



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 18, 2018
<b>SUBJECT/REPORT NO:</b>	Cigarette Butt Litter Enforcement (PED18154(a)) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Kelly Barnett (905) 546-2424 Ext.1344
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**Council Direction:**

At its meeting on July 13, 2018, City Council approved Planning Committee Report 18-011, item (iv) directing staff as follows:

- (a) Report back regarding the feasibility of utilizing 10 to 20% of existing staff time respecting cigarette litter enforcement;
- (b) Any cost (cost recovery) elements are to be included in the report;
- (c) The report is also to include the statistical accounts of the enforcement success from the two Heath Department officials who enforced cigarette smoking on parks and recreational grounds.

**Information:**

Feasibility of Deploying Current Staff Time to Enforce Cigarette Butt Litter

Municipal Law Enforcement Officers (MLEO) are currently responsible for enforcing the following By-laws:

- |             |                |                    |                          |
|-------------|----------------|--------------------|--------------------------|
| Anti-Idling | Fence          | Adequate Heat      | Discharge of Firearms    |
| Noise       | Parks          | Illegal Dumping    | Yard Maintenance         |
| Streets     | Trees          | Snow and Ice       | Vacant Building Registry |
| Zoning      | Vital Services | Property Standards |                          |

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

The current workload in Municipal Law Enforcement (MLE) averages 21,000 calls for service a year with an average MLEO completing over 500 investigations. Pro-active work is also completed at Albion and Chedoke waterfalls outside of the summer months as well as the Pro-Active Property Standards Enforcement Team that monitors and inspects high risk rental properties.

The MLEO position provides for a 35 hour work week. Deploying 10% of two existing MLEOs amounts to 365 hours of staff time annually. Applying 20% of two Officers equates to 730 hours of staff time annually for this new level of service.

Although the staff time of two existing MLEOs may be redeployed to the enforcement of cigarette butt litter, the operational impact to remove Officers from their regular assigned duties will result in reduced MLE service levels for the enforcement of the above listed by-laws and will have an impact our the City's ability to respond in a timely manner to issues of other by-law violations.

### **Cost Recovery Model**

Following are the costs associated with enforcement by two MLEOs:

10% of 2 MLEOs = 7 hours per week  
Cost \$440 weekly, \$22,880 year

20% of 2 MLEOs = 14 hours per week  
Cost \$880 weekly, \$45,760 yearly

Currently, Part 1 Provincial Offence Notices (PON) ranging from \$95 to \$100 could be issued for offences under the Yard Maintenance or Solid Waste Management By-laws. Staff will include these offences in the Administrative Penalty By-law 17-225. This would prevent congestion in the courts and would streamline the system. A set fine of \$50 for the Administrative Penalty System (APS) would promote compliance.

The collection of fines to recover the costs associated with enforcement is problematic as funds are not always forth coming due to failure to pay the fines. Based on our preliminary findings, if payment was received for 50% of all fines, the following projected number of tickets is required for this enforcement action to be revenue neutral:

10% of time (7 hours of staff time) = 18 tickets weekly, 916 tickets yearly

20% of time (14 hours of staff time) = 36 tickets weekly, 1830 tickets yearly

Staff also does not recommend basing cost recovery on enforcement efforts because as compliance increases the revenue decreases.

**Public Health Tobacco Enforcement of By-law 11-080 Prohibiting Smoking within City Owned Parks and Recreation Property**

Three Tobacco Enforcement Officers (TEO) are appointed to enforce the City of Hamilton By-law 11-080, To Prohibit Smoking within City Parks and Recreation Properties. Public Health Services' TEO are 100% funded by the Ministry of Health and Long-Term Care staff response under the Smoke-Free Ontario Strategy.

TEO's response is mainly complaint-driven with pro-active surveillance and enforcement occurring based on prior enforcement history and operating assumptions (i.e. pedestrian traffic at festivals and events). The total full-time equivalent (FTE) enforcement in 2016 was approximately 0.1 per TEO and in 2017 approximately 0.09 per TEO. Following are the enforcement efforts from 2012-2017.

	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Inspections</b>		30	56	56	73	60
<b>Warnings</b>	334	179	68	48	25	45
<b>Charges</b>	0	19	56	42	48	25

By-law 11-080 was implemented in 2011 with a one-year provision to provide education and warnings to the public regarding the upcoming enforcement for smoking within City owned parks and recreation property. The comprehensive education campaign involved working with internal and external stakeholders including various sports associations and event organizers to ensure wide targeted messaging. A variety of paid and free marketing, communication channels and products were utilized throughout the campaign and continue to a lesser degree today. The cost of the education/awareness campaign was approximately \$100,000 (one-time funding) through the Ministry of Health and Long-Term Care to support a By-law Communication and Public Education Campaign.

Public Health Services attributes the low amount of PONs issued over the years as a direct result of the initial and on-going public awareness/education including signage that was posted in parks and the continued media attention of new smoking regulations. An evaluation of By-law 11-080 was conducted by Public Health Services in partnership with the University of Waterloo Propel Centre for Population Impact in 2013. Key findings of the evaluation concluded that best results were attained from the high public awareness of the By-law.

Conclusion

Staff believe a similar strategy to the one implemented by Public Health would result in more voluntary compliance by changing behaviours of smokers discarding cigarette butts and would be more sustainable than hard-targeted enforcement efforts. Educations and volunteer compliance with more waste management efforts with better collection receptacles would be recommended before strict aggressive enforcement efforts.

If Council decides that the enforcement of cigarette butt litter is a priority, staff could aggressively and pro-actively enforce this By-law, however without additional resources there will be an impact on other services and MLE's ability to respond in a timely manner. A reprioritization of the current workload would be necessary to fulfil Council's directions.

A third option would be to create a one-year pilot project for two part-time Officers (1 FTE), funded by Tax Stabilization, to determine the viability and effectiveness of targeted enforcement. The cost for this pilot would be approximately \$96,000.

A forth and less aggressive option would be to consider a Student Ambassador Program that would work the cigarette hot spots to educate and assist in the cleaning of the streets. The program based out of Public Works would have a positive impact on cigarette butt litter.

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

**Appendices and Schedules**

N/A

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