



**LEGAL SERVICES
MEMORANDUM**

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TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: I. PETERS, DIRECTOR OF LEGAL SERVICES, EXT. 4561

NOTED: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: JOHNSON'S BEACH PARK MOTOR VEHICLE ACCESS EXEMPTION - WARD 1

DATE: JANUARY 6, 2020

This memorandum offers general information about the subject of providing an exemption for motor vehicle access to the lake ice surface at Johnson's Beach Park.

Historically, motorized vehicle access to Johnson's Beach Park has been forbidden by virtue of the City's Parks Use By-law 2019-059 section 10.4.0.0.0, which prohibits the operation of a motor vehicle in a public park, and in conjunction with a barrier consisting of boulders and a gate that prevented such access.

The recent City-initiated reconstruction of the park's infrastructure has resulted in the removal of the former barrier and replacement by the present bollards. The purpose of the bollards remains to prevent motorized vehicle access to the park in keeping with the Parks Use By-law. During a brief period of time in 2019, between the removal of the barrier and installation of the bollards, some persons may have accessed the ice by motor vehicle through the beach contrary to the Parks Use By-law.

Both City Operations staff and Enforcement Services staff do not support the proposed exemption to the Park Use By-law because vehicular operation in parks, and in particular on beaches, can result in damage, refuse and pollution. Also, such an exemption may lead to requests for exemptions from other user groups such as windsurfers and kayakers. If the ice-fishing exemption were granted, there may be no valid reason for the City to deny future exemptions. Finally, there is an ongoing safety concern with the integrity of the ice at Johnson's Beach. Warm water outlets are known to exist in the park area and ice in this area of the lake can experience freeze/thaw cycles not experienced elsewhere. As a result, the ice can sometimes be unsafe. City staff do not have the expertise to monitor the warm water outlets and therefore cannot provide any input on the safety of the ice in this area. Although there exists warning signage to this effect, an exemption to the Park Use By-law allowing access via the beach may be interpreted to suggest that the ice is safe and increase the City's risk of liability in case of an incident.

The proposed exemption allowing access to Johnson's Beach for a period of two months would require the passing of an amendment to the Parks Use By-law. There are several approved locations that already provide motor vehicle access to the ice in Kempenfelt Bay without violating the Parks Use By-Law. These include the Tiffin Boat Launch, the Marina boat launch and Minet's Point Lismer Boulevard road allowance.