Minutes - Executive Policy Committee - May 21, 2003

Report - Standing Policy Committee on Protection and Community Services - July 8, 2002

Minute No. 255
Item No. 1 Prohibiting the Use of Wild and Exotic Animals from Entertainment Events within the City of Winnipeg
File EL-10 (Vol. 3)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services, as amended, and submits the following to Council:

1. That By-law No. 3389/83 be amended to include exotic animals, including elephants, whales, dolphins, seals, sea lions, walruses, penguins, among others, that are not typical of domestic or exotic agricultural domestic animal stock.

2. That the use of exotic and wild animals as performing acts be prohibited within the City of Winnipeg.

3. That the current exemptions to By-law No. 3389/83 relating to:

   - The Assiniboine Park Zoo
   - The Manitoba Museum of Man and Nature
   - The University of Manitoba
   - The University of Winnipeg
   - The Health Sciences Centre
   - and all schools to which the Public Schools Act applies, be retained.

4. That the following exemptions be added to By-law No. 3389/83:

   - educational facilities and agricultural displays, including the Fort Whyte Centre
   - exhibitions or performances in which individuals ride horses or ponies
   - displays or showings of animals in agricultural fairs, exhibitions, or pet shows
   - horse races
   - rodeos
   - use of animals in media or film productions
   - Red River Exhibition Park (for agricultural and educational purposes only).

Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending By-law to By-law No. 3389/83 for consideration by Council with the intent of implementing said amending By-law, effective January 1, 2004.

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

Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

That the recommendation of the Standing Policy Committee on Protection and Community Services be concurred in as amended, namely, by deleting the year "2003" in line 3 of Recommendation 5 and substituting therefore the year "2004", and forwarded to Council.

Carried

Councillors Angus, Clement and Eadie asked to be recorded as having voted against the above motion in accordance with Rule 50.7 of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2002, the Executive Policy Committee referred back Clause 1 of the Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002, to the Chief Administrative Officer for additional information.

On September 4, 2002, the Executive Policy Committee laid over consideration of Clause 1 of the Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002, to its meeting scheduled for September 18, 2002.

On July 10, 2002, the Executive Policy Committee laid over consideration of Clause 1 of the Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002, to a special meeting, and requested the Chief Administrative Officer to report back to Committee on what Provincial Legislation governs the City with respect to prohibiting the use of wild and exotic animals from entertainment events, provide a legal perspective on the City's draft by-law; and invite representatives from the Zoo staff to the special meeting to discuss the matter.

Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2002, the Standing Policy Committee on Protection and Community Services recommended to Executive Policy Committee and Council:

1. That By-law No. 3389/83 be amended to include exotic animals, including elephants, whales, dolphins, seals, sea lions, walruses, penguins, among others, that are not typical of domestic or exotic agricultural domestic animal stock.

2. That the use of exotic and wild animals as performing acts be prohibited within the City of Winnipeg.

3. That the current exemptions to By-law No. 3389/83 relating to:

   - The Assiniboine Park Zoo
   - The Manitoba Museum of Man and Nature
   - The University of Manitoba
   - The University of Winnipeg
   - The Health Sciences Centre
   - and all schools to which the Public Schools Act applies,

   be retained.

4. That the following exemptions be added to By-law No. 3389/83:

   - educational facilities and agricultural displays, including the Fort Whyte Centre
   - exhibitions or performances in which individuals ride horses or ponies
   - displays or showings of animals in agricultural fairs, exhibitions, or pet shows
   - horse races
   - rodeos
   - use of animals in media or film productions
   - Red River Exhibition Park (for agricultural and educational purposes only).

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending By-law to By-law No. 3389/83 for consideration by Council with the intent of implementing said amending By-law, effective January 1, 2003.

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

Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On November 5, 2001, the Standing Policy Committee on Protection and Community Services requested the Administration and the City Solicitor/Manager of Legal Services to prepare the necessary amending by-law to prohibit the use of exotic and wild animals as performing acts within the City of Winnipeg and to report back to the Standing Policy Committee thereon.

In 1983, the City passed By-law No. 3389/83 which prevents the keeping or harbouring of certain animals within the city limits, including venomous reptiles, certain snakes and lizards, crocodiles, non-human primates and all carnivorous animals (eg. lions, tigers, etc.) except for domestic dogs and cats. The by-law also prevents the keeping of horses, cattle, hogs, goats, sheep and poultry except where the applicable zoning by-law permits them to be kept.

By-law No. 3389/83, however, exempts traveling shows such as circuses or other like shows, the Assiniboine Park Zoo, the Manitoba Museum of Man and Nature, the University of Manitoba, the University of Winnipeg, the Health Sciences Centre, and any school to which the Public Schools Act applies.

In order to implement the Standing Policy Committee's recommendation, it is proposed that By-law No. 3389/83 would be amended to expand the list of prohibited animals to include elephants, whales, dolphins, seals, sea lions, walruses, penguins, llamas, alpacas and ostriches amongst others. This option was determined to be more effective than the alternative of attempting to define exactly what was meant by "performing acts" or "educational acts" which would present difficulties in enforcement.

The exemption for traveling shows, such as circuses, would be removed from By-law No. 3389/83 and the current exemptions relating to the Assiniboine Park Zoo, the Manitoba Museum of Man and Nature, the Health Sciences Centre, the University of Manitoba, the University of Winnipeg and all schools to which the Public Schools Act applies would be retained.

Under these amendments, circuses or like shows would no longer be able to include performing animal acts. The Community Services Department notes that, with that restriction, circuses such as the Shrine Circus may move their shows out of Winnipeg, with a potential negative impact on Winnipeg's tourism economy.

The by-law may also potentially affect existing animal educational organizations.

Report - Standing Policy Committee on Protection and Community Services - July 8, 2002

On July 8, 2002, the Standing Policy Committee on Protection and Community Services heard representation from sixteen (16) persons in support of prohibiting the use of wild and exotic animals from entertainment events within the City of Winnipeg, and six (6) persons in opposition thereto.

The Standing Policy Committee on Protection and Community Services also considered the following issues, namely:

1. Whether the current exemptions relating to the Assiniboine Park Zoo, the Manitoba Museum of Man and Nature, the Health Sciences Centre, the University of Manitoba, the University of Winnipeg and all schools to which the Public Schools Act applies should remain in the by-law.

2. Whether the following exemptions should be added to the by-law:

    - Exhibitions or performances in which individuals ride horses or ponies
    - Displays or showings of animals in agricultural fairs, exhibitions, or pet shows
    - Horse races
    - Rodeos
    - The use of animals in media or film productions

3. A proposal that any by-law amendments would come into effect on January 1, 2003. This would allow affected organizations and community groups some lead time to pursue alternative entertainment options. The Standing Policy Committee also noted that the Community Services Department notes that the by-law amendments may affect some organizations if they have entered into contracts for 2003 involving animal acts.

With respect to the financial impact on the City of Winnipeg, the Community Services Department Controller has reviewed this matter and indicates that there are no financial implications.

Report - Standing Policy Committee on Protection and Community Services - July 8, 2002

The Standing Policy Committee on Protection and Community Services therefore recommends:

I. That By-law No. 3389/83 be amended to include exotic animals, including elephants, whales, dolphins, seals, sea lions, walruses, penguins, among others, that are not typical of domestic or exotic agricultural domestic animal stock.

II. That the use of exotic and wild animals as performing acts be prohibited within the City of Winnipeg.

III. That the current exemptions to By-law No. 3389/83 relating to:

- The Assiniboine Park Zoo
- The Manitoba Museum of Man and Nature
- The University of Manitoba
- The University of Winnipeg
- The Health Sciences Centre
- and all schools to which the Public Schools Act applies,

be retained.

IV. That the following exemptions be added to By-law No. 3389/83:

-educational facilities and agricultural displays, including the Fort Whyte Centre
-exhibitions or performances in which individuals ride horses or ponies
-displays or showings of animals in agricultural fairs, exhibitions, or pet shows
-horse races
-rodeos
-use of animals in media or film productions
-Red River Exhibition Park (for agricultural and educational purposes only).

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending By-law to By-law No. 3389/83 for consideration by Council with the intent of implementing said amending By-law, effective January 1, 2003.

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