

STAFF REPORT: Recreation



REPORT TO: Council
MEETING DATE: October 23, 2008
REPORT NO.: DOR 08 51 Off Leash Park
Follow up
SUBJECT: Off Leash Parks follow up
PREPARED BY: Shawn Everitt, Director of Recreation

A. Recommendations

THAT Council receive Staff Report DOR 08 51 "Off Leash Parks follow up" for information purposes as requested to identify revised costs of off leash Park and utilizing a more rural type of fencing for future use of Town Lands on Peel Street in the Thornbury Area in 2008 and Hamlet Road in the Swiss Meadows area in 2010 for off leash parks;

B. Background

This is a follow up to Councils request on September 22, 2008 to gather additional information for fencing options as well as requirements for other items detailed in the August 28, 2008 Off Leash Parks report.

The revised development costs are based on the removal of Shelters as well as the use of a 842-9.75 galv page wire that is 6' in height with 6" h x 17"w holes in the wire fencing.

Staff has notified the Town's insurance supplier with this information and have received information pertaining to off leash parks however no specific fence type requirement information was given.

Cost savings from chain link fencing with steel posts to a rural type fencing with Cedar Post is \$42,244 for the Peel Street location and Swiss Meadows location combined. It has been discussed with Off Leash Park Committee representatives Norman Paterson and John Corrigan that funds from donations and sponsors would be required for this project to move ahead to help offset costs from taxation. Costs of shelters have also been removed at a savings of \$18,000.00.

C. The Blue Mountains' Strategic Plan

Preserving and enhancing natural and environmental features, and cultural heritage of the community.

D. Budget Impact

2009 Capital Budget would reflect fencing and signage costs.

2009 Peel Street Location

| | |
|---|---------------------------------|
| Signage costs | \$ 1,500.00 |
| Fencing cost | \$ 7,000.00 at 1320 ft of fence |
| Parking Lot cost | \$10,000.00 |
| Costs of Benches, Tables, | \$ 2,500.00 |
| Waste receptacles | \$ 2,000.00 |
| Dog poop & scoop dispensers | \$ 500.00 |
| Staff Time to prepare locations for usage | <u>\$ 3,000.00</u> |

Peel Street Location Total **\$26,500.00**

2010 Swiss Meadows Location

| | |
|---|---------------------------------|
| Signage costs | \$ 1,500.00 |
| Fencing cost | \$ 5,756.00 at 1125 ft of fence |
| Parking Lot cost | \$ 8,000.00 |
| Costs of Benches, Tables | \$ 2,500.00 |
| Waste receptacles | \$ 2,000.00 |
| Dog poop & scoop dispensers | \$ 500.00 |
| Staff Time to prepare locations for usage | <u>\$ 3,000.00</u> |

Swiss Meadows Location Total **\$23,256.25**

E. Environmental Impacts

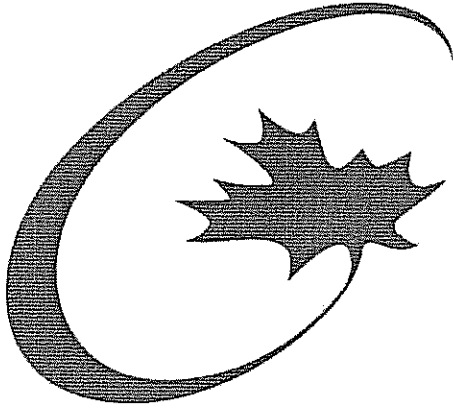
To ensure sustainable use of Town Parkland

F. Attached

1. Letter from Frank Cowan Insurance

Respectfully submitted,

Shawn Everitt, Director of Recreation



PUBLICATIONS

9905

TO LEASH OR NOT TO LEASH

*Reprinted from May 1999
COWAN NEWS*

How is your municipality responding?

Many municipalities have been approached by their rate payers to establish "off-leash" or "leash free" zones within various public areas which would provide a place for their dogs to run free and exercise unleashed. After so many years invested in urging dog owners to keep their dogs on leashes while in public places and stooping to scoop, the request to provide leash-free zones within an urban centre may appear, to some individuals, to undo some of this progress.

Some municipalities have either considered or implemented off-leash zones. In fact, one of these municipalities had a serious incident occur in which a young girl was attacked by a dog in one of these zones. With all the various

examples of incidents that we hear about on the local news, it is an issue that deserves serious consideration prior to implementation. Although the municipality would be able to rely on legislation (in Ontario, the Dog Owners' Liability Act) which requires owners to maintain control of their dog at all times, the municipality would be exposed to potential liability as an occupier permitting the existence of such leash-free zones on its property.

It is reasonably foreseeable that injuries could occur in a leash-free zone, such as any one of the following: (1) child (or adult) is attacked by an unleashed dog; (2) conflict between two or more unleashed dogs, resulting in injury to one or more dog; (3) injury to dog owners trying to protect their dog from another dog, etc. Due to the

obvious foreseeability of such incidents and the lack of viable risk controls to serve in the municipality's defence, some percentage of fault would likely be attached to the municipality permitting these zones. To compound this problem, the doctrine of joint and several liability would enable an injured plaintiff to go after the deep pockets of the municipality even if the municipality was found only a small percentage at fault.

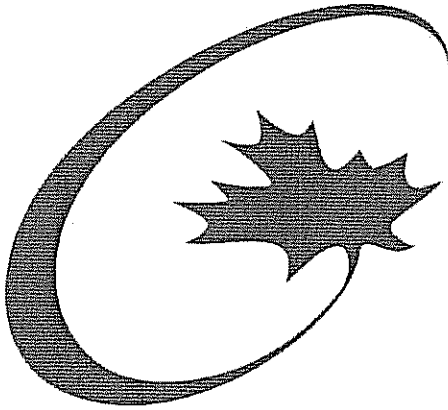
Before implementing "off-leash" or "leash-free" zones within your municipality, we encourage you to consider the ramifications of this decision and take all necessary controls to manage this risk. The following should be considered:

- Is the proposed zone suitable for this use? Will the zone be physically separate from other general use public areas?

continued ⇨

Frank Gowan Company Limited
Canada's Insurance & Risk Specialists
4 Cowan Street East
Princeton, ON N0J 1V0

1 800 265 4000
T/ 519 458 4331 F/ 519 458 4366




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- Will the following types of signs be posted: (1) warning users of the leash free zone; (2) reminding dog owners of their absolute responsibility for their dogs; (3) setting out rules and regulations for all users?
- Will the municipality conduct inspections to monitor the use of this zone; remove or repair hazardous conditions that may exist or develop; and enforce rules and regulations?

These are important questions which need to be addressed when determining the viability of such zones within your municipality. We recommend that this potentially “high risk” decision not be entered into lightly. 

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