

Overview:

At the Council meeting held on May 5th, 2020, Council received a petition requesting that fishing be banned at the Crowe's and McCracken's Landing Wharfs. In response to the Petition please see the Resolution passed by Council:

Resolution Number 168-2020

Moved by: Councillor Landsmann

Seconded by: Deputy Mayor Moher

That the petition, dated April 19, 2020, regarding the request to ban fishing at the Crowes' and McCracken Landing Wharves be received and that staff be requested to further investigate this matter. Carried

In 2018 signage was posted at both Landings to prohibit the use of the landings for fishing between 11:00 p.m. and 7:00 a.m. Along with the signage a local security company was hired to attend the Landings on an as needed basis to address the issue of illegal parking and portable toilets were made available at both locations.

2019 saw a reduction in complaints but complaints were brought to Council's attention towards the end of the summer.

The petition that is before Council is requesting a total ban of fishing from the two landings. In seeking to investigate this issue further as per Council's Resolution, staff reached out to the Ministry of Natural Resources and Forestry (MNRF), the Ontario Federation of Anglers and Hunters, the Ontario Provincial Police and our legal counsel.

Staff from the Ministry of Natural Resources and Forestry state that "the Ministry does not support or encourage the use of the *Trespass to Property Act*, municipal by-laws or other measures to restrict access to public fisheries". They further go on to say that while the *Trespass to Property Act* can be used to prohibit access to the property for the purpose of fishing it would not stop fishing in the vicinity of the wharfs that is done from the water. Further enforcement of this type of restriction would be a workload for the MNRF, local police and potentially municipal by-law staff. They finish by stating that they hope an acceptable solution can be found to allow fishing while encouraging responsible behaviour by the angling community.

When issues with fishing arose in 2017-2018, staff reached out to the Federation of Anglers and Hunters for suggestions on how best to address complaints regarding fishing. Township staff again reached out to them on this issue. The OFAH is very much against a ban on fishing in these locations or any others in Ontario. They recommend the creation of a working group to address the issue and create targeted plans. They have seen success with this method in other locations. Further, they point to the negative socio-economic impacts that a ban would have on the community and the

visitors. "It punishes the masses for the behaviour of a few, and we believe there to be a balance that can be reached without taking these drastic measures..."

If a ban were to be put in place, it would increase calls for service to our local police force. To enforce the ban it is estimated that calls for service would be approximately 3.3 hours of service and that could generate overtime if the offence had to be taken to court. The OPP do not have a position on fishing bans but they do see a rise in service calls in locations where they are present. At this time the Township of Douro-Dummer Police Service Board have not been consulted.

In speaking to our legal counsel, they provide caution regarding the enforcement issues that may arise from "no fishing" restrictions whether they come from a Council Resolution or a Trespass By-law. They note that to enforce a ban under the *Trespass to Property Act*, the Township would need a Trespass By-law which delegates authority to persons who may be issuing the trespass notices. Another option is to pass a Nuisance By-law that limits certain behaviours but it would have similar enforcement issues to a no fishing Resolution or a Trespass By-law.

Conclusion:

While it is legally possible to ban fishing from the wharfs from the information that has been received at this time, there may be other less drastic measures that may be put in place to control and reduce nuisance behaviour that is impacting residents who live near the wharfs, including increased signage, education campaigns, enforcement blitz, and increased parking enforcement by our third-party firm.

Further, before the introduction of a ban it would be pertinent to solicit comments from the Police Services Board regarding enforcement, service levels and calls for service. If it was Council's desire to investigate the implementation of a ban or of further restrictions to fishing activities, it would be recommended that consultation be done with rate payers and users of the wharfs, this could be achieved through the creation of a working group on fishing issues. The working group could spearhead a community consultation through online surveys and alternative format public meetings.

Recommendation:

That the C.A.O.-2020-18 report, dated May 11, 2020 regarding Petition to Ban Fishing at Crowe's Landing and McCracken's Landing Wharfs be received and that Council provide direction on how they wish to proceed.

Financial Impact: Unknown at this time. If a ban were to be put in place the following costs are anticipated to be incurred: legal fees, increased call for service fees, signage, education materials, possible enforcement litigation. Some of these costs may also be incurred if a working group were to be put in place.

Strategic Plan Applicability:

To develop and/or assist with the development and delivery of social and recreational programs as well as effectively maintaining and updating recreational facilities to promote healthy lifestyles and meet the broad range of community needs.

Sustainability Plan Applicability:

We will make wise use of our water to enhance its quality and quantity, ensuring that future generations will be able to use our water to drink, fish, and swim.