



Supporting Litter Reduction through Amendments to Chapter 545, Licensing

Date: September 7, 2016

To: Licensing and Standards Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report responds to City Council direction to reduce litter including cigarette butt litter, by proposing amendments to Toronto Municipal Code, Chapter 545, Licensing, to have owners of licensed business establishments be responsible for cleaning and clearing litter from their own private property as well as boulevard and sidewalk areas directly abutting their properties.

The amendments support litter reduction and are an initiative of the City's Multi-Divisional Litter Working Group. Other initiatives include Solid Waste Management's education programs and litter audits, litter bins with dedicated cigarette butt receptacles, Business Improvement Area cigarette butt receptacle pilot projects, City advertising campaigns and targeted enforcement in high litter areas.

Residents can also call 3-1-1 Toronto to let the City know of high litter areas and locations where illegal dumping is taking place.

Also, as litter is a shared responsibility, the proposed amendments do not negate the personal responsibility of an individual not to litter. Under Chapter 548, Littering and Dumping of Refuse, littering onto City or private property is a chargeable offence.

Solid Waste Management Services, Transportation Services, Economic Development and Culture, Toronto Water, Toronto Public Health, and Legal Services were consulted in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council approve amendments to Toronto Municipal Code, Chapter 545, Licensing, to:

- a. Require business owners to be responsible for cleaning and clearing litter from their own private property, and boulevards, sidewalks, curbs and gutters directly abutting their properties, at their own expense, with a prohibition against moving litter from their own or abutting City property, onto any other property;
- b. Delete Section 545-498, pertaining to the responsibilities of entertainment establishments/nightclubs for litter control (section becomes redundant); and
- c. Add a definition of the term "BOULEVARD" to mean: "That part of a public street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line".

FINANCIAL IMPACT

There are no financial impacts beyond what has already been approved in the current year's budget.

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

DECISION HISTORY

At its meeting of June 10, 11, 12 and 13, 2014, City Council requested a review of the feasibility of adding a condition to business licences to ensure that business operators maintain the streetscape fronting their businesses clear of all debris, cigarette butts, etc., and of mandating cigarette disposal containers or receptacles at locations that have a habitual problem, as part of the pilot project on cigarette butt receptacles at restaurants, bars, nightclubs and other businesses.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM52.6>

COMMENTS

Litter

The City of Toronto prides itself on being a clean city, therefore, reducing litter in public spaces remains a priority. Solid Waste Management Services completes regular Litter Audits which survey 300 pre-selected locations across the City's public realm to assess the composition and amount of litter present on Toronto's streets.

According to results from the 2014 Litter Audit, the total number of large litter items (i.e., equal to or greater than 4 square inches in size) decreased slightly by 2.39% from 3,433 items in 2012 to 3,351 items in 2014. In both the 2014 and 2012 Litter Audits, paper materials comprised the largest component of large litter, accounting for 43.3% of all large litter audited in 2014 and 42.1% of all large litter audited in 2012. The total number of small litter items (i.e., less than four square inches in size) increased by nearly 50% from 2,038 items in 2012 to 3,036 items in 2014. In both the 2014 and 2012 Litter Audits, gum and cigarette butts were the most commonly found small litter items. In the 2014 Litter Audit, gum was the most prevalent (accounting for 32.6% of all small litter audited), followed by cigarette butts (at 26.1%). In the 2012 Litter Audit, cigarette butts were the most prevalent small litter item (accounting for 31.3% of all small litter audited), followed by gum (at 28.9%).

While litter in general is concerning for the City, improperly discarded chewing gum and cigarette butts, pose specific concerns.

The properties inherent in chewing gum make them difficult to remove. Gum adheres firmly to pavements, does not degrade, and retains its properties over a long period of time, under all weather conditions. Removal of impacted gum often requires special procedures and equipment such as power washing, manual scraping, steam cleaning and cryogenics (i.e., the use of dry ice or liquid nitrogen to 'blast' gum residue). These procedures, however, are expensive, take a significant amount of time and effort to remove, can damage pavements and grouting, interfere with normal pedestrian flow, and generate noise. Even after removal, chewing gum often leaves behind oily deposits and this staining can be just as unsightly as the gum itself.

Littered cigarette butts also have harmful environmental impacts. Cigarette filters are composed of cellulose acetate, a form of plastic which is non-biodegradable and can persist in the environment taking up to 12 years to break down. Discarded cigarette butts travelling through storm drains and water systems can also damage water supplies as well as pose a hazard to animals and marine life that ingest the filters, mistaking them for food.

Over the last number of years, the City has made a concerted effort to reduce the amount of cigarette butt litter, installing over 9,000 litter and recycling bins with dedicated receptacles to capture cigarette butts along major streets and roadways, affixing sticker decals on 200 street litter and recycling bins in business improvement areas to draw attention to the cigarette butt receptacles, communicating anti-littering messages including messaging on signs prohibiting smoking within 9 metres of building

entrances or exits (pursuant to Chapter 709, Smoking), and exploring opportunities for initiating a cigarette butt recycling program.

Recognizing that there may be further potential to reduce cigarette butt litter in high litter areas such as restaurants and bars, the Multi-Divisional Litter Working Group has also engaged local Business Improvement Areas (BIAs) including Parkdale, Roncesvalles and Bloorcourt Villages, to pilot the placement of additional cigarette butt receptacles to tree guards lining the street and sticker decals on existing litter bins to indicate built-in receptacles. The BIAs were requested to report back to the Multi-Divisional Litter Working Group on the results of the BIA pilots. Overall, the pilots were found to be positive in increasing awareness of cigarette butt litter.

This past June, the City also launched a Cigarette Butt Litter Reduction Advertising Campaign, emphasizing the message that "cigarette butts are litter too" and that everything has its place in the Astral street bins (cigarette butts go in a dedicated 'ashtray' opening; garbage into litter; recyclables in recycling). Posters were placed in areas including transit shelters and retail store fronts. Toronto BIAs also received information, the ad poster in electronic format, and the opportunity to pick up free hard copy posters to mount in their business area. The campaign supported the collective efforts of the City's Multi-Divisional Litter Working Group, which continually explores new opportunities for collaborative litter and cigarette butt litter initiatives.

Research and Consultation

Staff examined City by-laws that address litter, in addition to the litter, waste, property standards, and boulevard maintenance by-laws of other Canadian municipalities.

Staff consulted with the Toronto Association of Business Improvement Areas (TABIA), sharing proposed by-law amendments with attendees at TABIA's January 19, 2016 interdepartmental committee meeting. Staff presented proposed amendments being contemplated at that time, which included extending existing requirements to broadly make land owners responsible for cleaning and clearing refuse from municipal boulevards and sidewalks directly abutting their properties. Staff estimate approximately 40 different BIAs were represented at that meeting, and those in attendance were supportive of measures aimed at reducing litter.

Staff also accepted comments and suggestions provided by members of the public, via email and phone.

Proposed Amendments

Require All Licensed Businesses to be Responsible for Cleaning and Clearing Litter from their Own Private Property and Boulevards and Sidewalks Directly Abutting their Properties

As directed by City Council, staff reviewed the feasibility of adding a condition to the business licence to ensure that business operators maintain the streetscape fronting their businesses clear of all debris, cigarette butts, etc.

The requirement to maintain one's own property already exists under Chapter 548, Littering and Dumping of Refuse. Land owners are required to immediately clean and clear any refuse which has been thrown, placed, dumped or deposited onto their private land.

The requirement to maintain abutting areas also presently exists under Chapter 545, Licensing, however, only for businesses specifically licensed as entertainment establishments/nightclubs. Owners of such establishments are required to ensure that all areas immediately adjacent to their establishment are clean and free of litter, refuse and other debris.

Staff propose that an amendment be made to Chapter 545 (under Article I, General Licensing Provisions, § 545-5. General provisions.) to require **all** owners of licensed business establishments to be responsible for cleaning and clearing litter from their own private property and boulevards, sidewalks, curbs and gutters directly abutting their properties. Businesses will also be explicitly prohibited from moving or sweeping litter found on their own property or abutting City property, onto any other property.

According to the 2014 Litter Audit, 90% of the sites with the highest amount of litter, were commercial areas.

Staff also found that discarded cigarette butts are among the most prevalent form of litter found in the vicinity of restaurants, bars, entertainment establishments/nightclubs.

As such, business establishments will be responsible for maintaining their own and abutting City property, free from littered cigarette butts, cigar tips, electronic cigarettes and their components; as well as chewing gum; candy, confectionary and snack packaging/wrapping; food and beverage packaging/containers; bottle caps; cups, lids, straws; bags; towels, napkins, tissue; receipts; newspapers; etc.

While there are establishments that do act responsibly and clean up after their patrons, there are others who do not. Holding businesses accountable and placing the onus on them to maintain their property and surrounding City property free of litter, regardless of who or what may have created those conditions, promotes that litter reduction needs to be seen as not just a municipal responsibility, but a shared responsibility and it will ultimately reduce the accumulation of litter around these establishments.

Also, as litter is a shared responsibility, this requirement does not negate the fact that persons also have an individual responsibility not to litter. Under Chapter 548, Littering and Dumping of Refuse, littering onto City or private property is a chargeable offence and carries a set fine of \$305 (plus a \$60 victim surcharge).

Similar provisions targeted at reducing litter found on City streets and rights-of-ways, also already exist in other City of Toronto by-laws. For example, under Chapter 743, Streets and Sidewalks, Use Of, owners or occupiers of land adjoining a street are required to maintain the boulevard, at their expense, free of litter, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds.

Further, a jurisdictional scan reveals that other Ontario municipalities (including: Brampton, Ottawa, Pickering, London, Windsor, and Oshawa) as well as Canadian municipalities (including: Winnipeg, Manitoba; St. John's, Newfoundland; Corner Brook, Newfoundland; and Kelowna, British Columbia) have also adopted similar regulations to broadly hold land and property owners responsible for maintaining abutting City boulevards and surrounding areas.

Should City Council adopt the recommendations in this report, the requirement to maintain one's own property as well as abutting City property, will be applicable to all licensed businesses, therefore the requirements around litter control that presently exist in Chapter 545 specific to entertainment establishments/nightclubs, will be redundant and therefore can be deleted.

Add a Definition for the Term "Boulevard"

Staff propose that a corresponding definition for the term "boulevard" be added to Chapter 545, (under Article I, General Licensing Provisions, 545-1. Definitions.) to clarify its meaning in relation to the new requirement. Boulevard would be defined as: "that part of a public street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line". The definition is consistent with that used in Chapter 743, Streets and Sidewalks, Use Of.

Next Steps

If City Council adopts the recommendations contained in this report, staff will communicate the new requirements to the City's licensed business establishments. Staff will also work with TABIA on communications that can be shared with TABIA members. Municipal Licensing and Standards' website will also be updated.

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SIGNATURE

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