdoor events in Ontario.

### **Report Prepared By**

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Respectfully submitted,

Janice Atwood-Petkovski  
Commissioner of Legal & Administrative Services & City Solicitor

**Scan of by-laws in support of tobacco-free playgrounds, parks, recreational facilities and outdoor events in Ontario**

*(Excerpt from policy scan completed by the Play Live Be Tobacco-Free – Ontario Collaborative, with information from the Non-Smokers' Rights Association/Smoking and Health Action Foundation and from public health units. Last updated May 14, 2010.)*

Jurisdiction	Description
Smith-Ennismore-Lakefield # 2009-099	Municipal By-law Smoking prohibited within 9 m of select outdoor bleachers and players' benches, of select playground equipment zones and of select gazebos, beaches and shade shelters.
South Bruce # 2009-52	Municipal By-law Smoking prohibited within 30 m of any playground equipment located within a municipal public park and within 15 m of any recreational field located within a municipal public park.
Midland # 2009-68	Municipal By-law Smoking prohibited within 10 m of any town-owned playground or sports field.
Timmins # 2009-6844	Municipal By-law Smoking prohibited within 10 m of any playground equipment within parks and playgrounds and within 10 m of any recreational field. Smoking only permitted at designated areas at beach locations.
Barrie # 2009-086	Municipal By-law Smoking prohibited on any property owned and occupied by the city including but not limited to property upon which is located a city facility, parkland, playground, sports field, spectator seating area, ice surface, etc.
Arnprior # 5739-09	Municipal By-law Smoking prohibited on any public land identified as a public playground within the limits of the Town of Arnprior.

Jurisdiction	Description
Clearview Township # 09-34	Municipal By-law Smoking prohibited on or within 9 m of a playground area or playing field including but not limited to soccer fields, baseball diamonds, football fields, etc., and on municipal property including parks during the period of time when people are assembled and authorized entertainment is provided.
Cornwall # 112-2007	Municipal By-law Smoking prohibited within 9 m of city-owned facilities such as splash pads, playground equipment, etc.
Elliot Lake # 03-4	Municipal By-law Smoking prohibited within 15 m of playground equipment and recreation fields including but not limited to baseball diamonds, soccer fields, tennis courts, etc. Smoking also prohibited in Miners Monument Park.
Georgina # 2009-0050	Municipal By-law Smoking or using any tobacco product prohibited at all Civic Centre soccer pitches (8 in total) including parking lots and within 9 m east of the most easterly soccer pitch limit.
Quinte West # 09-99	Municipal By-law Smoking prohibited within 25 m of playground equipment or playing fields within a playground park owned by the Corporation of the City of Quinte West.
Toronto Municipal Code Chapter 608 – Parks	Municipal By-law Smoking prohibited within 9 m of playground equipment and surfaces, wading pools and splash pads, and zoos and farms managed by Parks, Forestry and Recreation.
Woodstock By-law No. 8461-08, Smoke Free Work Places and Public Places	Municipal By-law Smoking prohibited within 30 m of any playground equipment located within a municipal public park (includes swimming pools), and within 15 m of any recreational field within a municipal public park (includes baseball diamonds, soccer pitches, player or spectator benches and lawn bowling fields, but not golf courses), and during special community events including but not limited to parades, outdoor concerts, sports tournaments, sidewalk sales, Canada Day celebrations and Cowapalooza.

<b>Jurisdiction</b>	<b>Description</b>
Orillia Chapter 953, Smoking Regulation, Public Places and Workplaces	Municipal By-law Smoking prohibited within 10 m of a playground area, sport activity area (including but not limited to ball diamonds, soccer fields, basketball courts, tennis courts, etc.)
North Huron No. 22-2008	Municipal By-law Smoking prohibited in an outdoor bleacher area to which the general public has access or is invited.
Belleville # 2007-142	Municipal By-law Smoking prohibited in any park or part thereof designated by signs or markers.
Collingwood # 02-109	Municipal By-law Smoking prohibited within 25 m of any playground equipment, the definition of which includes municipally-owned swimming pools, soccer pitches and ball diamonds.
New Tecumseth #2002-114	Municipal By-law Smoking prohibited within 10 m of any playground area established and fitted with equipment (slides, swings, etc).
Peterborough By-law #07- 126, As Amended, Being a Consolidated By-law Respecting Smoking in Certain Public Places in the City of Peterborough	Municipal By-law Smoking prohibited at the Riverview Park and Zoo, including the playground, the train station and platform, and the green space bounded by the fence.
Municipality of Chatham- Kent #212-2009	Municipal By-law No smoking or lit tobacco shall be permitted within 9 m of any playground equipment.
City of St. Thomas	Municipal By-law No smoking in parks, playgrounds and splash pads.
City of Owen Sound, Tobacco Free Sports and Recreation Policy	Municipal Policy No Smoking in parks, playgrounds, splash pads or on playing fields (i.e. soccer pitches). The policy is to be reviewed annually with the possibility of becoming a bylaw dependent upon community response and voluntary compliance.
Sault Ste. Marie By-law # 2007-154	Municipal By-law No Smoking in parks, playgrounds, splash pads or on playing fields (i.e. soccer pitches).

<b>Jurisdiction</b>	<b>Description</b>
City of Elliot Lake No Smoking By-law	Municipal By-law No Smoking in parks, playgrounds, splash pads or on playing fields (i.e. soccer pitches).
Town of Wasaga Beach	Municipal By-law No Smoking within 9 m of all playground areas and playing fields.
Labatt Park – London	Organizational Policy No smoking in the privately owned and operated ball diamond.
Township of Adjala-Tosorontio	Municipal By-law No smoking within 15 m of playground areas and playing fields.
City of Welland – Niagara	Municipal By-law No smoking on playing fields.