PUBLIC WORKS COMMITTEE

MOTION

Committee Date: September 17, 2007

MOVED BY COUNCILLOR……FERGUSON

SECONDED BY COUNCILLOR

That the following motion respecting Cinema Park—Free Running Area Designation, be lifted from the table:

"That By-law 01-169 as amended, be further amended to include Cinema Park as a free-running area (outlined in Report PW07066 as Appendix "B")".
CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Operations & Maintenance Division

Report to: Chair and Members
Public Works Committee

Submitted by: Scott Stewart, C.E.T.
General Manager
Public Works Department

Date: April 24, 2007

Prepared by: Katie Fernandes
Extension 2045

SUBJECT: Hill Street Park and Cinema Park - Free Running Area Designation (PW07066) - (Wards 1 and 12)

RECOMMENDATION:

(a) That Hill Street Park be designated as a Free Running Area in accordance with the City of Hamilton’s “Leash Free Parks Program Policy” as approved by Council in June 2003 (PW03067);

(b) That dogs be allowed to run off leash at Hill Street Park during the following times:
   (i) March 1 to October 31 - from 6 a.m. to 9 a.m. inclusive; and from 8 p.m. to 11 p.m. inclusive;
   (ii) November 1 to February 28 - no time restrictions;

(c) That By-law 01-169 as amended (outlined in Report PW07066 as Appendix “A”), be further amended to include Hill Street Park as a free running area regulated by the above noted time restrictions (outlined in Report PW07066 as Appendix “B”);

(d) That By-law 01-169 as amended, be further amended to include Cinema Park as a free running area (outlined in Report PW07066 as Appendix “B”);

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

In June 2003, Council approved the City of Hamilton’s Leash Free Parks Program Policy (PW03067) providing a regulatory and functional framework for the establishment
SUBJECT: Hill Street Park and Cinema Park - Free Running Area Designation (PW07066) - (Wards 1 and 12) - Page 2 of 5

of leash free parks in the City of Hamilton. This report serves to outline the policy requirements in relation to the request to have Hill Street Park, located in Ward 1, deemed “Free Running”.

BACKGROUND:

The information/recommendations contained within this report primarily affects Wards 1 and 12.

The City of Hamilton’s Leash Free Parks Program Policy (PW03067) recognizes two leash free dog park models:

- **Free Running Areas** which are designated areas within the existing parkland and open space infrastructure that have been set-aside for residents to exercise their dog’s off-leash without being in contravention of municipal by-laws. These areas are governed by time restrictions and seasonal restrictions, and are not fenced. Examples include Warren Park (Ward 13), Little John Park (Ward 13), Chegwin Park (Ward 13), and Cinema Park (Ward 12).

- **Dog Parks** are fenced facilities where residents have the opportunity to exercise their dog’s off-leash within a controlled environment without being in contravention of municipal by-laws. An example of this park type is the dog park location on Dartnall Road (Ward 6).

The residents of Ward 1 have expressed interest in establishing a free running area (as outlined above) at Hill Street Park.

The City of Hamilton’s Leash Free Parks Program Policy (PW03067) has a number of requirements which must be satisfied for a site to be considered for free running designation. These include:

A. Application and site evaluations - staff will review each proposed site against the established set of guidelines and consult with other affected departments as required.

B. Community input - Staff, in conjunction with the Ward Councillor, and other departments (as required) will participate in public meetings with neighbourhood residents and affected stakeholders.

C. Reporting - Staff will submit a report to Council with recommendations should a site fully satisfy all policy requirements.

The policy requirements as applied to Hill Street Park are outlined below:

**A. Site Evaluation**

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Application to Hill Street Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site use will be regulated by time restrictions and/or season restrictions</td>
<td>Time and/or seasonal restrictions will be implemented. Dogs will be allowed to run off leash as follows:</td>
</tr>
<tr>
<td></td>
<td>March 1 to October 31 – from 6 am to 9 am inclusive; and from 8 pm to 11 pm inclusive</td>
</tr>
<tr>
<td></td>
<td>November 1 to February 28 – no time restrictions</td>
</tr>
<tr>
<td>Sites must not be less than 9.0 acres in size</td>
<td>Hill Street Park spans a total of 3.11 Acres.</td>
</tr>
</tbody>
</table>
**SUBJECT:** Hill Street Park and Cinema Park - Free Running Area Designation (PW07066) - (Wards 1 and 12) - Page 3 of 5

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Application to Hill Street Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lands are given on an as-is basis and no additional amenities will be provided or permitted.</td>
<td>Non-issue</td>
</tr>
<tr>
<td>Only amenities found in a traditional park setting will be permitted. Dog park equipment and apparatus will not be permitted in any free running area.</td>
<td>Non-issue</td>
</tr>
<tr>
<td>Sites are not permitted in &quot;Environmentally Significant Areas&quot;.</td>
<td>Planning &amp; Economic Development confirmed that Hill Street Park is not on &quot;Environmentally Significant Lands&quot;</td>
</tr>
<tr>
<td>Sites bounded by high traffic streets, main thoroughfares, highways, etc. will not be considered for free running designation unless there are adequate landscape and/or geographical barriers to restrict and/or encumber access to the roadway.</td>
<td>Fencing exists on site to prevent access to the adjacent rail lines. Staff will make the necessary arrangements to have fencing erected to prevent access to Dundurn Street.</td>
</tr>
<tr>
<td>Free Running Areas will not be allowed in park sites containing sports facilities</td>
<td>There are no sporting facilities at Hill Street Park.</td>
</tr>
<tr>
<td>Sites that are in close proximity to school board property will be regulated by time restrictions and season restrictions</td>
<td>There is no school board properties located in close proximity to Hill Street Park.</td>
</tr>
<tr>
<td>Sites will not be permitted along trails</td>
<td>There are no trails passing through Hill Street Park.</td>
</tr>
<tr>
<td>Where play equipment and or splash pads/wading pools are present, the site will be regulated by time restrictions and season restrictions</td>
<td>There is a play structure on site. Time and/or seasonal restrictions will be implemented. Dogs will be allowed to run off leash as follows: March 1 to October 31 – from 6 am to 9 am inclusive; and from 8 pm to 11 pm inclusive November 1 to February 28 – no time restrictions</td>
</tr>
<tr>
<td>Adequate signage (regulatory and advisory) must be posted.</td>
<td>Signage will be posted as per policy requirements.</td>
</tr>
</tbody>
</table>

Staff has undertaken a site evaluation to determine the suitability of Hill Street Park for the free running designation as well as to identify any perceived deficiencies. There are no deficiencies or policy contradictions which would preclude this site from being granted the free running designation.

**B. Community Input**

The policy requires that staff, in conjunction with the Ward Councillor and other affected City Departments, solicit public input through a public meeting process. Discussions of potential lease free sites within the Ward 1 boundary were discussed at two public meetings held on February 19 and March 19, 2007. Local residents, key stakeholders, affected City departments and the Ward Councillor were involved in the meetings. There was overall support for the establishment of a free running area at Hill Street Park (to be governed by time and seasonal restrictions).

**C. Reporting**

Given that Hill Street Park meets all policy requirements, staff is recommending that it be given free running designation and that the site be governed by the time and seasonal restrictions outlined in the recommendations.
SUBJECT: Hill Street Park and Cinema Park - Free Running Area Designation (PW07066) - (Wards 1 and 12) - Page 4 of 5

Cinema Park (Former Town of Ancaster)

Staff has also included Cinema Park (former Town of Ancaster) in the By-law amendments. The park was approved for “free running” designation at the time of the passing of the Leash Free Parks Policy for the City of Hamilton (June 2003) but was inadvertently excluded from subsequent by-law amendments. Inclusion in this set of amendments seeks to rectify this oversight.

ANALYSIS/RATIONALE:

N/A

ALTERNATIVES FOR CONSIDERATION:

(a) Council may choose to deny the free running designation for Hill Street Park. Staff is not supportive of this recommendation as the site meets all policy requirements and based on evaluations and investigations undertaken by staff, appears to be one of the most suitable park locations in Ward 1 for such a free running area.

(b) Council may direct staff to report back with an alternative location for consideration. Staff is not supportive of this recommendation as the site meets all policy requirements and based on evaluations and investigations undertaken by staff, appears to be one of the most suitable park locations in Ward 1 for such a park. Additionally, public support favours Hill Street Park over other previously proposed locations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no staffing or legal implications associated with this report.

Financial implications align with the need to fabricate and install regulatory and advisory signage for the site and the erection of a small section of fencing along a portion of Dundurn Street to deter dogs from running onto the roadway. Staff anticipates that the cost for these items will not exceed $5,000. It has been confirmed there is available funds of $35,410 in the Leash Free Reserve Account 112202.

POLICIES AFFECTING PROPOSAL:

The adoption of these recommendations will require amendments to By-law 01-169 "Respecting the Control and Licensing of Dogs and Kennels as outlined in the recommendations section of this report. These recommendations fully satisfy the requirements outlined in the City of Hamilton’s Leash Free Parks Program Policy (PW03067).

RELEVANT CONSULTATION:

Staff of the Planning and Economic Development Department (Animal Control Section and Municipal By-law Services), the Office of the City Manager (Legal Services), the Ward Councillor (Ward 1), and the residents of Ward 1 (through the public meeting process) were consulted in the drafting of this report.
SUBJECT: Hill Street Park and Cinema Park - Free Running Area Designation (PW07066) - (Wards 1 and 12) - Page 5 of 5

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☐ No
Opportunities for physical activity are supported and enhanced.

Environmental Well-Being is enhanced. ☐ Yes ☐ No

Economic Well-Being is enhanced. ☐ Yes ☐ No

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☐ No
PUBLIC WORKS COMMITTEE

MOTION

Committee Date: September 17, 2007

MOVED BY COUNCILLOR...FERGUSON

SECONDED BY COUNCILLOR

That the following be added as sub-section (d) to Item 7 of Public Works Committee Report 07-007 respecting “Hill Street Park and Cinema Park – Free Running Area Designation (PW07066) (Wards 1 and 12)”: 

(d) That By-law 01-169 as amended, be further amended to include Cinema Park as a free-running area (outlined in Report PW07066 as Appendix “B”).
CITY OF HAMILTON

BY-LAW NO. 07-

To Amend the Leash Free Zone Provisions of City of Hamilton By-law No. 01-169
Being a By-law Respecting the Control and Licensing of Dogs and Kennels

WHEREAS the Council of the City of Hamilton, on the 10th day of July 2001, did pass and
enact City of Hamilton By-law No. 01-169 as amended, being a by-law Respecting the Control
and Licensing of Dogs and Kennels;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law 01-169, as amended, is hereby further amended by adding the following
clauses to Section 4(3) thereof, namely:

“(d) Cinema Park (former Town of Ancaster).”

2. The said Cinema Park is depicted on the map attached hereto as Schedule “B”.

3. This By-law shall come into force and take effect on the date of its enactment.

PASSED and ENACTED this day of , 2007.

__________________________________________
Fred Eisenberger
Mayor

__________________________________________
Kevin C. Christenson
City Clerk
Schedule B – Mapping of Cinema Park (Former Township of Ancaster)

Free Running Area outlined in Red