Type of Decision									
Meeting Date	Friday, September 26, 2014				Report Date	Tuesday, September-23-14			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

#26/09/14/1201 – Municipal Property Use Review

Subject:

Review of the useage policy/by-law for Old Mackey, LaCroix and then Chapman Park.

RECOMMENDATION:

That the attached By-law be analyzed and debated providing direction to staff to finalize at a subsequent meeting for adoption by Council.

Council needs to provide direction, once more specific policy direction is provided a complete by-law with list of offences and suggested fines based on other similarly sized municipalities will be created for further review.

Draft by-law attached.

BACKGROUND/EXECUTIVE SUMMARY:

Staff have been asked to review the park use by-law. The following has been presented for review and discussion. Direction is required to enable staff to finalize this by-law. There are many options council could consider. The following is offered to begin the debate.

Part 1 - Animals

A by-law restricting dogs on municipal property cannot be located other than notation that by-law #168 being a by-law for the control of dogs and cats was passed 11/07/72. Unfortunately, a copy of that by-law could not be located so we do not have the benefit of its review.

Old Mackey Park has signs which indicate that dogs are not allowed in the park. Again without the original by-law, we cannot be certain what the intent was. Was there a challenge with dogs harassing swimmers? Were people not cleaning up after their pets? Would responsible visits with pets not be allowed? A lot has changed in 40 years since this by-law was passed.

One suggestion is that dogs be allowed, on leash and with responsible ownership. There could be a limit to the areas where dogs are allowed in municipal parks. At OMP perhaps only in the area to the south of the roadway, between the road and the swings, over near the boat launch area? Is LaCroix park currently restricted? It is also the boat launch; are dogs allowed at the boat launches?

Often Old Mackey park is empty. People routinely bring their dogs. The by-law is difficult to enforce with one enforcement officer, 5 areas to police and nearly 70 km between them.

It is suggested that respectful use be allowed and requested.

Part 2 – Overnight Camping or Parking

By-law 99-10, a copy of which is attached for your review, basically deals with preventing overnight camping or parking at the parks, boat launches and other public areas within the municipality.

It is not clear why overnight parking is not allowed at boat launches or parks. It would be assumed that it was to curb litter and unwanted behaviour; whatever that might be, perhaps drinking in public places.

As to the boat launches, it is unclear why you cannot launch a boat and park at the launch for a couple of nights while you stay out on the river? For emergency purposes access might be an issue but what would those emergencies potentially be?

Is it to encourage people to camp at a local campground instead? Parking and sleeping in your car because you are too tired to travel, or because you are in late from the river is completely different than setting up a camp site. The OPP routinely visit the park, boat launches and other public areas to deter illegal use.

Part 3 – Fires

There is no express by-law dedicated to limiting the use of campfires at OMP or other municipal parks. It would seem that the only reference would be By-Law 2006-10 which is a by-law to regulate open air burning and 2012-20 which relates to Municipal Fire Bans.

The open air by-law allows for small fires. Section 6 states… "*Notwithstanding the provisions of Section 1 hereof, open air fires may be set when such burning consists of small confined fires, supervised at all times, which are used to cook food on a grill or barbeque, or are used for personal warmth; except during fire ban periods.*"

This clause does not expressly prevent fires at our parks. Aside from during a declared fire ban, people are allowed to light small fires for warmth and/or food on their own property.

It is believed that the prevention of fires at OMP was to deter bonfires and drinking in a public park. Council could consider creating a fire pit in a designated area and allowing small fires.

A copy of the by-laws have been included for your reference.

Council needs to consider whether or not it would like a list of fines to go with the offences. In order to be able to lay charges, the fines would need to be reviewed by the Provincial Offences Court. Those attached are listed for your consideration and will be further developed upon direction of Council. Once reviewed by Council, they will need to be sent to the court for approval prior to being implemented.

Options/Discussion:

Options are numerous. The suggestions are simply some options and are open to amendment for further discussion. The amounts of fines may be altered. Fines may be eliminated altogether with simple signage and an inherent desire of people to follow the rules acting as enforcement.

Dogs/pets may continue to be banned entirely at all parks.

The parking decision needs to be considered and debated with direction provided to staff to modify this by-law which is being presented for first reading.

The issue of fires may also be debated. Perhaps a proper fire pit could be created and small fires allowed? A continued ban may be the desired route.

Financial Considerations/Budget Impact:

There are no financial implications with the existing by-law. The by-law is difficult to enforce and has no monetary fines associated with it.

A new list of set fines would provide revenue for the municipality but would also cost additional staff time in processing fines up to and including potential appearance in court.

Policy Impact:

This is a policy that's review is long overdue. It is up to Council to review policy/by-law and amend as it deems necessary. Control of municipal property is under the purview of Council. Parking, animals and fires all fall within Council authority.

Others Consulted:

Existing by-laws.

Approved and Recommended by the Clerk
Melinda Reith, Municipal Clerk