



## STAFF REPORT ACTION REQUIRED

### Expanding Smoke-Free Areas in City of Toronto Parks

<b>Date:</b>	October 10, 2013
<b>To:</b>	Parks and Environment Committee
<b>From:</b>	General Manager, Parks, Forestry and Recreation and Medical Officer of Health
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2013\Cluster A\PFR\PE23-102313-AFS#18469

### SUMMARY

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This report by the Medical Officer of Health and the General Manager of Parks, Forestry and Recreation (PFR), specifies proposed amendments to Municipal Code, Chapter 608 – Parks, to prohibit smoking at City of Toronto sports fields, certain park amenities, including outdoor swimming pools, picnic shelters, gazebos and outdoor theatre spaces, City swimming beaches and waiting areas and service lines serving the Toronto Island Ferry Service.

This report has been prepared in consultation with the City Solicitor and Municipal Licensing and Standards Division.

### RECOMMENDATIONS

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

1. City Council prohibit smoking tobacco within nine metres of the boundaries of and on a sports field that is being used under a program run by Parks, Forestry and Recreation Division, or by any other person or group under a permit issued by the City of Toronto, including a soccer field, football field, baseball diamond, basketball court, tennis court, volleyball court, outdoor artificial ice rink, cricket pitch, lawn bowling area or bocce court;
2. City Council prohibit smoking tobacco within nine metres of the following park amenities: a skateboard or BMX park, ski hill, outdoor swimming pool or deck,

covered picnic shelter or gazebo or theatre space that is operated by Parks, Forestry and Recreation Division;

3. City Council prohibit smoking tobacco on the City's eleven swimming beaches;
4. City Council prohibit smoking tobacco in a waiting area or service line for persons purchasing tickets for or boarding a Toronto Island Ferry operated by the City of Toronto; and
5. City Council instruct the City Solicitor to introduce the necessary bill to amend Municipal Code Chapter 608, Parks to reflect the by-law design features as set out in Appendix A, subject to any minor stylistic or substantive changes as deemed necessary by the General Manager or the City Solicitor;

### **Financial Impact**

This report will have no financial impact for PF&R or TPH beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

On January 16, 2009, the Parks and Environment Committee considered a report by the General Manager, Parks, Forestry and Recreation and the Medical Officer of Health titled Proposed Amendment to Municipal Code, Chapter 608, Parks, to Prohibit Smoking around Playgrounds and Other Areas in City of Toronto Parks:

(<http://www.toronto.ca/legdocs/mmis/2009/pe/bgrd/backgroundfile-17702.pdf>). City Council adopted these recommendations on January 27 and 28, 2009.

On October 22, 2012, the Board of Health approved, with amendments, the recommendations in the report titled Toward a Smoke-Free Toronto: New Opportunities to Strengthen Protection:

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.HL17.4>). The Board of Health requested the Medical Officer of Health to consult with key stakeholders on measures to reduce second-hand smoke exposure in various outdoor public places including sports fields. The Board of Health also requested the Medical Officer of Health report to the Board of Health in 2013 on the public and stakeholder consultation findings, on proposed amendments to relevant Municipal Code chapters, and on resource implications, timelines, enforcement, and other issues of by-law implementation.

On September 30 2013, the MOH reported to the BOH on opportunities to reduce second-hand smoke in these outdoor locations. In dealing with this report, the BOH endorsed making Toronto outdoor sports fields, swimming beaches and certain park amenities smoke-free.

### **ISSUE BACKGROUND**

Enacted in 2006, the Smoke-Free Ontario Act (SFOA) prohibits smoking in all enclosed workplaces and public places in Ontario, in vehicles with children present, on covered or partially-covered bar, and restaurant patios and within nine metres of entrances and exits

to health care facilities. It also prohibits smoking on school property, including at sports fields located in these areas.

Ontario municipalities can strengthen second-hand smoke protection through local by-laws or policies. In 2009, the City of Toronto surpassed the level of protection offered by the SFOA by amending Municipal Code Chapter, 608- Parks to prohibit smoking within nine metres of City playgrounds, wading pools, splash pads and in farms and zoos operated by Parks, Forestry and Recreation Division. Over 40 Ontario municipalities have made these and other park areas smoke-free including sports fields and public beaches.

The MOH and General Manager, PF&R prepared this report for consideration by the Parks and Environment Committee. The report proposes amendments to Municipal Code, Chapter 608 - Parks to prohibit smoking in certain park areas.

## **COMMENTS**

In 2013, TPH staff facilitated discussions with key stakeholders on opportunities to protect the public from second-hand smoke in a variety of outdoor public places, including sports fields, swimming beaches and specific park amenities. Participants included representatives from non-governmental health organizations and sports associations. Toronto Public Health also collaborated with Parks, Forestry and Recreation Division to identify suitable smoke-free outdoor areas within City parks and consulted with other Ontario jurisdictions that have implemented similar restrictions on smoking in parks.

Toronto Public Health also considered data from the 2011 Toronto Health Survey, a telephone survey of 1,200 Toronto adults which included questions measuring opposition or support for smoke-free sports fields and beaches, among other areas. Parks, Forestry and Recreation also reviewed data gathered through the public consultation process conducted in late 2011 and early 2012 to inform the development of the City of Toronto Parks Plan 2013-2017.

Based on consultation findings, evidence on the benefits of smoke-free outdoor recreation and action in other jurisdictions, TPH and PFR have identified the following areas and conditions for expanding protection from second-hand smoke outdoors through Municipal Code Chapter 608 - Parks:

- Within a nine metre radius of sports fields when in use under a program run by Parks Forestry and Recreation or by any other person or group under a permit issued by the City of Toronto;
- at park amenities, including skateboard and BMX parks, ski hills, outdoor swimming pools, covered picnic shelters or gazebos and outdoor theatre spaces
- on swimming beaches; and
- in a waiting area or service line for the Toronto Island Ferry Service operated by the City of Toronto.

The following sections discuss the rationale for making these areas smoke-free, detail the proposed amendments to Municipal Code, Chapter 608, Parks and outline an implementation and enforcement plan.

### **Benefits of Smoke-Free Sport and Recreation**

The most compelling rationale for banning smoking at sports fields, beaches and park amenities relates to protecting children and youth from exposure to second-hand smoke and the importance of role modelling a smoke-free lifestyle for young people.

Second-hand smoke is associated with several cancers, respiratory illness, heart disease and other adverse health effects. There is no safe level of exposure. Second-hand smoke exposure can be especially harmful for children as their lungs are still developing and they breathe faster than adults, thereby exposing themselves to higher levels of pollutants per unit of body weight than adults. This increases their risk for adverse health consequences including sudden infant death syndrome, lung problems, ear infections and asthma.<sup>1</sup>

Historically, research on the health effects of second-hand smoke has focused on exposure in indoor settings. However, emerging research indicates that levels of outdoor tobacco smoke exposure can be significant and may even approach indoor levels of second-hand smoke.<sup>2</sup> Furthermore, wind conditions can lead to substantial outdoor tobacco smoke exposure to those downwind of active smokers. Outdoor tobacco smoke levels can also be high when people are near multiple active smokers, such as on bar and restaurant patios or at parks.<sup>2</sup>

Furthermore, "social exposure" to smoking normalizes tobacco use, and can have a powerful influence on the urge to smoke, particularly among children and youth.<sup>3</sup> Children and youth are not yet able to fully understand abstract information or appreciate the severity of events that might occur in the future. These attributes, combined with generally good health, might lead them to underestimate the health risks associated with tobacco use and give in to social pressures to smoke.<sup>4</sup> Research has shown that youth who view their peers or adults smoking in public places are more likely to view smoking as a normal, socially acceptable behaviour. Youth who have a positive social image of smoking tend to be more likely to experiment with tobacco use. Coaches, parents and others involved in recreational activities often serve as youth role models.<sup>5</sup> These role models can be an important influence on a child's decision to smoke.<sup>6</sup>

In jurisdictions across Ontario, de-normalizing of tobacco use and reducing social exposure to children are important reasons for making outdoor areas smoke-free, particularly in areas that are frequented by children and youth. In Toronto, reducing children's exposure to adult role models who smoke was an important rationale for the 2009 recommendations of the GM, PF&R and the MOH that led to smoke-free playgrounds, wading pools, splash pads, farms and zoos in City parks.

## **Public Support for Smoke-Free Sports Fields and Beaches**

There is public support for making two key park areas, sports fields and beaches, smoke-free in Toronto. The Toronto Health Survey (THS) asked 1,200 randomly-selected, eligible respondents about their attitudes towards key public health issues such as actions to curb smoking in outdoor areas. This survey was conducted in late 2011. Eighty three percent (83%) of respondents to the THS support a local by-law making sport fields and their spectator areas smoke-free, while 77% of respondents support smoke-free beaches. These findings are aligned with comments received through the Parks Plan public consultation process, and complement those from province-wide surveys. In May 2011, an Ipsos Reid poll found that 89% of Ontario residents support a smoking prohibition in outdoor areas where children are playing.<sup>7</sup>

## **Action in Other Jurisdictions**

At least 40 Ontario municipalities now prohibit smoking near sports fields and spectator areas in parks, including Peel Region, Barrie, Hamilton, Kingston, Ottawa, Peterborough and Vaughan. At least eleven Ontario municipalities restrict smoking at beaches, including Georgina, Ottawa and Hamilton. The experience of these municipalities suggests that smoking restrictions in City parks are not contentious and are readily implemented. This has also been the experience in Toronto since playgrounds and other areas of City parks were made smoke-free in 2009. Seventeen Ontario municipalities restrict smoking in all park areas. Many other municipalities across Canada and internationally prohibit smoking in parks, park areas and/or beaches including Vancouver, New York City, Los Angeles and Hong Kong.

## **Stakeholder Consultations**

Toronto Public Health invited key stakeholder groups to participate in sector-specific meetings or teleconferences to share their views on increasing smoke-free areas in a variety of outdoor public places including in parks. Among the stakeholders were sports associations in Toronto such as the Toronto Sports Council, Sport4Ontario and the Ontario Soccer Association. Along with their views, these groups shared their thoughts on the potential impacts on their clients or community, any challenges and solutions and priorities for action.

Sports associations supported a Toronto by-law making sports fields smoke-free. They felt this aligned with their goals of encouraging healthy lifestyles, and indicated that a by-law could help avoid conflicts among volunteers, parents and coaches over enforcement of smoke-free policies currently in place in many sports leagues and associations.

Toronto Public Health also collaborated with PF&R to identify suitable smoke-free outdoor areas within City parks and consulted other City divisions such as Municipal Licensing and Standards and Legal Services to discuss by-law implementation issues.

Through internal and external consultations, PF&R and TPH have identified a number of additional park amenities that are frequented by children or where it can be hard to avoid smoke exposure, and which are commonly included by other municipalities in smoke-free by-laws. These include outdoor swimming pools, ski hills, skateboard and BMX

parks, gazebos, covered picnic shelters, outdoor theatres and swimming beaches. Toronto Public Health and PF&R also recommend prohibiting smoking at waiting areas and service lines serving the Toronto Island Ferries, as large crowds in these areas can create situations where it is difficult to avoid exposure to second-hand smoke. Park cleanliness was a dominant theme raised by residents in the Parks Plan consultations. An added benefit of the expansion of smoke-free areas on parkland, particularly beaches, is the reduction in cigarette butt litter.

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

The proposed amendments to Municipal Code Chapter 608- Parks would prohibit smoking on and within nine metres of the boundaries of sports fields in City parks when being used for recreational or athletic sports activities. This would include soccer fields, baseball diamonds, basketball courts, tennis courts, volleyball courts, outdoor artificial ice rinks, cricket pitches, lawn bowling greens and bocce courts. These areas would be smoke-free when they are in use and under a permit issued by the City, such as to a sports league, or as part of a PF&R registered or drop-in program. Smoking would also be prohibited on and within nine metres of the following amenities or areas in a park: a skateboard or BMX park; a ski hill (including ski runs, lifts, chalets, rental shops and public washrooms); an outdoor swimming pool or deck; a covered picnic shelter or gazebo and an outdoor theatre space. The recommended nine metre buffer zone is consistent with the SFOA prohibition on smoking near health care facility entrances and the Toronto prohibition on smoking near park playgrounds, wading pools and splash pads. Smoking would also be prohibited on a swimming beach and in a waiting area or service line for persons purchasing tickets for or boarding a Toronto Island Ferry operated by the City of Toronto.

The restrictions on smoking at beaches would apply to the following beaches, which are currently used for swimming:

- Bluffer's Park Beach
- Centre Island Beach
- Cherry/Clarke Beach
- Gibraltar Point Beach
- Hanlan's Point Beach
- Kew-Balmy Beach
- Marie Curtis Park East Beach
- Rouge Beach
- Sunnyside Beach
- Ward's Island
- Woodbine Beach

By definition, the smoking restrictions at swimming beaches would apply to the sandy area of the beach.

## **Recommended Implementation Plan**

Toronto Public Health will lead implementation of the proposed changes in consultation with PF&R and in conjunction with plans for proposed changes to Municipal Code Chapter 709-Smoking to prohibit smoking within nine metres of building entrances and exits.

Experience indicates a high level of voluntary compliance with current smoking regulations, in part through TPH's comprehensive community awareness programs and progressive enforcement strategies. Toronto Public Health and its divisional partners will continue to use this successful approach to implement the proposed expansion of smoke-free spaces.

## **Community Awareness**

Toronto Public Health already conducts extensive education programs to increase public awareness of the hazards of smoking and to support compliance with existing regulations prohibiting smoking in public places. This work was described in the Medical Officer of Health's October 22, 2012 report to the Board of Health <http://www.toronto.ca/legdocs/mmis/2012/hl/bgrd/backgroundfile-50813.pdf> and includes programs to support youth engagement in tobacco control and to support smoking cessation attempts.

The primary goal of TPH's proposed communication strategy will be to generate and enhance awareness among park users regarding the current and expanded smoke-free regulations. This will increase compliance and reduce the need for enforcement. The second related objective is to educate the community on the harmful effects of exposure to outdoor second-hand smoke and about cessation supports offered through TPH and community partners.

Toronto Public Health will collaborate with PF&R and other relevant divisions on a public awareness plan that leverages existing communication activities to maximize the audience reach and minimize costs. The plan may include a combination of approaches such as:

- Educate Parks' staff and volunteers to help them understand the new smoking rules and communicate them to clients;
- Promoting the information to sports associations and participants and other parks users via the City's website, social media and community publications such as the PF&R FUN Guide; and
- Collaborating with community partners to communicate information.

Toronto Public Health will continue to make smoking cessation resources available through public awareness activities. Toronto Public Health, family physicians, Community Health Centres and community partners like the Canadian Cancer Society's Smokers' Helpline, Nicotine Dependence Clinic at the Centre for Addiction and Mental Health and Ontario Lung Association offer a range of self-help materials, counselling services and medication to help individuals quit smoking. More information is available on the TPH website <http://www.toronto.ca/health/tobaccofree/index.htm>.

## **Enforcement**

If adopted by Council, enforcement of smoke-free sports fields, park amenities and swimming beaches will be conducted by Municipal Licensing and Standards Provincial Offences Officers, who currently enforce the Municipal Code, Chapter 608 smoking restrictions at City playgrounds, splash pads, wading pools and zoos and farms.

Toronto Public Health and PF&R recommend a progressive enforcement strategy for dealing with non-compliance under the by-law. During the first year after enactment of the by-law, enforcement efforts will focus on raising awareness of the by-law and educating key park users about the changes. . The goal would be that these activities increase awareness of the by-law such that, in subsequent years, enforcement of smoke-free sports fields, park amenities and swimming beaches would be in response to complaints only.

While gaining compliance through education is ideal, there may be circumstances where enforcement staff will respond to non-compliance with the by-law by issuing a ticket or serving a summons to individual smokers in accordance with the Provincial Offences Act.

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 the City's by-law enforcement officers. The set fines imposed for offences under Chapter 608 must be revised to include the offences of smoking in City parks within the additional areas recommended in this report. 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. Staff propose that a set fine of \$300.00 be applied for, which is consistent with other fines for smoking in prohibited areas in City parks. However, the province makes the final decision as to the amount of the set fine.

## **Conclusion**

The proposed amendments to Municipal Code, Chapter 608 to make sports fields, park amenities, swimming beaches and the waiting areas and service lines for the Toronto Island Ferries smoke-free will increase protection from second-hand smoke exposure and promote a smoke-free lifestyle to children and youth. There are precedents for making these locations smoke-free in other Ontario, Canadian and international jurisdictions. Public and stakeholder support exists for making these locations smoke-free in Toronto.

If the recommended smoke-free by-law amendments are adopted, TPH and PF&R will work to develop a detailed implementation plan that addresses communication and enforcement.



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## SIGNATURE

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Dr. David McKeown  
Medical Officer of Health

## ATTACHMENTS

Appendix A - Proposed Design of Municipal Smoking By-law Amendments

## References

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<sup>1</sup> U.S. Department of Health and Human Services. (2006). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General—Executive Summary. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

<sup>2</sup> Klepeis N., Ott W. and Switzer P. (2007). Real-Time measurement of outdoor tobacco smoke particles. *J Air Waste Manag Assoc* 2007;57:522–34.

<sup>3</sup> Tobacco Strategy Advisory Group. (2010). Building On Our Gains, Taking Action Now: Ontario's Tobacco Control Strategy for 2011 – 2016. Toronto: ON: Report from the Tobacco Strategy Advisory Group to the Minister of Health Promotion and Sport.

<sup>4</sup> U.S. Department of Health and Human Services. (2012). *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

<sup>5</sup> Alesci N.L., Forster J.L. and Therese Blaine. (2003). Smoking visibility, perceived acceptability, and frequency in various locations among youth and adults. *Preventive Medicine* 36: 272–281.

<sup>6</sup> Royal College of Physicians. (2010). *Passive smoking and children*. A report by the Tobacco Advisory Group. London: RCP.

<sup>7</sup> Ipsos Reid, (2011). *Nine in Ten Ontarians (90%) Familiar with Smoke-Free Ontario Legislation, Most Agree With Recommendations for Further Action*. Available at: <http://www.ipsos-na.com/news-polls/pressrelease.aspx?id=5331>.

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## **APPENDIX A: Proposed Amendments to Municipal Code Chapter 608 - Parks**

October 7, 2013, 2013

### **1. Amend Section 608-1 of Municipal Code Chapter 608-Parks to add the following definitions to Article 1-Definitions:**

Outdoor theatre space – An area in a park, including any audience seating areas, being used for a theatre performance under a permit, whether or not there is temporary or permanent audience seating, stage or theatre equipment.

Passenger conveyance – Includes a chair lift, gondola lift, T-bar lift, ropetow or any other conveyer or similar device used to transport persons uphill.

Service line – A queue or sequence of people waiting to purchase a ski ticket or ferry ticket, or to board a ferry operated by the City.

Ski hill – Includes a ski run, passenger ropeway or service line, ski chalet or ski rental shop.

Smoke or Smoking — Includes the carrying of a lighted cigar or cigarette, pipe or any other lighted smoking material.

Waiting Area – An area, whether or not enclosed by a fence or other barrier, intended for use by persons waiting to board a ferry operated by the City or to access a passenger conveyance.

### **2. Amend Section 608-8.1. under Article II-Conduct of Municipal Code Chapter 608-Parks by replacing text with the following:**

While in a park, no person shall smoke:

- i. Within the boundaries of and a nine metre radius surrounding any area, whether delineated by lines or not, that is designated and being used as a sports field or playing surface under a program run by Parks Forestry and Recreation or by any other person or group under a permit; and includes a soccer field, football field, baseball diamond, basketball court, tennis court, volleyball court, outdoor artificial ice rink, cricket pitch, lawn bowling area and bocce court;
- ii. Within the boundaries of and a nine metre radius surrounding the following amenities or areas in a park:
  - a) Any playground safety surface or playground equipment;
  - b) Any wading pool basin or splash pad safety surface;
  - c) A skateboard or BMX park;

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- d) A ski hill
  - e) An outdoor swimming pool or deck;
  - f) A covered picnic shelter or gazebo;
  - g) An outdoor theatre space;
  - h) A public washroom;
  - iii. Within any zoo or farm area:
  - iv. On a swimming beach;
  - v. In a waiting area or service line.