Council Direction:
On March 25, 2008, the Board of Health directed Public Health Services (PHS) staff to form a working group with Public Works and Community Services to “review Smoking By-law No. 02-054 with a view to assess tobacco-free parks, playgrounds and beaches in the City of Hamilton in order to protect the health of children and to report back with proposed amendments including enforcement costs of police, health officers and legal staff and if there are any cost implications of enforcement to the City, that appropriate funding be allocated for such costs.” An update was provided to the BOH on November 7, 2008. This report provides a further update to the Board on the development of the draft bylaw and implementation plan as described in the “Next Steps” section below.

Information:
PHS and other departments have received numerous complaints regarding smoking in various outdoor locations in Hamilton. These complaints have increased in frequency over the past 5 years. Under certain conditions, second-hand smoke levels can be as high outdoors as indoors. Our analysis of this issue indicates that there would be health, safety, social, economic and environmental benefits to prohibiting smoking in outdoor municipal recreational areas. These are described below.

As this type of policy is potentially controversial, PHS has taken steps to gauge public support and also to identify what sort of outdoor smoking prohibitions would be supported by residents of Hamilton. We found that the vast majority of both smokers and non-smokers supported some kind of prohibition, and also that prohibition at certain types of locations would be strongly supported. These findings have been used to develop the principles described here. Survey details are in Appendix “B” of this report.
Consultation with City of Hamilton Residents and Sports Associations
Intercept interviews were conducted in 18 outdoor recreational areas in the City of Hamilton between July 2 and 20, 2009 to investigate resident attitudes and opinions on smoking and second-hand smoke in a variety of outdoor municipal recreational areas in Hamilton. Sports associations who use outdoor municipal recreational areas were also surveyed to determine their opinions. Twenty-three percent of Hamilton residents who participated in the intercept interviews were smokers, with the remaining 77% non-smokers, which mirrors the smoking rates in the City of Hamilton. All residents who participated were users of outdoor municipal recreational areas in Hamilton. Residents supported regulating smoking outdoors in municipal recreational areas by a ratio of more than 4:1. Among sports associations, 88.9% that responded supported prohibiting smoking in City parks, outdoor pools, City playgrounds, public beaches, skateboard parks, recreational trails and at parades. Additionally, 83.3% supported prohibiting smoking on recreation centre and arena property and recreational or sporting fields. These results are consistent with survey data from other municipalities. A summary of survey results is included in Appendix “B” of this report.

Jurisdictional Scan of Local By-laws Governing Smoking in Outdoor Areas
Over fifty municipalities in Ontario have passed by-laws governing smoking in outdoor areas. Collingwood has had a by-law in place since 2000 making city parks smoke-free, whereas other municipalities such as Barrie, Belleville, Cornwall, Orillia, Peterborough, Toronto, Wasaga Beach and Woodstock have more recently implemented comprehensive by-laws that offer residents greater protection. Across Canada, the United States, and internationally, legislation covering smoke-free outdoor areas is coming into effect. For a brief listing of Ontario municipalities with by-laws governing outdoor recreational areas, see Appendix “A” of this report. More detailed information is available on request.

Benefits of Smoke-Free Outdoor Areas
The majority of park users are children and youth and are non-smokers. Prohibiting smoking in outdoor municipal recreational areas would reduce second-hand smoke exposure, littering and fire safety concerns and improve role modeling for young people.

Second-hand Smoke
Second-hand smoke contains more than 4000 chemicals, about 50 of which are known to cause cancer. Numerous reputable health and scientific agencies, including the World Health Organization and the US Environmental Protection Agency (EPA) have concluded that there is no safe level of exposure to second-hand smoke.

Health effects of being exposed to second-hand smoke outdoors have recently been studied in greater detail. One study found that second-hand smoke odour would be detectable at about seven metres (23 feet) from a smoker with irritating levels at four metres (13 feet). Another study conducted in outdoor locations (including public parks) found that outdoor short-term levels of cigarette smoke can substantially exceed typical indoor second-hand smoke levels depending on certain circumstances such as wind.
conditions and proximity to the smoker. When active smoking is occurring, levels of outdoor tobacco smoke can be comparable to indoor levels.

**Littering, Fire Safety and Economic Benefits**
Careless smoking and disposal of burning cigarette butts are a major cause of forest fires. Littered cigarette butts are hazardous to children. There is the potential to ingest, choke, or burn themselves on lit cigarettes. Ingested cigarette butts may cause minor symptoms such as vomiting or nausea or escalate to depressed respiration and fatality. Cigarette butts and associated products are consistently the most littered item across the globe, and they are not biodegradable. In 2009, the number one piece of litter collected as part of the Great Canadian Shoreline cleanup was 367,100 cigarette butts. Additionally, almost 20,000 tobacco packages or wrappers were collected. Discarded cigarettes cause long-term damage to the environment. The presence of litter attracts further littering and littered butts reduce the appeal of the City to residents and visitors. Reducing litter and fire would both generate long-term, sustainable savings for the City.

**Role Modelling**
Research shows that when children see adults smoking in a family-oriented place such as a park, it encourages them to smoke. Coaches, parents and recreation leaders in recreation are role models for youth and can have an impact on their lifestyle choices. Several sporting organizations in Hamilton have already implemented policies or codes of conduct for players in their organization regulating their use of tobacco.

The *Smoke-Free Ontario Act, 2006* prohibits smoking in all school buildings and on school grounds, including playgrounds. School facilities have play structures and sports fields that are used by children and youth from the community. School-based children’s play areas are protected from second-hand smoke and promote positive role-modelling. Families using play spaces in the City parks do not have the same protection.

**Smoking Rates and Exposure to Second-hand Smoke Outdoors**
In the City of Hamilton, 77% of residents are non-smokers (23% are daily or occasional smokers), according to the 2007 Canadian Community Health Survey. A national survey conducted in 2009 reported that 53% of respondents were exposed to second-hand smoke on a sidewalk or in a park and 54% of respondents reported being exposed to second-hand smoke at the entrance to a building in the past month.

**City of Hamilton Outdoor Recreational Areas**
The City of Hamilton has almost 1200 acres of parkland at 407 locations, as well as approximately 1600 acres of open space property at more than 200 locations. More than 80% of parkland has playgrounds, spray pads, wading pools or sports fields which attract children, youth, families and organized groups. There are 49 recreation centres, pools and arenas and outdoor pools and over 49 kilometres of trails.
Next Steps and Implementation Planning
Based on the consultations to date, recreation centre and arena property; parks and playgrounds; outdoor pools; skateboard parks; recreational and sporting fields; public beaches; grounds of municipally-owned museums are being considered for this bylaw. Additional consultation will be conducted with identified sports organizations, neighbourhood associations, the school boards and the Hamilton Conservation Authority. A listing of neighbourhood and sports organizations to be consulted are included in Appendix “C” of this report. Additionally, staff will consult with municipalities in Ontario that have already implemented outdoor spaces by-laws regarding successful education plans, signage and enforcement models to inform Hamilton’s implementation plan.

It is expected that a draft bylaw and implementation plan will be available for the Board’s consideration in early 2011. The principles proposed to guide the development of a by-law and implementation plan for regulating smoking in outdoor spaces are:

- the proportion of municipally owned and/or operated outdoor spaces that are smoke-free should be at least as great as the proportion of non-smoking residents in the City of Hamilton;
- smoke-free outdoor municipal recreational areas should be phased-in over four years and should reflect local experience and evidence from other jurisdictions;
- sites for outdoor municipal recreational areas should be prioritized based in part on health benefits and exposure to children;
- given the local impact of this approach, individual Board of Health members or their delegates should be consulted about which sites would be best for early implementation;
- given the inherent challenges with enforcement of such policies, this initiative should include a clear implementation strategy, including education, signage and enforcement, that balances effectiveness with fiscal accountability.

The main aspects of the implementation plan would be an educational approach, signage in affected areas, and enforcement. With a phased implementation, it is anticipated that yearly budget impacts will be minimized, though there will likely be some cost for each of these. Education and early notice to the public will be important to build on the existing community readiness. Signage costs will depend on the locations chosen for the by-law.

Experience from other jurisdictions suggests that the need for active enforcement will be minimal, as similar outdoor smoking by-laws have essentially been self- or peer-enforced. However, it is prudent to identify where resources and staff for enforcement could come from if needed, and staff are working to identify cost-effective options. As it is anticipated that a full analysis will show that a reactive (complaint-based) enforcement strategy will be most cost-effective, the existing Tobacco Hotline will be an important part of the enforcement strategy. Resources currently exist for this aspect of enforcement.

References for this report are available on request.
**Legislation Regulating Smoking in Outdoor Recreation Areas**

The following municipalities in Ontario have by-laws regulating smoking in outdoor spaces. For complete details on the outdoor spaces by-laws, please review the tables on the subsequent pages.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Date By-law Came Into Effect</th>
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<tbody>
<tr>
<td>Adjala-Tosorontio Township</td>
<td>August 17, 2009</td>
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<tr>
<td>Arnprior</td>
<td>May 25, 2009</td>
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<tr>
<td>Aylmer, Central Elgin</td>
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<td>Barrie</td>
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<td>Belleville</td>
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<td>Bradford-West Gwillimbury</td>
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<td>Brighton</td>
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<td>Chatham-Kent</td>
<td>November 24, 2009</td>
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<tr>
<td>Clearview Township</td>
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<td>Collingwood</td>
<td>July 1, 2000 &amp; June 20, 2005</td>
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<td>Cornwall</td>
<td>September 4, 2007 &amp; June 1, 2009</td>
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<tr>
<td>Elliot Lake</td>
<td>May 11, 2009</td>
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<td>Georgina, York Region</td>
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<td>Haldimand County</td>
<td>November 2002</td>
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<td>Halton</td>
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<td>Huron Shores</td>
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<td>Innisfil</td>
<td>April 1, 2003</td>
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<td>New Tecumseh</td>
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<td>Nipigon</td>
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<td>North Bay</td>
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<td>Northeastern Manitoulin &amp; Islands</td>
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<td>North Grenville</td>
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<td>Municipality</td>
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<td>North Huron</td>
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<td>Orillia</td>
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<td>Ottawa</td>
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<td>Owen Sound</td>
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<td>Sables – Spanish River</td>
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<td>Wasaga Beach</td>
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<td>Welland</td>
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<td>Wellington County</td>
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<td>Windsor</td>
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<td>West Nipissing</td>
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<td>Woodstock</td>
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Consultations with City of Hamilton Residents and Sports Associations Regarding Outdoor Municipal Recreational Areas

City of Hamilton Residents and Sports Association Consultation
Intercept interviews were conducted in 18 outdoor recreational areas in the city of Hamilton between July 2 and 20, 2009 to investigate resident attitudes and opinions on smoking and second-hand smoke in outdoor municipal recreational areas in Hamilton. Locations were identified jointly by Public Health Services and Community Services, Recreation Division staff, and surveys were conducted by Public Health Services staff. The locations took into account a geographic spread across the city, with both urban and rural areas. Locations with a mix of playground equipment, arena or recreation centres, splash pads, schools located on adjacent property, skateboard parks, and outdoor pools were visited to ensure a broad representation of residents was obtained.

Interviews were completed in the following outdoor recreational areas:
- Ancaster Community Centre & Rotary Centre
- Bayfront Park & Pier 4
- Bennetto Recreation Centre
- Dundas Driving Park & Dundas Community Pool
- Eastdale Park
- Eastwood Park
- Glanbrook Sports Complex and surrounding area
- Hamilton Amateur Athletic Association Grounds (HAAA)
- Huntingdon Park and Recreation Centre
- King’s Forest Golf Course
- Lakeland Centre Pool & Beach
- Mohawk 4 Pad Arena and surrounding sporting fields
- Norman Pinky Lewis Recreation Centre
- Parkdale Park & Arena
- Sherwood Park and Saltfleet Arena
- Turner Park
- Valley Park Arena and Recreation Centre
- Waterdown Memorial Park

Seventy-six per cent of people who were approached for an interview agreed to complete the survey for a total of 508 interviews. This exceeds the recommended sample size of 384 completed interviews based on calculations for a simple random sample of parks and recreation facility users in the City of Hamilton with a 5% margin of error.¹

All sports associations and organizations that use municipal recreational areas in Hamilton were sent a survey to determine their opinions on smoking and second-hand smoke in outdoor municipal recreational areas through Community Services, Recreation Division in June 2009.
Interviews conducted with Hamilton residents included consideration of the following outdoor municipal recreational areas:

- Recreation centre and arena property
- Playgrounds and parks
- Outdoor pools
- Skateboard parks
- Recreational or sporting fields
- Public beaches
- Festivals and events
- Parades
- Recreational trails
- Municipal golf courses

**Demographics of Residents Consulted**
Twenty three per cent of Hamilton residents who participated in the intercept interviews identified themselves as smokers, and 77% as non-smokers, which are the same smoking rates as in the general population in Hamilton. Forty five per cent of respondents were male, and 55% female. Those residents who had children under age 18 living in their household totaled 51.2%, with 48.6% not having children under 18. In terms of age, 19.5% of respondents were age 18 to 24; 30.9% were age 25 to 39; 31.3% were ages 40 to 54 and 18.3% were above age 55.

All interview respondents used outdoor municipal recreational areas. Usage of specific areas varied. Parks and playgrounds, recreational or sporting fields and recreation centres were the most frequently used recreational areas.

**Smoking and Second-hand Smoke in Outdoor Recreational Areas in Hamilton**
In terms of observing smoking or actually smoking themselves in these outdoor spaces, 56.5% of respondents said they usually or always see smoking/smoke in outdoor recreational spaces, 33.5% said they sometimes do, and 8.1% said they never see smoking or they themselves never smoke in outdoor municipal recreational areas. In terms of litter, 97.2% of respondents sometimes, often or always notice litter caused by cigarette butts.

**City of Hamilton Residents Support for Regulating Smoking in Outdoor Municipal Recreational Areas**
In general, Hamilton residents who were non-smokers supported more of the outdoor areas being 100% smoke-free, having a designated area for smoking, or having smoking a certain distance from people or equipment. Generally smokers supported having smoking within a designated area or smoking a certain distance from people and equipment or allowing smoking throughout outdoor
areas. Those with children under the age of 18 living in the household were more supportive of outdoor spaces being entirely smoke-free. As you can see from the chart below, residents clearly support regulating smoking outdoors in municipal recreational areas, but which option is preferred depends on the outdoor area in question. There was the strongest support from residents for having outdoor pools, skateboard parks, recreation centre or arena property, recreational trails, parades, recreational or sporting fields, parks and playgrounds, and public beaches entirely smoke-free.

![Chart 1: City of Hamilton Residents Support for Regulating Smoking in Outdoor Municipal Recreational Areas](image-url)
Residents were asked whether their usage of outdoor municipal recreational areas would change if a by-law regulating smoking in outdoor areas was enacted, and 71.3% indicated there would be no change in their usage, 21.7% indicated they would use areas more often, and 5.7% indicated they would use areas less often.

City of Hamilton Residents Support for Regulating Smoking in Outdoor Municipal Recreational Areas
In general, Hamilton residents who were non-smokers supported more of the outdoor areas being 100% smoke-free, having a designated area for smoking, or having smoking a certain distance from people or equipment. Generally smokers supported having smoking within a designated area or smoking a certain distance from people and equipment or allowing smoking throughout outdoor areas. Those with children under the age of 18 living in the household were more supportive of outdoor spaces being entirely smoke-free. As you can see from the chart below, residents clearly support regulating smoking outdoors in municipal recreational areas, but which option is preferred depends on the outdoor area in question. There was the strongest support from residents for having outdoor pools, skateboard parks, recreation centre or arena property, recreational trails, parades, recreational or sporting fields, parks and playgrounds, and public beaches entirely smoke-free.

Sports Association Support for Regulating Smoking in Outdoor Municipal Recreational Areas in Hamilton
For sports associations that responded, 88.9% supported prohibiting smoking in city parks, outdoor pools, city playgrounds, public beaches, skateboard parks, recreational trails and at parades. Additionally, 83.3% supported prohibiting smoking on recreation centre and arena property and recreational or sporting fields and 77.8% supported prohibiting smoking at festivals and events. Of those that responded, 66.1% supported having the outdoor municipal recreational areas entirely smoke-free, 33.3% supported having the areas smoke-free except for designated smoking areas within the location, and 5.6% supported having the areas smoke-free within a nine metre radius from the playground equipment or buildings. None of the groups supported allowing smoking throughout the areas.

References
Hamilton Neighbourhood Associations to Be Consulted Regarding Smoking and Second-hand Smoke in Outdoor Municipal Recreational Areas

Ainslie Woods/Westdale Community Association of Resident Homeowners Inc.
Allison Park Community Association
Ancaster Community Council
Beasley Neighbourhood Group
Berrisfield Community Council
Bonnington, Buchanan, Mohawk, Southam Neighbourhood Association
Buchanan Park Sports Council
Central Neighbourhood Association
Corktown Neighbourhood Association
Crown Point Community Planning Team
Delta West Community Association
Dundas Community Council
Durand Neighbourhood Association
Eastmount Community Council
Eleanor Community Council
Gilkson Park Community Association
Gourley Park Community Association
Hamilton Beach Community Council
Keith Renewal Committee
Kirkendall Neighbourhood Association
Lansdale Area Neighbourhood Association
McQueston Community Planning Team
North Central Community Council
North End Neighbours
Pleasant View Rate Payers Association
Red Hill Valley Neighbourhood Association
Riverdale Remedies Neighbourhood Association
Robert Land Community Association
Rosedale Community Council
Scenic Woods Neighbourhood Association
South Centre Community Council
South Stipley Neighbourhood Association
Spring Valley Community Association
St. Clair Community Council
Stinson Community Association
Strathcona Community Council
Ward 8 Community Advisory Council
Sports Associations and Organizations to Be Consulted Regarding Smoking and Second-hand Smoke in Outdoor Municipal Recreational Areas

Alexander Park Baseball Association
Ancaster Avalanche Girls Hockey League
Ancaster Cyclones
Ancaster Figure Skating Club
Ancaster Ladies 3-Pitch
Ancaster Little League
Ancaster Men's Recreational Slo-Pitch
Ancaster Minor Hockey League
Ancaster Mixed Slo-Pitch
Ancaster Old Mill Race
Ancaster Tennis Club
Ancaster Veterans Slo-Pitch
Ancaster Youth Soccer Club
Beach T-ball
Berrisfield Community Council (Baseball)
Beverly Minor Hockey Association
Binbrook Cal Ripken Baseball
BMFA House League Championship
Canadian Reformed Soccer League
Canadian Thunderbirds Baseball Club
Carlisle Minor Baseball
Carlisle Rebels Baseball
Catholic Youth Organization
Central City Soccer
Champions Soccer School
Chedoke Minor Hockey Association
City Mixed 3-Pitch League
Civic Employees Slo-Pitch League
Crescent Cricket Club
Croatia Hamilton Sports Club
Different Strokes
Dofasco Oldtimers Soccer
Dofasco Figure Skating Club
Dundas Chiefs Mens Baseball
Dundas Figure Skating Club
Dundas Girls (Cyclones) Hockey
Dundas Girls' Softball League
Dundas Junior Hockey Club Inc. (Dundas Blues Jr. C Hockey Club)
Dundas Little League
Dundas Men's Rec Slo-Pitch League
Dundas Minor Hockey Association
Dundas Slo-Pitch League
Dundas United Soccer Club-Men's Open
Dundas Womens Softball Association
Dundas Youth Soccer Club
East Hamilton Mixed League
East Hamilton Soccer Club
East Mountain Baseball Assoc
Eastmount Park Softball
Eastwood Minor Baseball
Flamborough Girls Hockey Association
Flamborough Minor Hockey Association
Flamborough Skating Club Inc.
Flamborough Slo Pitch
Flamborough Soccer
Gage Park Softball Association
Gilkson Community Park (Sports)
Glanbrook Figure Skating Club
Glanbrook Grizzlies (Glanbrook Seniors)
Glanbrook Men's Slo-Pitch
Glanbrook Minor Hockey Association
Glanbrook Rangers Junior C
Glanbrook Youth Soccer
Gourley Park Community Association
Greensville Ladies Fastball
Greensville Minor Baseball
Greensville Oldtimers Fastball Club
Greensville Slo Pitch
GSA Soccer League
Hamilton & District Baseball Association
Hamilton & District Oldtimers Soccer
Hamilton & District Senior Soccer League
Hamilton & District Sledge Hockey Association
Hamilton & District Slo-Pitch Association
Hamilton & District Soccer Association
Hamilton Cardinals Rep Baseball Association
Hamilton Challenger Baseball
Hamilton Civic Hospitals Softball
Hamilton Classic Co-ed Slo-Pitch
Hamilton Cricket Club
Hamilton Dealership League
Hamilton Girls Hockey
Hamilton Hammerheads
Hamilton Hornets (Rugby)
Hamilton Hub Hockey League
Hamilton Hurricanes
Hamilton Inter-Church Soccer League
Hamilton Jamesville Soccer
Hamilton Jr. Football Inc.
Hamilton Junior Bulldogs
Hamilton Junior Red Wings
Hamilton Juveniles Hockey Association
Hamilton Lacrosse Association
Hamilton Ladies Slo-Pitch
Hamilton Lady Avalanche
Hamilton Media Slo-Pitch League
Hamilton Men's Fastball League
Hamilton Minor Football Association
Hamilton Mixed 3-Pitch
Hamilton Mountain Slo-Pitch
Hamilton Olde Sports Association
Hamilton Oldtimers Baseball Organization
Hamilton Olympic Club
Hamilton Pontiacs (Tri County League)
Hamilton Red Wings
Hamilton Reps Hockey Club
Hamilton Ringette Association
Hamilton Separate School Board
Hamilton Serbians Youth Soccer
Hamilton Skateboard Assembly
Hamilton Skating Club
Hamilton Sparta & South Region Soccer
Hamilton Steelers Midget Girls Fastball
Hamilton Tennis Club
Hamilton Thunderbirds
Hamilton Touch Football Association
Hamilton Wildcats Aust. Football
Hamilton Women's Hockey League
Hamilton/Burlington CA Softball
Hamilton-Wentworth District School Board
Hellas Oldtimers Soccer Club
Inch Park Skating Club
Inter-Church Christian Men's Fastball
Kirkendall Recreation Association
Kiwanis Boys & Girls Club
Kory 3-Pitch League
Lawfield Minor Hockey Association
Leander Boat Club
Mahoney Park Baseball
McMaster University, Department of Athletics and Recreation
Mohawk College - Athletics Department
Mohawk Minor Hockey Association
Mount Hamilton Minor Hockey Association
Mount Hamilton Youth Soccer Club/House League
Mount Hamilton Youth Soccer Club/Rep Program
Oldtimers 1st Serbian
Ontario Football Alliance
Ontario Special Olympics
Parkdale Coaches Association
Quad City Slow Pitch
Quinndale Community Council
Reach Forth
Rockton Winter Club
Rosedale Community Council
Rosedale Minor Hockey Association
Roxborough Park Baseball
Royal City Soccer Club
Saltfleet Figure Skating Club
Saltfleet Go Ahead Soccer Club
Scooby Soccer
Scott Park Baseball
Scott Park Community Hockey Association
Sistas in Soccer (Hamilton Branch)
Stoney Creek Small Industrial Slo-Pitch
Soccer World Hamilton
Southmount Ladies Softball
Springfield Hockey Association
Steel City Slo Pitch
Steel City Steelers Football Club
Stelco Employee Fastball League
Stoney Creek Disabled Sports Association
Stoney Creek Girls Hockey Association
Stoney Creek Mens Slo-Pitch
Stoney Creek Minor Hockey
Stoney Creek Minor Softball Association
Stoney Creek Oldtimers Hockey
Stoney Creek Optimist Little League
Stoney Creek Slo-Pitch Association
Stoney Creek Soccer Club
Stoney Creek Warriors
Sudanese League of Hamilton
Templemead Community Sports
U.S. Steel 3 Pitch League
U9 Boys Saltfleet Select
Unified Old Boys Soccer
Vincent Community Men's Slo-Pitch
Waterdown Ladies Fastball
Waterdown Men's Fastball League
Waterdown Minor Baseball Association
Wentworth Adult Mixed Slo-Pitch League
Wentworth Figure Skating Club
Wentworth Varsity Football
West Hamilton Youth Soccer Club
West Mountain Baseball
Westdale Fencing Club
Women's Touch Football