Agenda – Council – February 23, 2011

Report – Standing Policy Committee on Protection and Community Services – May 3, 2010

Item No. 6 Smoking Ban in Outdoor Areas

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2011, the Executive Policy Committee amended the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That given the Province of Manitoba has accepted the policy mandate and jurisdiction regarding smoking bans in public places, the City of Winnipeg actively encourage the Province of Manitoba, through regular consultations, to consider legislative changes in order to more broadly ban smoking in outdoor areas that may adversely impact the health and comfort of the public, including at all outdoor athletic fields where youth programming occurs, and the Province of Manitoba be requested to respond back within 30 days.

2. That the May 3, 2010 recommendation from the Standing Policy Committee on Protection and Community Services, to grant the request from the Winnipeg Youth Soccer Association to ban smoking 50 metres from the sidelines on soccer fields, be filed,

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection and Community Services – May 3, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services, with the following amendments:

1. That the January 31, 2011 recommendation of the Standing Policy Committee on Protection and Community Services be concurred in with an amendment to change the requested report back timeline from 60 days to 30 days;

2. That the May 3, 2010 recommendation from the Standing Policy Committee on Protection and Community Services, to grant the request from the Winnipeg Youth Soccer Association to ban smoking 50 metres from the sidelines on soccer fields, be filed,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2011, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following words:

  "and the Province of Manitoba be requested to respond back within 60 days.",

and forwarded to the Executive Policy Committee and Council.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee further laid the matter over for up to 60 days in order for the Winnipeg Public Service to report back as requested by Committee on May 12, 2010.

On July 14, 2010, the Executive Policy Committee laid the matter for 60 days in order for the Winnipeg Public Service to report back as requested by Committee on May 12, 2010.

Report – Standing Policy Committee on Protection and Community Services – May 3, 2010

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

On May 12, 2010, the Executive Policy Committee referred the recommendation of the Standing Policy Committee on Protection and Community Services to the Winnipeg Public Service for report back in 60 days.

STANDING COMMITTEE RECOMMENDATION:

On May 3, 2010, the Standing Policy Committee on Protection and Community Services submitted the following to the Executive Policy Committee and Council:

1. That the request from the Winnipeg Youth Soccer Association to ban smoking 50 metres from the sidelines on soccer fields be granted.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Further on May 3, 2010, the Standing Policy Committee on Protection and Community Services referred to the Winnipeg Public Service consideration of a smoking ban on all athletic fields where youth programming is being offered.

-----Original Message-----
From:
Sent: Friday, April 30, 2010 11:57 AM
To: Pagtakhan, Mike
Subject: Comment

Sent: Friday, April 30, 2010 11:57:25 AM
URL: http://www.winnipeg.ca/council/point_douglas.stm
First name: Alastair
Last name: Gillespie
Address:
City: Winnipeg
Province: Manitoba
Postal Code:
Phone number:
Email Address:

Message:
Good Morning Mike,
As president of Winnipeg Youth Soccer Association, I am asking you if the standing policy committee protection meeting would be kind enought to review our request that smoking be banned 50 metres from side line. As we are requesting that this be self enforced by parents on city priperty, we need your permission to impliment this rule, through committee approval

Many thanks,

Alastair Gillespie.
WYSA

ADMINISTRATIVE REPORT

ISSUE: **Smoking Ban in Outdoor Areas**

Critical Path: **Standing Policy Committee on Protection and Community Services → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
P. de Graaf	C. Wightman	N/A	Alex Robinson Deputy CAO

RECOMMENDATIONS

1. That, given that the Province of Manitoba has accepted the policy mandate and jurisdiction regarding smoking bans in public places, the City of Winnipeg actively encourage the Province of Manitoba, through regular consultations, to consider legislative changes in order to more broadly ban smoking in outdoor areas that may adversely impact the health and comfort of the public, including at all outdoor athletic fields where youth programming occurs.

REASON FOR THE REPORT

- On May 3, 2010 the Standing Policy Committee on Protection and Community Services granted the request from the Winnipeg Youth Soccer Association to ban smoking 50 metres from the sidelines on soccer fields, and submitted the matter to the Executive Policy Committee and Council.

- Further on May 3, 2010, the Standing Policy Committee on Protection and Community Services referred to the Winnipeg Public Service consideration of a smoking ban on all athletic fields where youth programming is being offered.

- At its meeting of May 12, 2010 the Executive Policy Committee referred the recommendation of the Standing Policy Committee on Protection and Community Services to the Winnipeg Public Service for report back in 60 days.

IMPLICATIONS OF THE RECOMMENDATIONS

- There appears to be a growing societal demand to more broadly ban smoking in outdoor areas, particularly in parks, fields and playgrounds where children and youth frequent. A jurisdictional scan was conducted across major Canadian municipalities with respect to any outdoor smoking ban in parks, fields or playgrounds. (Appendix A)
- In the past, the City regulated smoking by passing a series of smoking by-laws, each more restrictive than the last. The most recent of these was the City of Winnipeg Smoking Regulation By-law 88/2003, which came into effect on July 1, 2003. However, this By-law was repealed after the Province of Manitoba introduced the Non-Smokers Health Protection Act in June, 2005 which provided for no smoking in public places throughout Manitoba, including Winnipeg. The City has not had a smoking by-law since the repeal of this By-law.
- Given that the Province of Manitoba has accepted the policy mandate and jurisdiction regarding smoking bans in public places, it is recommended that any consideration of a smoking ban in outdoor areas be forwarded to the Province directly and further that the City of Winnipeg actively encourage the Province to consider legislative changes in order to more broadly ban smoking in outdoor areas that may adversely impact the health and comfort of the public.
- The Winnipeg Regional Health Authority has provided a scientific opinion which is provided in Appendix B. The WRHA indicates that while it is difficult to ascertain precise measurements of the health effects of Environmental Tobacco Smoke in outdoor environments with many changeable variables (such as wind and temperature, proximity and duration of smoking, and susceptibilities of those exposed) it remains prudent to protect the health of the public from a known health hazard to the maximum extent possible.

HISTORY

On November 1, 2008, The Neighbourhood Livability By-law 1/2008 came into force, thereby repealing the Smoking Regulation By-law No. 88/2003. Provincial legislation (*The Non-Smokers Health Protection Act S.M. 1989-90, c.* S125) eliminated its need. Enforcement of the Provincial Act has remained unchanged.

On July 1, 2003, the City of Winnipeg's Smoking Regulation By-law No. 88/2003, came into effect, banning smoking in all enclosed public places.

Currently the City of Winnipeg Community Services does not allow smoking at municipal outdoor and wading pools. This rule has been in effect for several years.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 30, 2010

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs		$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -
Additional Comments:					

original signed by

Cindy Fernandes, Manager
Finance & Administrative Services

CONSULTATION

In preparing this Report there was consultation with:

Internal:
Legal Services Department
Public Works Department

External:
Winnipeg Regional Health Authority

SUBMITTED BY

Department: Community Services
Division: Strategic Support and Information Systems Services
Prepared by: K. Knudsen
Date: December 6, 2010
File No.:

Attachments:


Appendix A Outdoor Smoking Ban.pdf


Appendix B

APPENDIX A
Canadian Jurisdictional Scan – Outdoor Smoking Bans
June, 2010

Vancouver	• In April 2010, the Vancouver Park Board approved a smoking ban in the city's parks and beaches effective September 1, 2010. • Includes all 224 parks including trails, playgrounds and fields, and 18 km of beaches. • According to a Vancouver Park Board news release in April, Commissioners were seeking amendments to the Parks Control By-Law and the City of Vanvouver Health By-Law. • The Board made the decision on the basis of "established medical evidence about the significant health dangers of smoking, the environmental and aesthetic impacts if cigarette litter, the fire risks in urban forests, the results of public consultation and the successful experiences in other jurisdictions".
Regina	• Smoking Bylaw only references indoor/enclosed spaces. • Three new pieces in the process of being added to Provincial Legislation: 1) No smoking with in 3 m of a doorway to a public building 2) No smoking in lobbies or halls of multi-unit dwellings 3) No smoking on public school grounds
Saskatoon	• According to Bylaw No. 8286, smoking is currently prohibited in billiard halls, bingo establishments, bowling centres, casinos, licensed premises, outdoor seating areas, private clubs, restaurants and sidewalk cafes. • Three new pieces in the process of being added to Provincial Legislation: 1) No smoking with in 3 m of a doorway to a public building 2) No smoking in lobbies or halls of multi-unit dwellings 3) No smoking on public school grounds
Edmonton	• The current Public Places Bylaw (bylaw no. 14614) bans smoking inside buildings, on patios, inside public vehicles and within 5 metres of a doorway, window, or air intake of a building or patio (effective March 08).
Calgary	• The Smoking Bylaw (No. 15M85) prohibits smoking in public premises and within 3 metres of an enterance or exit to public premises. • Smoking is currently prohibited in certain locations, including Olympic Plaza, The Stampede Midway and McMahon Stadium.
Brandon	• The Smoking Bylaw in Brandon was rescinded when Provincial legislation was enacted. They now enforce the Provincial Non-Smokers' Health Protection Act. • The Provincial Legislation prohibits smoking in all enclosed public spaces and indoor workplaces where the province has clear jurisdiction, group living facilities. The act does not apply to outdoor areas.
Peterborough	• By-Law was proposed in April 2010 to phase out smoking in all open public spaces by 2012 • If passed, the bylaw would prohibit smoking within 9 metres of any city-

APPENDIX A
Canadian Jurisdictional Scan – Outdoor Smoking Bans
June, 2010

	owned playground, beach, wading pool or splash pad as of July 1. • As of May 1, 2011, the prohibition would expand to include city-owned outdoor public space within 9 metres of any sport field or skateboard park. • Starting may 1, 2012, smoking and holding all tobacco products would be banned within all city parks. • As of June 8, 2010, the proposed bylaw is still pending. • Currently, smoking is already prohibited in the city's main parks.
Timmins	• In November 2009, Timmins Cty Cuncil voted in favour of banning outdoor smoking in outdoor spaces that are within 10 metres of beaches, playgrounds, parks and recreational fields, such as ball diamonds and soccer fields.
Mississauga, Brampton, Caledon (Region of Peel)	• Enforce the Smoke-Free Ontario Act • Prohibits smoking in an enclosed public place or enclosed workplace • This includes restaurants, bars, bingo halls, schools (including school property), private clubs, sports arenas, entertainment venues, work vehicles and licensed private home-based day cares.
Toronto	• In January 2009, BY-LAW No. 87-2009 was passed to amend City of Toronto Municipal Code Chapter 608, Parks, to prohibit smoking in playgrounds and other areas of City parks. • The City of Toronto Municipal Code was amended to include the following: § 608-8.1. Smoking. While in a park, no person shall smoke tobacco or hold lighted tobacco: A. Within a nine-metre radius surrounding the edge of any playground safety surface or any playground equipment; B. Within a nine-metre radius surrounding the edge of any wading pool basin or splash pad safety surface; or C. Within any zoo or farm area.
Ottawa	• The Smoke-Free Public Place Bylaw (No. 2001-148) prohibits smoking in designated public places, including public buildings and facilities, bingo halls, bowling alleys, arcades, billiard halls, restaurants, bars, arenas, retail shops, malls, school buses, taxis, limousines, the Frank Clair Stadium, Jetform Park and the Terry Fox Athletic Stadium. • 1 park in Ottawa is designated smoke-free in the Parks Bylaw. The Parks Bylaw also prohibits smoking within 9 metres of the entrance/exit of any civic facility.
Halifax	• In October 2009, all municipal owned and administered outdoor recreation facilities where children are participating in activities are to be free of

APPENDIX A
Canadian Jurisdictional Scan – Outdoor Smoking Bans
June, 2010

	smoking and tobacco use. • This includes spray pads, outdoor pools, rinks sports fields, skateboard parks • They also have the Respecting Smoke Free Places Bylaw (No. S-203), and the provincial Smoke-free Places Act, which prohibit smoking in enclosed public places including restaurants, drinking establishments, casinos, private clubs, and bingo halls. In terms of outdoor spaces, the Provincial legislation includes school grounds and licensed outdoor areas and patios.

Appendix B:

RE: Smoking in City-owned parks and Recreational Infrastructure

Submitted July 7, 2010 by Dr. Sande Harlos, MOH
With input from Margie Kvern, WRHA Program Specialists in Tobacco Reduction and Dr. Michael Routledge, MOH, WRHA Medical Director of Population and Public Health

Health Risks

Environmental Tobacco Smoke (ETS) is a known Class A carcinogen for which there is no safe level of exposure. Scientific studies confirm the negative health consequences of ETS and also conclude there are health effects resulting from even transient minimal exposure. In addition to increased risk of cancer, even relatively short exposures can have significant health effects such as cardiovascular and respiratory risks. Increased coronary heart disease (heart attacks) due to ETS exposure is thought to be mediated through inflammation, platelet aggregation (stickiness) and endothelial dysfunction with even relatively short exposures such as 30 minutes. Additionally, relatively transient exposures to ETS can trigger an asthma attack or precipitate decompensation of someone with a chronic respiratory condition or congestive heart failure. In children, in addition to asthma, even relatively low exposures can increase the risk of respiratory infections. Smaller body sizes and higher respiratory rates make children more easily affected by relatively low exposures. Any physical exertion increases respiratory rate, and therefore increases the exposure to ETS and the associated risks.

Given the evidence outlined above, as well as the importance of promoting healthy urban lifestyles, clean environments and physical activity, many jurisdictions are now expanding indoor smoking restrictions to include outdoor places where the public gathers. While it is difficult to ascertain precise measurements of the health effects of ETS in outdoor environments with many changeable variables (such as wind and temperature, proximity and duration of smoking, and susceptibilities of those exposed) it remains prudent to protect the health of the public from a known health hazard to the maximum extent possible.