



## STAFF REPORT ACTION REQUIRED

### Proposed Amendment to Municipal Code, Chapter 608, Parks, to Prohibit Smoking around Playgrounds and Other Areas in City of Toronto Parks

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| <b>Date:</b>             | December 9, 2008   |
| <b>To:</b>               | Parks and Environment Committee  |
| <b>From:</b>             | Brenda Patterson, General Manager, Parks, Forestry and Recreation and Dr. David McKeown, Medical Officer of Health |
| <b>Wards:</b>            | All  |
| <b>Reference Number:</b> |  |

#### SUMMARY

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Tobacco use is the greatest single cause of preventable disease. Research clearly indicates that there is no safe level of exposure to second-hand smoke. Children are especially vulnerable. Second-hand smoke impacts a growing child's body and has been linked to increased respiratory illnesses including ear infections, lower lung capacity, childhood asthma and sudden infant death syndrome (SIDS).

This report proposes amendments to *Municipal Code, Chapter 608, Parks*, to prohibit smoking tobacco and the holding of lighted tobacco in City of Toronto playgrounds, wading pools and splash pads, and within zoos and farms that are managed by Parks, Forestry and Recreation.

#### RECOMMENDATIONS

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**The General Manager of Parks, Forestry and Recreation and the Medical Officer of Health recommend that:**

1. smoking tobacco and the holding of lighted tobacco be prohibited within a 9-metre radius of the edge of playground safety surfaces or any playground equipment in Toronto parks, and within a 9-metre radius of the edge of wading pool basins or safety surfaces of splash pads operated by Parks, Forestry and Recreation Division;

2. smoking tobacco and the holding of lighted tobacco also be prohibited within zoos and farms managed by Parks, Forestry and Recreation;
3. the City Solicitor be directed to amend *Municipal Code Chapter 608, Parks*, to prohibit smoking tobacco and holding lighted tobacco within a 9-metre radius surrounding the edge of playground safety surfaces or any playground equipment in Toronto parks, within a 9-metre radius surrounding the edge of wading pool basins or safety surfaces of splash pads, and within zoos and farms operated by Parks, Forestry and Recreation Division, substantially as outlined in Appendix A of this report, subject to any necessary minor substantive or stylistic refinements as may be identified by the General Manager and the City Solicitor;
4. the amendments to *Municipal Code Chapter 608, Parks*, come into force the day after the set fine order is issued by the Province;
5. signage be designed and installed identifying the smoking prohibition and identify the relevant provisions of *Municipal Code, Chapter 608, Parks*;
6. the Parks and Environment Committee forward this report to the Board of Health for endorsement at its meeting on January 19, 2009; and
7. the City Solicitor be authorized to introduce the necessary bills to give effect to these recommendations.

## **FINANCIAL IMPACT**

It will cost \$16,000 in 2009 to provide signage in City of Toronto parks. Fifty percent of these costs will be funded through the Parks Branch 2009 Operating budget for signage replacement. The balance will be paid by Toronto Public Health through 100% provincial funding from the Smoke Free Ontario Program.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

Toronto Public Health is a member of the Toronto Tobacco Control Area Network (TCAN), which is working to create smoke-free playgrounds in the City of Toronto. Toronto Public Health approached the Parks, Forestry and Recreation Division to become a member of the TCAN working group and to identify ways to reduce smoking in City of Toronto parks.

This working group, made up of representatives from Toronto Parks, Forestry and Recreation, Toronto Public Health and The Canadian Cancer Society are recommending amendments to *Municipal Code, Chapter 608, Parks*, to reduce children's exposure to second-hand smoke by prohibiting smoking and the holding of lighted tobacco within a

9-metre radius surrounding the edge of City of Toronto playgrounds, wading pools and splash pads, and within zoos and farms managed by Parks, Forestry and Recreation Division.

## **ISSUE BACKGROUND**

Second-hand smoke is a Class A carcinogen linked to cancer, increased risk of heart disease and respiratory illness. Outdoor concentrations of second-hand smoke have been found to rival those of indoor second-hand smoke during periods of active smoking (depending on the direction of the wind and the distance from the smoker). Children breathe faster than adults, especially when active, resulting in the potential for greater intake of second-hand smoke toxins.

Significant public support exists for smoke-free playgrounds. Consistent high public support for restrictions to smoking in children's play areas has been shown in public opinion polls. The majority of Toronto's population is non-smoking. Eighty-two percent of adults (18 years of age and older) and 90% of youth (Gr. 7 to 12) do not smoke (Canadian Community Health Survey, 2005 and Ontario Student Drug Use and Health Survey, 2007). The concept of a smoke-free playground is not new. Canadian and international jurisdictions have created by-laws and legislation prohibiting smoking in children's recreational play areas and other park properties. Examples of municipalities, description and policy examples are outlined in Appendix B. The chart highlights similar legislation that covers recreation areas in various Ontario jurisdictions, as well as international examples.

## **COMMENTS**

Second-hand smoke impacts a growing child's body and has been linked to increased respiratory illnesses including ear infections, lower lung capacity, childhood asthma and sudden infant death syndrome (SIDS). Recent research shows that exposure to second-hand smoke may impact on a child's attention, behaviour and ability to understand. Young children may not have the ability (if in a stroller, swing, enclosed slide, etc.) to move away from someone who is smoking near them.

The *Smoke-free Ontario Act* prohibits smoking in all school buildings and on school grounds, including playgrounds. School facilities have both play structures and sports fields that are used by children from the community for both leisure play, and permitted activities. School-based children's play spaces are protected from second-hand smoke and promote positive role modeling. Remaining play spaces in the surrounding neighbourhood do not have the same environmental supports. Amendments to *Municipal Code, Chapter 608* to prohibit smoking around playgrounds, splash pads and wading areas and in zoos and farms operated by Parks, Forestry and Recreation would remove this inequity and create safer play spaces for all children throughout the City of Toronto. Creating smoke-free city-managed playgrounds would provide a consistent message to the public about the importance of smoke-free play spaces for children.

Cigarette butts are a common form of litter in outdoor recreation areas. Infants and toddlers have oral instincts to put things in their mouths. Ingested cigarette butts may cause minor toxic clinical effects such as vomiting, nausea, lethargy, gagging and pale or flushed appearance. Severe toxicity amongst children who ingest cigarette butts or snuff includes depressed respiration, cardiac arrhythmia and convulsions. These effects were verified in a report by Morbidity and Mortality Weekly Report (MMWR) that reviewed 7917 reports of potentially toxic exposures to tobacco products amongst children aged less than or equal to 6 years. Furthermore, cigarette butts that have not been properly extinguished could create a fire hazard because of the straw, hay and wooden structures in zoo and farm areas. This poses significant risk to the staff and animals at these facilities as well as nearby residents. A list of relevant reports and articles is included in Appendix C of this report.

In addition to reducing children's exposure to second-hand smoke, reducing a child's exposure to adults who smoke can have an impact on smoking initiation by children. Adult actions influence children and youth. Coaches, parents and leaders involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make. Research has shown that having smoke-free school policies that are part of a comprehensive tobacco strategy have been shown to be effective in reducing the prevalence of teenagers who smoke, especially when these policies are strictly enforced. One caregiver or youth smoking in view of children in the playground has the potential to be viewed by many children using the park. When children see an adult smoking in a family-friendly space it normalizes smoking, making it more likely that children will try cigarettes or other tobacco products.

### **Amendments to Municipal Code Chapter 608, Parks**

The proposed amendments to *Municipal Code, Chapter 608, Parks* will prohibit smoking in children's recreational play areas and will be enforced by By-law Officers of the Parks, Forestry and Recreation Division. Smoking should be prohibited within a 9-metre radius surrounding the edge of playground safety surfaces or any playground equipment in Toronto parks, within a 9-metre radius surrounding the edge of wading pool basins or safety surfaces of splash pads and within zoos and farms operated by Parks, Forestry and Recreation. This restriction is consistent with Ontario legislation that bans smoking within a 9-metre radius of entrances and exits of hospital buildings. This 9-metre policy has been adopted at the entrances of some City-owned buildings. Staff is also recommending that smoking be prohibited in zoo and farm areas that are managed by the Parks, Forestry and Recreation Division.

### **Enforcement**

People who smoke within the prohibited areas will be guilty of an offence under *Municipal Code, Chapter 608, Parks*, and will be subject to fines imposed by Parks, Forestry and Recreation By-law Enforcement Officers. The set fines imposed for offences under Chapter 608 must be revised to include the offence of smoking in City parks within a 9-metre radius surrounding the edge of playground safety surfaces or any

playground equipment, within a 9-metre radius surrounding the edge of wading pool basins or safety surfaces of splash pads, and within zoos and farms operated by the Parks, Forestry and Recreation Division. The amendments to Chapter 608 shall come into effect on the day after the set fine order is issued by the Province.

The set fines are applied for by the City Solicitor in accordance with the authority delegated to her by the adoption by Council of Clause 9 of Report 5 of the Strategic Policies and Priorities Committee on March 2, 3 and 4, 1999 for such purpose, and will be determined by Parks, Forestry and Recreation staff, in consultation with the City Solicitor.

### **Implementation**

If approved, staff from the Parks, Forestry and Recreation Division and Toronto Public Health will develop appropriate signage and education materials to inform the public that smoking is prohibited in these areas. Staff will post signs at playground areas, as well as at wading pools, splash pads and in zoo and farm areas. In addition, Parks, Forestry and Recreation Division staff will receive training about the By-law amendment and effective enforcement. Previous smoking bylaws have achieved high levels of voluntary compliance. However, if smoking in prohibited areas is observed or reported, By-law Enforcement Officers will be deployed to the park in order to provide education or issue tickets to residents that are not complying with Chapter 608.

Toronto Public Health has established a youth group, 'Tobacco Don't Own Toronto' (T-DOT) comprised of thirty-five inspired youth educating their peers and the public about tobacco-related issues. The aim is to reduce exposure to second-hand smoke and the tobacco industry's advertising tactics. T-DOT consists of youth between the ages of 14 and 18 from within the City of Toronto and is part of a larger youth movement across Ontario that is funded by the Ministry of Health Promotion's Smoke-Free Ontario strategy. T-DOT would like to play a role in implementing these amendments to Chapter 608. They plan to work closely with community partners to raise awareness and to build support, especially among young people, for smoke-free playgrounds in their neighbourhoods. The T-DOT group will also be supporting opening ceremonies announcing the amendments to Chapter 608 planned in co-operation with staff of Parks, Forestry and Recreation and Toronto Public Health.

### **CONCLUSION**

There are approximately 833 playgrounds in City of Toronto parks. The proposed Parks By-law amendment would cover a significant recreation area for children in the City. Each day children visit City of Toronto parks and playgrounds to use the play equipment. Prohibiting smoking in these areas will continue to reinforce the City of Toronto's commitment to reduce second-hand smoke exposure to all residents, including the most vulnerable.

The cost of signage required to roll out this By-law is \$16,000, which will be absorbed by the Parks, Forestry and Recreation and Toronto Public Health 2009 Operating budgets.

## **CONTACT**

Paul Ronan, Director  
Parks  
Parks, Forestry and Recreation  
Tel: 416-396-4490  
Fax: 416-396-4957  
Email: [pronan@toronto.ca](mailto:pronan@toronto.ca)

Jann Houston, Acting Director  
Healthy Living  
Public Health  
Tel: 416-338-2074  
Fax: 416-338-0713  
Email: [jhouston@toronto.ca](mailto:jhouston@toronto.ca)

## **SIGNATURE**

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Brenda Patterson  
General Manager, Parks, Forestry & Recreation

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Dr. David McKeown  
Medical Officer of Health

## **LIST OF ATTACHMENTS:**

Appendix A - Amendments to Municipal Code Chapter 608, Parks  
Appendix B – Select Examples of Legislation that Incorporate Smoke-Free Outdoor  
Recreation Areas  
Appendix C - References

## Appendix A

### Amendments to Municipal Code Chapter 608, Parks.

The following shall be added to Chapter 608, Parks after Section 608-8:

#### **608-8.1. Smoking**

While in a park, no person shall smoke tobacco or hold lighted tobacco:

- A. Within a 9-metre radius surrounding the edge of any playground safety surface or any playground equipment;
- B. Within a 9 metre radius surrounding the edge of any wading pool basin or splash pad safety surface; or
- C. Within any zoo or farm areas.

## Appendix B

### Select Examples of Legislation that Incorporate Smoke-Free Outdoor Recreation Areas

| Municipality  | Date               | Description and Policy Examples  |
|---|--------------------|--|
| Belleville, ON  | July 16, 2007      | By-law 2007-142<br>Smoking prohibited in any park or part thereof designated by signs or markers.  |
| Collingwood   | June 20, 2005      | Smoking prohibited 25m from a playground equipment zone.   |
| New Tecumseth   | September 30, 2002 | Smoking prohibited within 10m of any playground area established and fitted with equipment, slides, swings, etc.   |
| Orillia   | June 30, 2008      | Smoking prohibited 10m from municipal playgrounds, beaches and sporting fields   |
| Ottawa  | January 11, 2006   | Smoking prohibited within 9m of entranceways of a facility or any other building that is owned or leased by the City.<br>Note: Definition of ‘facility’ includes any area, pool, building or structure in a park including playgrounds, playing fields, ball diamonds, sports fields, beaches, rec centres, etc. It has been reported that the by-law report is intended only to mean to prohibit smoking within 9m of any building entranceway. |
| Peterborough  | December 1, 2007   | Smoking prohibited within 9m of any entranceway or air take of 25 buildings owned or leased by the City. Smoking also prohibited at the Riverview Park and Zoo, including the playground.  |
| Woodstock<br>• 9 metre setback from any entrance to a municipal facility<br>• On any downtown sidewalk café<br>• 4 metre setback from any bus stop or bus shelter | September 1, 2008  | <ul style="list-style-type: none"> <li>• 30 metre setback from any playground equipment in a municipal public park</li> <li>• 15 metre setback from any active recreation field in a municipal public park (i.e. baseball diamond, soccer pitch)</li> </ul> <p>Private business owners can apply to have their property included in the bylaw for purposes of enforcement. Organizers of community</p>   |



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|-------------------------------|-------------|--|
|                               |             | events can apply to make their event smoke-free for purposes of enforcement                |
| <b>Municipality</b>           | <b>Date</b> | <b>Description and Policy Examples</b>   |
| California, USA               |             | Health & Safety code Sec. 104495 – Play structures and tots sand boxes. 25m.               |
| New South Wales, Australia    |             | 10m from all Council-owned childrens’ play areas and within 10m of all Council properties. |
| Middlesborough, London        | 2005        | Children’s play areas, public parks and football pitches.                                  |
| 262 Municipalities in the USA |             | Specify that all City parks are smoke-free.  |

## APPENDIX C

### REFERENCES

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Klepeis, N., Ott, W., and Switzer, P. (2007). Real-time Measurement of Outdoor Tobacco Smoke Particles. *Journal of Air and Waste Management Association*; Vol 57: 522-534.

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