Minutes – Executive Policy Committee – May 18, 2022

REPORTS

Item No. 22 On-Leash and Off-Leash Areas of Little Mountain Park and Park By-Law Enforcement in Parks Located in Rural Municipalities

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks:

1. That the Winnipeg Public Service be directed to work with the Rural Municipality of Rosser to request private property rights to enforce City of Winnipeg By-laws within the boundaries of Little Mountain Park.

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Protection, Community Services and Parks be concurred in.

Yea:	Bowman, Allard, Browaty, Chambers, Gilroy, Rollins	6
Nay:		0

Carried

STANDING COMMITTEE DECISION:

On May 6, 2022, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service, as amended, and approved:

1. That the report of the Winnipeg Public Service be received as information.

2. That the Winnipeg Public Service be directed to continue to monitor and communicate with off-leash dog groups of the City of Winnipeg.

STANDING COMMITTEE RECOMMENDATION:

Further on May 6, 2022, the Standing Policy Committee on Protection, Community Services and Parks recommended to the Executive Policy Committee that the Winnipeg Public Service be directed to work with the Rural Municipality of Rosser to request private property rights to enforce City of Winnipeg By-laws within the boundaries of Little Mountain Park.

ADMINISTRATIVE REPORT

Title: On-Leash and Off-Leash Areas of Little Mountain Park and Park By-Law Enforcement in Parks Located in Rural Municipalities

Critical Path: Standing Policy Committee on Protection, Community Services and Parks

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Domke	J. Berezowsky	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

Three major City-owned parks are located within other rural municipalities: La Barriere Park (RM of MacDonald), Little Mountain Park (RM of Rosser) and John Blumberg Recreation Area (RM of Headingley). In late 2021, Standing Policy Committee on Protection, Community Services and Parks directed the Public Service to report back on the following:

- The costs of increasing signage regarding on-leash requirements within such parks with identified 'problem' areas.
- The feasibility of enforcing the Responsible Pet Ownership By-law (92/2013) in all three parks.
- Installing a physical barrier between on- and off-leash areas at Little Mountain Park.

The Public Service has determined it is appropriate to add three additional signs at the south end of La Barriere Park, and is reiterating that the Responsible Pet Ownership By-law (92/2013) (RPO) cannot be enforced in Parks outside of Winnipeg's boundaries unless an agreement is reached with the surrounding Rural Municipalities. A fence estimated at $200,000 (Class 5) is required to provide a clear division of the off-leash park at Little Mountain Park.

RECOMMENDATIONS

That this report be received as information.

REASON FOR THE REPORT

On March 10, 2021, the Standing Policy Committee on Protection, Community Services and Parks directed the Winnipeg Public Service to report back on the following:

1. The associated costs of installing additional signage where problem areas have been identified in Little Mountain Park and La Barriere Park.

2. The enforcement of rules and applicable by-laws in Little Mountain Park and How it can be made clear that there is a division of usage in Little Mountain Park.

IMPLICATIONS OF THE RECOMMENDATIONS

As this report is to be received as information, there are no direct financial implications of the recommendations. The cost for additional dog park signage at La Barriere Park is minimal, and will be absorbed in the operating budget.

An agreement is required between the City of Winnipeg and the respective Rural Municipalities (RMs) if the City of Winnipeg is to enforce the RPO outside the City of Winnipeg's boundaries. The Public Service is willing to absorb any additional enforcement costs (through Animal Services' operating budget) at La Barriere Park, Little Mountain Park, and John Blumberg Recreation Area, should Council wish to direct the Public Service to negotiate enforcement and an agreement can be reached.

The Class 5 estimate for a fence delineating the off-leash dog park area at Little Mountain Park is $200,000; this would require referral to the 2023 Capital Budget process.

HISTORY/DISCUSSION

The City of Winnipeg owns three parks which are located in adjacent rural municipalities. La Barriere Park is located in the RM of MacDonald, Little Mountain Park is located in the RM of Rosser, and John Blumberg Recreation Area is located in the RM of Headingley.

Installing on/off-leash signage

The Public Service reviewed complaints from La Barriere Park. It was determined that three additional "Dog on Leash" signs are warranted at the south end of La Barriere Park for an estimated total cost of approximately $375. These signs will be installed and the cost absorbed into the Public Works operating budget.

Enforcement of By-laws

The Responsible Pet Ownership By-Law (92/2013) (RPO) governs dogs' and owners' behavior in off-leash park areas, their licensing, and related fines, Section 4(5) addresses dogs in off-leash areas:

4(5) When the dog is in an off-leash area, the owner of a dog must

a) be present and have the dog within view at all times;
b) ensure that the dog is not in heat and that it does not act in a dangerous or aggressive manner towards humans or other dogs;
c) remove the dog from the off-leash area immediately if the dog is in heat or acts in a dangerous or aggressive manner towards humans or other dogs;
d) ensure that the dog comes when called;
e) have a leash available to restrain the dog if needed;
f) remedy any harm caused by the dog, including filling in holes dug by the dog; and By-Law No. 92/2013 7
g) immediately remove and properly dispose of any excrement left by the dog.

While the Public Service was directed to report back solely on enforcement capabilities at Little Mountain Park, it was determined that enforcement challenges exist at all three parks in question.

Unfortunately, this by-law cannot be enforced outside the City of Winnipeg, regardless of who owns the property on which infractions occur. Section 207 of the City of Winnipeg Charter Act S.M. 2002, c. 39 (the "Charter") states that "*land owned by the City that is in another municipality will be subject to the jurisdiction of the other municipality unless the City and the other municipality otherwise agree*." As a result, City of Winnipeg By-Law officers cannot enforce this by-law at Little Mountain Park nor the other parks outside City limits.

Presently, the City can only enforce common law and statutory remedies including the *Petty Trespasses Act C.C.S.M. c. P50* outside the City limits. Unfortunately, these remedies do not provide an effective tool for enforcing compliance with off-leash areas.

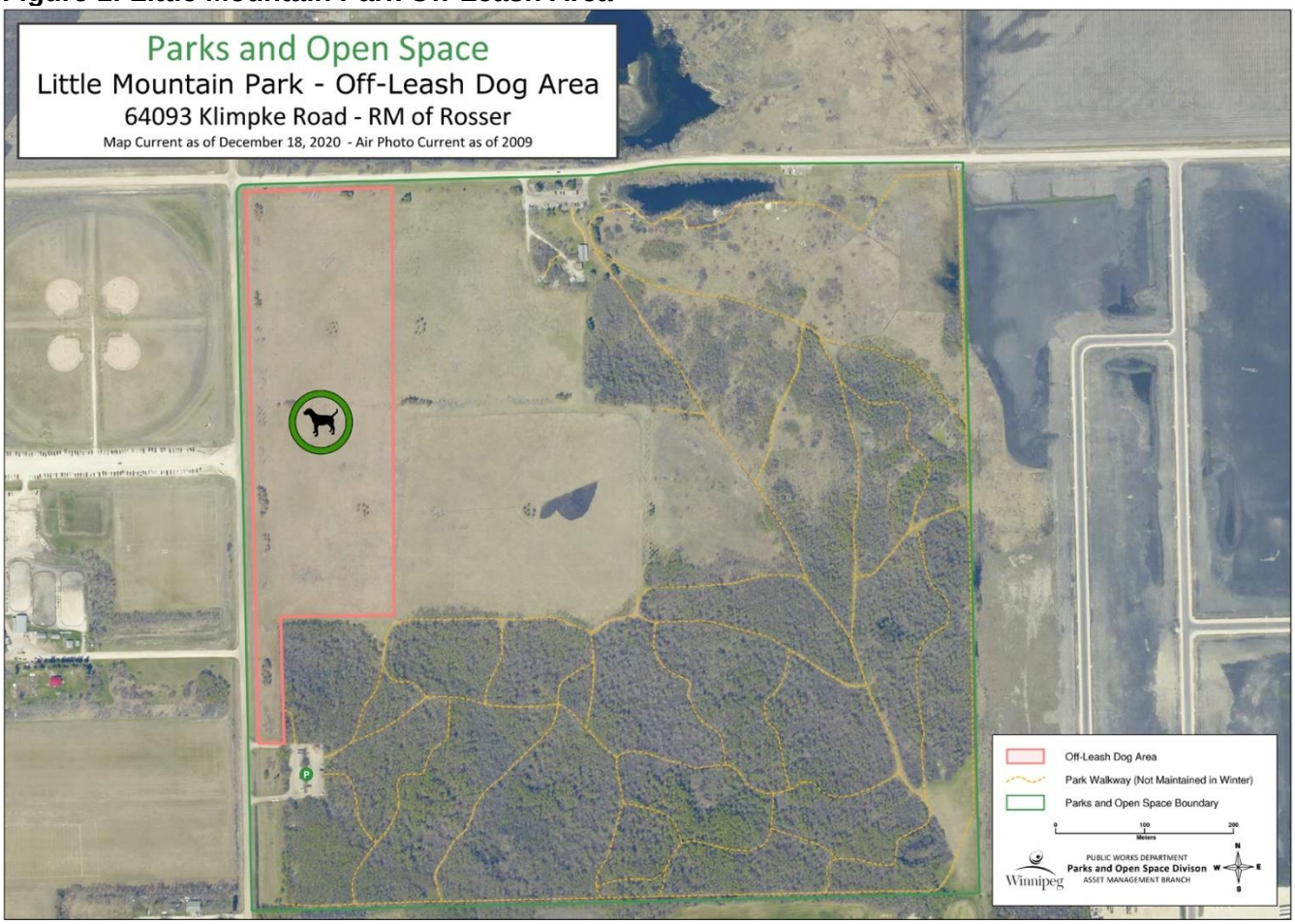
The best solution to resolve this matter is for the City and the RMs to come to an agreement that would allow the City to allow the RPO to be enforced outside of the City's boundaries. Ultimately, direction from Council is required to undertake this agreement.

Fencing at Little Mountain Park

The present boundaries of the dog park at Little Mountain Park are depicted in Figure 1, below, and are currently delineated solely by a series of signage. Off-leash dogs are commonly found in on-leash areas in this park, which poses a potential safety hazard to users and other dogs.

The Public Service has determined that a fence would have to be installed to properly mark the off-leash dog area; a Class 5 estimate for the fence is $200,000. The addition of secure fencing around the off-leash dog area would align with the recommendations made in the Off-Leash Area Master Plan. It should be noted, however, that it is expected existing stakeholders at Little Mountain Park would strongly disagree with both fencing and any future enforcement of City of Winnipeg bylaws at this location.

Figure 1: Little Mountain Park Off-Leash Area



Source: https://www.winnipeg.ca/publicworks/parksOpenSpace/OffLeashDogParks/locations.stm

FINANCIAL IMPACT

Financial Impact Statement

Date: April 5, 2022

Project Name:

First Year of Program **2022**

On-Leash and Off-Leash Areas of Little Mountain Park and Park By-Law Enforcement in Parks Located in Rural Municipalities.

	2022	2023	2024	2025	2026
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 375	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery		-	-	-	-
Net Cost/(Benefit)	$ 375	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	375	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Direct costs of $375.00 represent the estimated cost to supply and install 3 additional "Dog on Leash" signs as identified in the report, these costs will be accommodated within the Public Works operating budget. The class 5 estimate of $200,000.00 for fencing at Little Mountain Park is not captured in the Financial Impact Statement as there is no identified budget allocated to be utilized for the installation.

"signed by J. Ruby, CPA, CA"

J. Ruby, CPA, CA
Manager of Finance and Administration

CONSULTATION

This Report has been prepared in consultation with:

- Animal Services
- Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

4.14 Community Safety

- Enforce animal control and promote animal welfare standards awareness, to enable responsible pet ownership and safe interaction in the urban environment

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Public Works
Division: Parks and Open Space
Prepared by: K. Lucyk/D. Domke
Date: April 5, 2022