



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: May 24, 2016

Subject: Report PLPD16-003
Source Protection Waterfowl By-law

Purpose

To enact a by-law, in accordance with Source Water Protection Planning Policies, that would prohibit the feeding of waterfowl at municipally owned parks located in proximity to the source of municipal drinking water particularly within Intake Protection Zones 1 and 2.

Recommendation

That Council approve the recommendation outlined in Report PLPD16-003 dated May 24, 2016, of the Manager, Planning Division, as follows:

That Council approve the By-law attached as Exhibit A to Report PLPD16-003 to prohibit the feeding of waterfowl on City property located within the Intake Protection Zones illustrated on Exhibit B, as required by the Trent Source Protection Plan.

Budget and Financial Implications

Costs associated with the implementation of the recommendation as described will include the establishment and maintenance of 4 to 5 signs to be posted within parklands. The signs would inform the public of the by-law prohibiting the feeding of waterfowl in proximity to a municipal drinking water intake and cite the by-law. The by-law would be enforced by the Peterborough Utility Commission as managers of the property affected by the by-law.

Background

To protect the City of Peterborough's source of drinking water it is necessary to follow through with implementing policies described in the Trent Source Protection Plan in accordance with the *Clean Water Act* and *Municipal Act, 2001*. The Trent Source Protection Plan, which has been in effect since January 1, 2015, contains policies that should be implemented on a timely basis (2016). One such policy was implemented by Council last year by passing the Septic System by-law. Another is the proposal in this report to pass a by-law that would prohibit the feeding of waterfowl congregating on maintained, city parkland, located within vulnerable areas adjacent to the intake of municipal drinking water.

Analysis

Significant Threats to Drinking Water

The City of Peterborough owns park land managed by the Peterborough Utilities Services Inc. (PUSI) as open areas of mown grass for recreational activities. Groomed lawns promote the congregation of waterfowl in proximity to the drinking water intake located at the Peterborough Zoo. The Source Protection Plan identifies waterfowl congregating in proximity to the source of a municipality's drinking water as a "local drinking water threat". The threat is from the potential for contamination of surface water by pathogens carried by waterfowl.

Threats to drinking water are activities that pose a risk to the quality of water that is used as a source of drinking water. Risk to drinking water sources is assessed on the basis of the nature of the activity and its proximity to the source of drinking water, which, in the case of surface water sources, is described by Intake Protection Zones (IPZ). The congregation of waterfowl is considered to be a significant threat when located within the IPZ 1 and 2. The IPZ1 and 2 are illustrated on the Map attached to this report (PLPD16-038) as Exhibit A.

The parkland area associated with the Riverview Park and Zoo is City owned. As such it is the primary parcel of land affected by the by-law. Because the PUSI operates the Riverview Park and Zoo, its staff are well positioned and have agreed to enforce the Waterfowl By-law. PUSI also has the responsibility to provide clean drinking water to Peterborough's residents by operating the water treatment plant located on the property.

Waterfowl Congregation

The Trent Source Protection Plan contains the following policy statements to address the potential contamination from waterfowl as a local threat and identifies the municipality as the implementing Body:

- i) Development of a management plan to reduce the presence of waterfowl on properties owned by the municipality. The plan may include site alteration to reduce the attractiveness of the property to waterfowl such as shoreline modification including landscaping, planting and physical barriers.
- ii) Post signage in areas frequently used by the public to feed waterfowl.
- iii) Establish a by-law to prohibit the feeding of waterfowl at municipally owned parks.
- iv) Report to the Otonabee Peterborough Source Protection Authority on actions taken toward implementation of policies of the Source Protection Plan regarding local threats.

As of 2016, it is mandatory for municipalities to protect the source of drinking water from local drinking water threats as described. To implement the Source Protection Policy regarding the congregation of waterfowl on municipal property in relation to drinking water intake, it is recommended that Council pass the by-law attached as Exhibit "B" prohibiting the feeding of waterfowl within a public parkland, and direct Staff to have signs posted to educate the public of the reasons for the prohibition citing the by-law. The parkland associated with the Riverview Park and Zoo is the only municipal land affected by the proposed by-law at this time.

Submitted by,

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Manager, Planning Division

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Concurred with,

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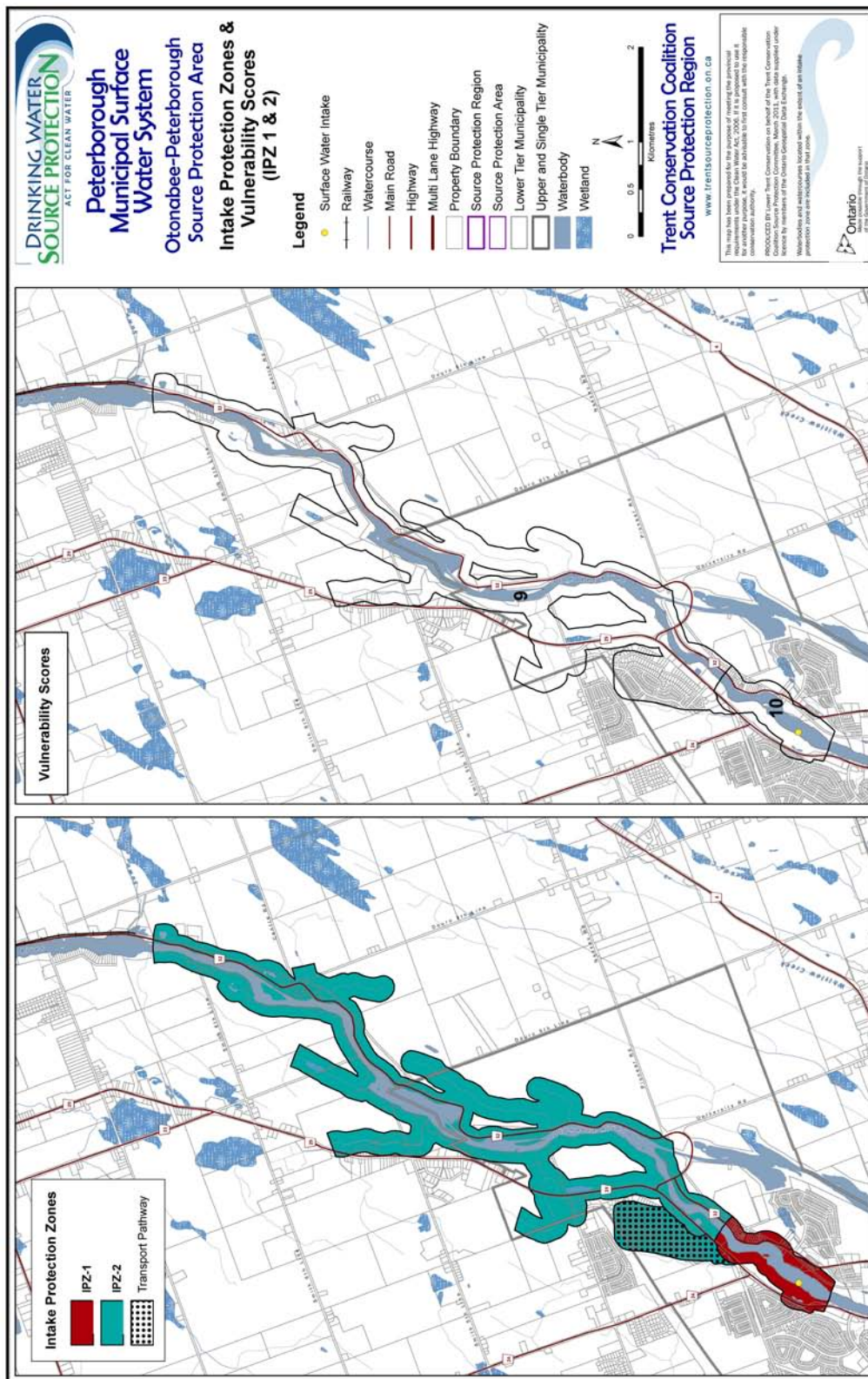
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Attachments:

Exhibit A – Intake Protection Zone 1&2

Exhibit B – Draft By-law

Exhibit A, Page 1 of 1 – Intake Protection Zone



Trent Assessment Report Map 4-8a

Exhibit B, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 16-

Being a By-law established to prohibit the feeding of waterfowl on City owned land located within the municipal drinking water, Intake Protection Zone as indicated by signage posted on such lands

Whereas Policy L-1(3) of the Trent Source Protection Plan requires that the municipality pass a by-law prohibiting the feeding of waterfowl at municipally owned lands within the Intake Protection Zone 1 and 2;

And whereas Section 11 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended, provides that every Council may pass by-laws and make regulations for the health, safety and welfare of inhabitants of the municipality in matters not specifically provided for by the said act as may be deemed expedient and are not contrary to the law;

And whereas the Council of the City of Peterborough deems it necessary and expedient to pass a by-law to prohibit feeding waterfowl at municipally owned lands located within the Intake Protection Zone 1 and 2;

Now therefore The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

Definitions

1. In this by-law,
 - a) **Person** – means individual, firm, corporation, association or partnership.
 - b) **City** – means The Corporation of the City of Peterborough.
 - c) **City Property** – means property under the jurisdiction or control of:
 - a. the City of Peterborough and includes land covered with water; and
 - b. the Peterborough Utilities Commission or Peterborough Utilities Services Inc. and includes land covered with water.

Exhibit B, Page 2 of 2

- d) **Waterfowl** – means a bird that lives on or about the water that includes but is not limited to geese, ducks, gulls and swans.
- e) **Posted** – means where a sign has been established indicating that no person shall feed Waterfowl.

Feeding of Waterfowl

- 2. No Person shall feed Waterfowl on Posted City Property unless he or she has been authorized to do so by the City.

Penalties

- 3. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable for a penalty or fine for each offence as prescribed by the Provincial Offences Act R.S.O 1990 as amended or any successor legislation thereto.

Enforcement

- 4. This by-law may be enforced by:
 - a. employees of: (i) the Peterborough Utilities Commission; or (ii) Peterborough Utilities Services Inc.,
 - b. City by-law enforcement officers; or
 - c. any duly appointed peace officer.

Short Title

- 5. This by-law may be referred to as the Waterfowl By-law.

Effective Date

- 6. This by-law shall come into force and take effect upon the final passing thereof.

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk