



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Cigarette Butt Litter Enforcement (PED18154) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kelly Barnett (905) 546-2424 Ext.1344
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting on May 9, 2018 City Council approved the General Issues Report 18-010, Item 2 directing staff as follows:

- (a) That staff be directed to investigate and identify potential funding sources, in the approximate amount of \$35,000, to develop an education campaign to address the littering of cigarette butts;
- (b) That staff be directed to investigate the feasibility, costs and other considerations of targeted enforcement measures to address cigarette butt litter and report back to the Planning Committee.

Information:

This Report provides information on the feasibility of addressing cigarette butt litter through enforcement.

Enforcement and Costs

Addressing cigarette butt litter on public property is a challenge in Hamilton and many other municipalities. Under the City's Yard Maintenance and Solid Waste Management By-laws cigarette butts are deemed to be litter and waste, and enforceable by Municipal Law Enforcement Officers (MLEO). However, loose litter has never been a priority and should Council choose to address cigarette butt littering through proactive enforcement consideration would need to be given to:

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- Re-prioritizing enforcement of Council's current enforcement priorities and re-assign existing MLEO; however, that would result in decreased levels of service in other areas of the City; or,
- Hire one to two additional MLEO for enforcement, each Officer would cost approximately \$82,675 (salary and benefits) as well as a one-time cost of \$30,000 for a vehicle.

In staff's opinion, short-term targeted enforcement will not alleviate the long-standing cigarette butt littering habit and enforcement would be challenging, as a MLEO must witness the violation and then obtain a valid ID from the violator, which citizens are not required to carry or produce. However, should Council decide on an enforcement program, staff would suggest focusing on high pedestrian traffic areas such as Business Improvement Areas. Currently Part 1 tickets ranging from \$95 - \$100 could be issued. However, amendments to The Administrative Penalty By-law 17-225 (APS) to include Yard Maintenance By-law 10-118 and the Solid Waste Management By-law 09-067 would help reduce staff time required in the Part I legal process and the congestion it could cause in the courts. Staff would also suggest the set fine for an APS ticket be set at \$50.

Public Education and Awareness

It must be noted that to date no funding source has been identified for an education campaign through the Public Works Department. Public Works staff is reviewing the economic and operational benefits of implementing a cigarette butt litter education campaign and are considering the requested funding as part of the 2019 budgetary process.

Public education and awareness campaigns are an important step when initiating new enforcement that may be controversial and would have a zero tolerance approach. There is a need to change the behaviour of a perceived "accepted practice" of smokers casually discarding cigarette butts onto the road allowance and staff believes that enforcement alone would not achieve that. An example of an extensive education campaign to bring awareness to all stakeholders and change behaviors was done by Public Health Services prior to enforcing Hamilton's Smoke-Free Outdoor Space By-law.

Other Municipalities

The problem of cigarette butt litter is not unique to Hamilton and other cities initiatives have included; public awareness campaigns, installation and maintenance of outdoor ashtrays in commercial districts, distributed personal pocket ashtrays for free to bring awareness that cigarette butts are litter, community clean up events, city resources for waste management efforts and enforcement.

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In 2016, the City of Toronto amended by-laws to require businesses to clean up butts from outside their premises. City Council approved amendments to Toronto Municipal Code, Chapter 545, Licensing:

- every person licensed or required to be licensed under this chapter shall maintain the public sidewalks, curbs and gutters surrounding his or her business, free from littered cigarette butts, cigar tips, electronic cigarettes and any waste disposal generated by his or her patrons;
- Every person licensed or required to be licensed under this chapter shall install and maintain temporary cigarette disposal containers or receptacles, in accordance with the following requirements:
 - (1) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway immediately adjacent to his or her business; and,
 - 2) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway during the business' operating hours and removed at the close of business, daily.

Conclusion

Staff believes to be successful in a long-term solution, a multi-faceted approach using various strategies starting with education, community involvement, waste management efforts, and possibly graduating to enforcement would be the best means in dealing with cigarette butt littering.

As this Report addresses cigarette butt litter, it is appropriate to be identified as complete and removed from the Planning Committee Outstanding Business List.

Appendices and Schedules

N/A

KL:KB:st