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

Minute No. 427
Item No. 1 Prohibiting the Use of Wild and Exotic Animals from Entertainment Events within the City of Winnipeg
File EL-10 (Vol. 3)

COUNCIL DECISION:

Council did not concur with the recommendation of the Standing Policy Committee on Protection and Community Services.

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 adopted.

Moved by Councillor Vandal,
That the matter be referred back to the Standing Policy Committee on Protection and Community Services for further review and discussion.

The motion to refer the item was put.

Councillor Clement called for the yeas and nays which were as follows:-

Yea: Councillors Pagtakhan, Smith, Steeves and Vandal. 4

Nay: His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Steek, Deputy Mayor Thomas, Wyatt, Lazarenko and O'Shaughnessy. 12

and the motion for referral was declared lost.

The motion for adoption of the item was put.

Councillor Wyatt called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Murray, Councillors Gerbasi, Lubosch, Smith, and Deputy Mayor Thomas. 5

Nay: Councillors Eadie, Angus, Clement, De Smedt, Pagtakhan, Steek, Steeves, Vandal, Wyatt, Lazarenko and O'Shaughnessy 11

and the motion for adoption of the item was declared lost.

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

DECISION MAKING HISTORY (continued)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services, as amended, namely, by deleting the word “2003” in line 3 of Recommendation 5 and substituting therefore the word “2004” and submitted the matter to Council.

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.

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2002, the Standing Policy Committee on Protection and Community Services considered an administrative report dated June 18, 2002, from the City Solicitor/Manager of Legal Services and 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.

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

DECISION MAKING HISTORY (continued):

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.

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.

Re: PROHIBITING THE USE OF WILD AND EXOTIC ANIMALS FROM ENTERTAINMENT EVENTS WITHIN THE CITY OF WINNIPEG

For submission to: Standing Policy Committee on Protection and Community Services

Submitted by: City Solicitor/ Manager of Legal Services

Report date: June 18, 2002

Recommendation: That the Standing Policy Committee on Protection and Community Services receive this report and provide direction as requested.

Report Summary

Key Issues:

- As instructed by the Standing Policy Committee on Protection and Community Services, a by-law has been prepared which would prohibit the use of exotic and wild animals as performing acts within the City of Winnipeg

- Direction is required regarding several matters in order to finalize the by-law, including its effective date and the possible exemption of certain activities and events

Implications of the Recommendation(s):

General Implications

None

For the organization overall and/or for other departments

X For the community and/or organizations external to the City of Winnipeg

ð Involves a multi-year contract

Comment:

Policy implications

No

X Yes

Comment:

Financial Implications

X Within approved current and/or capital budget

ð Current and/or capital budget adjustment required

There are no financial implications associated with this report. Community Services advises that there is no anticipated increase in civic resources required in order to enforce this by-law.

Report

Recommendation:

That the Standing Policy Committee on Protection and Community Services consider this report and provide direction as requested.

Reason for the Report:

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 and to report back to the Committee.

History:

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.

The by-law, however, exempts traveling shows such as circuses or other like shows, the Assiniboine Park Zoo, the Manitoba Museum of Man and Nature and the University of Manitoba.

Discussion:

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.

The current exemptions relating to 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. Community Services 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.

The following issues require direction from the Standing Policy Committee:

1. Confirmation that the current exemptions relating to 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. It is suggested that the following exemptions be added:

    - 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. It is proposed that the 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. Community Services further notes that the by-law amendments may affect some organizations if they have entered into contracts for 2003 involving animal acts.

Financial Impact:

The Community Services Controller has reviewed this report and indicates that there are no financial implications.

In preparing this report there was consultation and concurrence with the Community Services Department.

This Report Submitted By:

Department: Corporate Services
Division: Legal Services
Prepared by: Doug Buhr
File No. PR.3.4