



City of
Peterborough

TO: Members of the Arenas, Parks and Recreation Advisory Committee

FROM: Rob Anderson, Recreation Division Coordinator

MEETING DATE: November 20, 2012

SUBJECT: Report APRAC12-032
Feasibility of Banning Smoking on City Trails

PURPOSE

A report to provide information on the feasibility of banning smoking on City trails.

RECOMMENDATION

That the Arenas, Parks and Recreation Advisory Committee approve the recommendation outlined in Report APRAC12-032 dated November 20, 2012, of the Recreation Division Coordinator, as follows:

That Report APRAC12-032 be received for information.

BUDGET AND FINANCIAL IMPLICATIONS

There is no budget or financial implication resulting from the approval Report APRAC12-032.

BACKGROUND

On September 18, 2012, the Arenas, Parks and Recreation Advisory Committee (APRAC) received Report APRAC12-023 - Amendments to the Smoking By-law Pertaining to Del Crary and James Stevenson Parks. APRAC passed the following motion:

That the Arenas, Parks and Recreation Advisory Committee endorse the recommendation outlined in Report APRAC12-023 dated September 18, 2012, of the Recreation Division Coordinator as follows:

That By-Law 11-074, being a By-law respecting smoking in the City of Peterborough be amended as follows:

- i) That section 7 be deleted in its entirety and replaced with the following:

No person shall smoke or hold lighted tobacco within Del Crary Park, except within the area designated for smoking, as outlined on the map attached hereto as Schedule A; and

- ii) That sections 8 and 9, and Schedule B and C, defining specific no smoking areas within James Stevenson Park, be deleted in their entirety.

Following approval of the above main motion, APRAC passed the following additional motion:

That staff be directed to report on the feasibility of banning smoking on City trails at a future Arenas, Parks and Recreation Advisory Committee meeting.

Staff has reviewed the feasibility of banning smoking on City trails, and provides the following information for APRAC's consideration.

Peterborough County City Health Unit

The City's smoking by-law exists because the Peterborough County-City Health Unit (PCCHU) requested that such a by-law be enacted. To date, amendments to the Smoking By-law have been made at the request of the PCCHU. The PCCHU has only one staff member authorized to enforce the Smoking By-law in the City of Peterborough. That staff member is funded 100% by the province. With the City not funding the PCCHU's Smoking By-Law enforcement position, Council has not extended the scope of the Smoking By-law on its own initiative, as of this date.

Staff have discussed with the PCCHU's enforcement person the possibility of banning smoking on City trails. At this point in time, the PCCHU sees little reason to introduce such a ban. Peterborough is already a leader in this province on outdoor smoking bans, and it would be more beneficial to work on improving what we have in place, rather than expanding the outdoor areas where smoking is banned. Given that the users of the trail are in motion, there is little opportunity for second hand smoke exposure.

Difficulty in Delineating the Prohibited Area

The Smoking By-law does not apply to any portion of a sidewalk located within a road allowance. The same would be true for a multi use trail. The City has multi-use trails located both inside and outside of the road allowance. Delineating the prohibited areas of those trails would be very difficult, if not impossible. In order for the By-Law to be effective and enforceable, it needs to be clear.

Enforcement

Under the current Smoking By-law, when the PCCHU enforcement person finds someone smoking at a sport field or a ball diamond, the first action is to educate the individual on the by-law and give the person the opportunity to comply. Enforcement of the Smoking By-law on the trail system would be difficult. A person using a multi-use trail will tend to be in motion. Unless the person is caught in the act by the enforcement officer, there is no opportunity for education or enforcement. With only one Smoking By-law enforcement person in the City, the ability to monitor the trails for By-law offenders is next to impossible.

Interdepartmental Trails Committee

The information provided above was shared with the City's Interdepartmental Trails Committee on October 10, 2012. The Committee is comprised of City Staff from the following divisions: Transportation, Planning, Legal, Recreation, Public Works, Engineering, and Policy and Logistics. The Committee recommends that the Smoking By-Law not be amended to ban smoking on City trails.

Submitted by,

Rob Anderson
Recreation Division Coordinator

Contact Name:

Rob Anderson

Phone: 705-742-7777 Ext. 1833

Toll Free: 1-855-738-3755

Fax: 705-748-8824

E-Mail: randerson@peterborough.ca