



CITY OF KINGSTON
REPORT TO ARTS, RECREATION AND COMMUNITY
POLICIES COMMITTEE

Report No.: ARCP-11-015

TO: Chair and Members of Arts, Recreation and Community Policies Committee

FROM: Lanie Hurdle, Commissioner, Community Services

RESOURCE STAFF: Same

DATE OF MEETING: 2011-07-28

SUBJECT: Off Leash Dog Park and Off Leash Hours in Oakridge Park

EXECUTIVE SUMMARY:

In January 2011, the Arts, Recreation and Community Policies Committee passed a motion to refer, to staff, a petition to consider the option of building a fenced off leash dog park or provide off leash times at Oakridge Park. This petition which was signed by 130 people also declared the importance of off-leash areas within all City neighbourhoods.

Staff met with the Off Leash Dog Park Committee which expressed concerns with the possibility of implementing off leash hours in many parks within the City. The Committee recommended that daily off leash hours from 7:00 am until 10:00 am be implemented as a pilot project in four (4) parks: Castell, Oakridge, Patterson and Snider. The Committee felt that these parks provided an appropriate geographical distribution and complimented the existing off leash dog parks.

Staff undertook a public consultation process which included a public meeting and received feedback through the City's website, letters, petitions and phone calls. City staff asked the public to comment on the options of a fenced off leash dog park or off leash hours (from 7:00 until 10:00 am) in Oakridge Park. The public was also asked to comment on off leash hours (from 7:00 until 10:00 am) at Castell Park, Patterson Park and Snider Park. The City received many comments on the proposed off leash hours in the four parks. Feedback was divided evenly regarding off leash hours or a fenced off leash dog park in Oakridge Park. Concerns included reduced play area for children, safety for other park users, noise, lack of parking and increased traffic on local streets.

Concerns with Castell Park were expressed as the park is used by area children to walk to school in early mornings. There were also concerns raised about Snider and Patterson Park.

2011-07-28

- Page 2 -

Other City departments identified concerns with off leash hours in parks. Those concerns included increased maintenance costs, increased liability due to open mixed uses and increased costs related to enforcement and monitoring.

RECOMMENDATION:

THAT Council make no immediate changes to the current Off-Leash Dog Area Policy; and

THAT staff conduct an audit of the current usage and best practices of off leash dog areas and report back any proposed policy and site amendments.

2011-07-28

- Page 3 -

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER _____ Lanie Hurdle, Commissioner, Community Services
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</i>	
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

Background

In 2009, The City of Kingston approved a policy to establish and operate off leash dog parks. The City also established a Committee to advise staff on matters related to the construction and operations of off leash dog parks. In that same year, the City built four (4) new fully fenced in off leash parks which are located in Rotary Park, Memorial Centre Park, Meadowbrook Park and McLean Trail Park. A pilot off leash dog park at Grass Creek Park continued its operations. Since 2009, the City has spent about \$300,000 to build all dog parks to the approved accessibility standards and to incorporate amenities such as parking lots and a shade shelter.

Significant public consultation was undertaken through this process to identify proposed off leash dog park locations as well as criteria to establish and operate them. The intent was to have off leash dog parks within various areas of the City to provide City wide distribution and minimize travel to the off leash dog parks.

The off leash dog park policy speaks to off leash areas being a minimum of 1.5 acres, fully fenced with parking and set back distance from neighbouring residences. These criteria were established following an in depth public consultation that took place in 2009.

In January 2011, the Arts, Recreation and Community Policies Committee passed the following motion:

WHEREAS a petition bearing approximately 130 signatures was presented by Councillor Glover at the 21st December 2010 meeting of Council and was referred to the Arts, Recreation and Community Policies Committee and to the Off-Leash Dog Parks of Kingston Committee,

THEREFORE BE IT RESOLVED THAT the following petition which reads as follows, be referred by the Arts, Recreation and Community Policies Committee to staff:

“we, the undersigned, petition Kingston City Council to establish a leash free area for dogs, or leash free times, in Oakridge Park.

The current leash free areas throughout the City have been working well, and we believe that more of these areas should be established as part of the City’s goal of sustainability. If each neighbourhood had a leash free area within easy walking distance, the community would be enhanced and people would not have to travel by car to find places to exercise their dogs.

We also request that each petitioner be notified by the Clerk of the City, via e-mail at least seven days prior to the date that this matter is brought before Council.”

It is important to note that the proposed off leash dog park at Oakridge Park and the proposed off leash times in any City park would require either an amendment to the policy or an exemption. The policy defines area requirements for an off leash dog park to be 1.5 acres within a fully fenced in area which has parking (could be a combination of on street and parking lot) as well as a distance of 15 metres from playgrounds, sports fields, etc.

The Kingston Parks and Recreation Master Plan states that any new off leash dog area should follow site selection criteria to determine the suitability of the site being considered. The Master Plan also states that off leash activities should be relegated to designated off leash parks.

Process Undertaken by Staff

1. Public Input

Staff met with the Off Leash Dog Park Committee to review the motion passed by the Arts, Recreation and Community Policies (ARCP) Committee. The Off Leash Dog Park Committee suggested that a limited number of locations should be considered to conduct a pilot project for off leash hours, daily from 7:00 am until 10:00 am. The four (4) parks identified by the Committee were Castell Park, Oakridge Park (as per the ARCP motion), Patterson Park and Snider Park. The Committee’s intent was to ensure distribution of sites across the City.

City staff then advertised information for potential off leash times within the four parks. Oakridge Park was advertised with an option for off leash times or an off leash fenced area (as per the ARCP motion). A public meeting was also held to discuss these sites and options. Comments collected at the public meeting indicated a divided opinion which included strong opposition against a fenced off leash area or off leash times at Oakridge Park. During that same meeting, some concerns were brought forward about Castell Park as a potential site for off leash times. City staff additionally collected comments in the form of letters, input on the City website, petitions and phone calls during the month following the public meeting.

The public feedback collected can be summarized as follows:

- a. Castell Park – Three comments were expressed about children’s safety as Castell is a highly used park that includes a school route. Concerns were also expressed at the public meeting about the lack of parking and increased traffic.
- b. Oakridge Park - A large number of residents expressed concerns with this location for both a fenced off leash dog park and off leash times within the park:
 - Interference with other programming use including sports fields, play structures, etc.
 - Lack of parking
 - Increased traffic
 - Safety for children using the park
 - Noise

The table below provides a summary of comments received regarding a fenced off leash park or off leash times at Oakridge Park.

	For	Against
Petition(s)	130 signatures	122 signatures
Letters /emails	2	17
Your opinion online	25	38
May 16 meeting	12	17
Total	169	194

2011-07-28

- Page 6 -

- c. Patterson Park – Six (6) comments were received. Four expressed concern and identified conflict with other active and passive uses in the park. Two residents were in favour of the off leash hours in this location.

- d. Snider Park – Four (4) comments were received. Three expressed concern about the use of the park by a large children’s population and identified a conflict with large dogs. One resident was in favour of off leash hours in the Rideau Heights area.

2. Risk Management and Liability

Providing off leash unfenced areas in City owned parks can create liability issues related to personal injury and property damage. The behaviour of off leash dogs on City property may conflict with other park users who may suffer as a result of a fall or other form of injury such as a dog bite. The potential also exists for dogs to leave the designated off leash areas and enter onto private property or adjacent roadways where the animal may interfere with vehicle and pedestrian traffic which could result in personal injury and or property damage. Concerns for the safety of dogs themselves have been raised as off leash dogs have attacked dogs who are on leash and under the control of the owner. Off leash dogs may create hazards, or damage the park, by digging or fouling the areas of the park that are frequented by other park users and City staff.

Providing and maintaining appropriate signage in the areas being considered for off leash would be important for making park users aware of the risk before they enter the off leash area. Clear warning signs should inform park users that the area is an “off leash” area and that persons who enter the park are doing so at their own risk and may be confronted by off leash dogs. Clearly worded signs posted at entrances to the park areas would assist the City in limiting exposure to liability and would assist park users in deciding if they want to enter the park. If off leash times are considered, these times and all other rules related to the use of the area, should be clearly indicated on signs to warn park users of the potential for their activities to be impacted by off leash dogs.

Clearly defined criteria should be in place before determining which parks would be appropriate for designation as off leash areas. Parks that have high use by very young people or people with mobility issues may not be suitable as these users would be particularly vulnerable and less able to avoid off leash dogs. Once the areas have been designated staff would need to inspect and monitor these off leash areas on a regular basis to confirm that the dogs have not created any hazards and that the areas continue to be appropriate for the use and to determine if changes need to be made to the hours or locations. Regular inspection of the signs to ensure they are still in place and have not been defaced would also form a part of a comprehensive inspection and maintenance program. Inspection and maintenance schedules should be supported by documentation that is kept by City staff in case of complaints or claims. Park users should be provided with a phone number to call to report incidents and hazards or the improper use of the off leash areas.

The risk of liability for the City could be reduced through the careful selection of appropriate areas for off leash use along with signage and a comprehensive system of maintenance and inspection.

Efforts to enhance public awareness of the intended use of the park space would further reduce the potential for conflict between users and the potential for claims arising from personal injury and property damage. In Ontario the Dog Owners' Liability Act stipulates that the owner of the dog is liable for damages resulting from an attack or bite on another person or domestic animal. As occupiers of the Park property the City is required to take care to see that park users are reasonably safe while using the park.

3. Operational and Cost Impact

Various operational and budgetary concerns were identified as it relates to the establishment of a new off leash fenced dog park or off times within city parks.

New off leash fenced dog park: capital cost is estimated at \$65,000 to accommodate basic amenities and accessibility standards (not including parking or shade shelters). There is also an estimated additional \$10,000 in maintenance per year for a fenced off leash dog park.

Off leash times in City parks: Current staffing level would not be sufficient to provide enforcement off leash times within parks. An additional staff would be required to provide this service and would have an impact on the operational budget. Signage would be required on all sites. Cost related to signage would depend on the number of signs required per site. Maintenance cost could be impacted as well depending on the number of sites that would have off leash times.

4. Next Steps

Considering concerns expressed by the public with any immediate changes as it relates to exemptions or amendments to the Off-Leash Dog Area policy and concerns raised by other City departments, Recreation and Leisure staff recommend that no change be made to the current policy and current off leash dog park sites. As a next step, staff recommend that an audit of the existing off leash dog parks be conducted to assess the following elements:

1. Average usage at peak times
2. Operational challenges/barriers
3. Infrastructure challenges/barriers
4. Areas of the City underserved
5. Review Best Practices

All of these elements will be evaluated within the context of the Off-Leash Dog Area policy.

EXISTING POLICY/BY LAW:

Off-Leash Dog Area and By-Law 2004-144 being a By-Law to Regulate Animals.

NOTICE PROVISIONS:

N/A

ACCESSIBILITY CONSIDERATIONS:

N/A

FINANCIAL CONSIDERATIONS:

2011-07-28

- Page 8 -

N/A

CONTACTS:

Lanie Hurdle, Commissioner, Community Services

613-546-4291 ext. 1231

OTHER CITY OF KINGSTON STAFF CONSULTED:

Neal Unsworth, Manager, Parks Development

Kim Leonard, Manager, Licensing & Enforcement

Damon Wells, Director, Public Works

Mark McLaughlin, Senior Legal Counsel

EXHIBITS ATTACHED:

N/A