



# Frozen Natural Water/Pond Skating/Hockey Guideline

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ACKNOWLEDGEMENT



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ONTARIO RECREATION FACILITIES ASSOCIATION INC.

1 Concorde Gate, Suite 102, Toronto, Ontario M3C 3N6, Canada

Tel: 416-426-7062 Fax: 416.426.7385

[info@orfa.com](mailto:info@orfa.com) [www.orfa.com](http://www.orfa.com)

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## Introduction

Skating on natural ice is the root to Canada’s long-standing tradition of winter recreation and sport. However, offering these opportunities in today’s shifting weather patterns requires careful thought and planning to ensure both worker and user safety. Communities that are aware of the public’s access to areas under their care and control cannot merely turn a blind eye to such access, especially when there are known hazards associated with the location. While communities that openly invite the public to skate on natural water ways will be required to ensure public safety through a comprehensive risk management plan.



## Frozen Water Risks and Hazards

Frozen municipal water retention ponds should never be used by the public. These areas look safe and inviting but in fact will change condition as weather patterns fluctuate with a tendency to weaken ice. Moving water cannot be trusted! Creeks and rivers which have current will also fluctuate causing different levels of ice thickness and may quickly change from safe too dangerous without warning. Outlet pipes and natural spring sources should be identified as part of the site selection process. Choose shallow water whenever possible. Ice thickness must be checked and recorded regularly! Ice thickness is based on clear, blue or green ice. White ice has air trapped within it and as such should be treated with extreme caution.

Ice Thickness Use Chart
3-inches [7cm] Stay -off
4-inches[10cm] Ice fishing, walking, x-country skiing
5-inches [12cm] 1-snowmobile or ATV

8-12-inches [20-3-cm] 1-car or small pick-up
12-15-inches [30-38cm] 1-medium truck pick-up or van

Source: Life Saving Society

An ice resurfacer weights approximately 10,000lbs and as such will require no less than 12in. of good quality of ice. Also remember that ice resurfacers are warm blooded and require constant warmth to function both safely and efficiently. Additionally, be prepared for an equipment leak. Broken hydraulic hoses or other vehicle fluids must be contained and completely cleaned up. Such spills may require reporting to the Ministry of Environment. It may be more efficient to use smaller equipment such as a bob cat, loader and or sweeping equipment to remove snow.

Be aware - snow on frozen water can act as an insulator! While piling snow on ice will create excessive weight that could be a safety issue as the season progresses. Spring ice is rotten! As the weather warms, and ice begins to melt ice depth cannot be used to determine its true strength. As ice melts, it undergoes a process called “candling” which weakens the ice along its vertical channels.

**Note:** Creating a skating surface on a natural waterway will change the natural landscape of the area. This shift will create a potential danger to nighttime snowmobile traffic. Additionally, if snow is used as a boundary around the skating surface some type of marking system should be used to identify the change in landscape as a potential risk hazard. Consideration of posting the potential danger as well as advising through local print and/or social medias should be considered



## Warning System

A system to advise the public of the level of safety associated with a natural ice surface should be developed and maintained. A series of coloured flags that can be flown to advise of the level of safety has been effectively used Example: Green=Safe, Yellow =Caution and Red=Danger. Another tool is Public Service Announcements which has the community advise the public through the media of the level of safety for the area. Considering some sort of sounding device to warn of unsafe conditions in large areas should be considered as part of the risk management planning process.

## Governing Ministries

Key Ontario Ministries that should be contacted for guidance and direction include the Ministry of Environment and Ministry of Natural Resources. Consideration of contacting local search and rescue as well as police services should also be given.

## Worker Safety – Including Volunteers

Shifts in health and safety regulatory obligations has raised the obligation to ensure that volunteers receive the same level of training and support as paid staff. Significant events such as pond hockey tournaments should conduct training for all that are involved on the risks of weather exposure, dangers of falling through ice and equipment safety training. Additional training on ice rescue should also be performed. Be reminded that even thou the water may be frozen it does present a risk of drowning and as such the use of personal floatation devices should be considered as part of a Job Hazard Analysis. Working alone on natural ice should be avoided. These discussions should be included in risk reduction discussions.

## First Aid Equipment

First Aid supply and training requirements for workers as set out under Regulation 1101 would apply. Although there is no strict requirement to have First Aid supplies or an AED on site for the public they should be considered as part of the risk management planning process.

## Safety Equipment

Public areas should be prepared in the same safety equipment as a public beach. This will include but

not limited to a water throw ring and/or reaching pole. It is important to continually monitor safety equipment to ensure it remains in place while being serviceable.



## Parking of Vehicles

Vehicles should never be parked on natural ice. Adequate, properly maintained parking areas need to be part of the planning and risk management planning process. Remember that EMS arrival times saves lives. Ensuring that emergency vehicles can get to the area is an essential part of the risk management planning process.

## Recovery of Vehicles Through Ice

Any item that falls through the ice must be recovered. Pending the situation, charges from the Ministry of Environment may be applied for polluting. It is strongly recommended that discussions with the insurance company holding the corporation's policy be undertaken to ensure that adequate coverage for the activity is in place for ice maintenance equipment. Signage prohibiting access of vehicles on the ice should be posted.

## Ice Painting

Painting ice is not illegal however, not removing 100% of any substance applied to the surface upon completing the event or activity may be investigated by the Ministry of Environment. Be reminded that dark paint colours attract heat and will create ice quality issues.

## Washroom Facilities

Inviting the public to these areas requires careful consideration for washroom facilities. Once considered, having a cleaning and sanitizing schedule will need to be developed.

## Seating

Tying skates close to the ice surface will reduce the potential of blades encountering road sand or other dulling materials. Seating areas should be secure. Ongoing inspection being strongly recommended.

## Look Around for Children Attractions

You may be focused on the skating area but be user to take a step back and consider everything in easy walking distance to the area to determine if it will be an attraction to a child's curiosity and sense of adventure. And then take appropriate action to reduce the risk.



## Ice Maintenance

Although there should be some assumed risk when skating on natural ice users should not be expected to solely accept the risk of skating on highly used ice. An ongoing system of inspection, repair and ice maintenance must be developed that takes into consideration ice and weather conditions and type of user traffic. Regular ice depth checks with a power auger should be considered. Applying fresh water using a pump and hose system should also be considered. Snow levels of 1/2in. accumulation should be removed. As always, record keeping on such inspections and maintenance activities are essential risk management tools.

## Boards

Some tournaments will install small board systems to assist in keeping puck in play. If used, they require the same level of ongoing inspection for safety as indoor systems.

## Electricity Safety

All electrical connections and equipment must meet the Ontario Electrical Code and/or CSA approval. Check with the Electrical Safety Authority for all electrical permitting and installation requirements.

## Waste Collection

Again, it is important to ensure that no waste is left behind on either the grounds and ice. Having adequate waste collection containers is strongly recommended.

## Warm-up Areas

There is nothing like an open fire to warm cold bones however, if being offered as an amenity these areas need to be constructed safely using only CSA approved equipment. Remember to have adequate fire suppression equipment available. Huts brought on to any ice surface must be registered with the Ministry of Natural Resources. Any item left behind must be removed by a set regional date from both the ice and shore area. Remember that users will burn anything they can find. Garbage and other waste should never be burnt while natural wooded areas should not be scavenged to be burnt.

## Risk Reduction Tools – Waivers and Signage

Those responsible for skating areas on natural ice should consider the use and benefits of both waivers and signage. Waivers should be considered for any invited sporting tournament or competition that requires registration. Although unreasonable to have each individual walk-on user sign a waiver, the use of properly posted signage should be considered. Signage must be posted at each area access point. Language and format of signage should be in whatever standard format(s) being currently used at grounds, playgrounds and sports fields. Children should not be allowed to use the area unsupervised.

Refer to: Intact document attached to this guideline.

## Conclusion

Skating on natural ice is an exciting and fun experience but only if the area is safe and serviceable. Beyond being a safe environment, it must be a zero impact to the area – anything arrives on site must be taken away.



# Claim Case Studies & Legislation: Outdoor Skating Rinks

## Facts

A woman was at a municipally owned and operated outdoor skating rink. The rink was maintained throughout the winter months and included wooden boards around the perimeter and a gate to get on and off the ice. There was an outdoor mat that led from the gate to a bench where skaters could take their skates on and off. The woman put her skates on and was walking on the mat to the rink when she fell, fracturing her ankle. The outdoor mat had become wrinkled and folded during the course of the day and had become a trip hazard.

## Issue

Did the municipality fail to meet the standard of care owed to a skater on their property and are they thus liable for her injury?

## Legislation and Case Law

The duty of a municipality to take care of those using their premises in Ontario comes from the *Occupiers' Liability Act* (OLA), RSO 1990. One would expect that outdoor skaters, as in this case, would also take some care while participating in such an activity. Section 4(1) of the OLA gives a defence to municipalities. It states that an occupier doesn't have a

duty of care to a person in respect to risks that are willingly assumed by that person, other than a duty not to create a danger with the intent to harm, or to act with a reckless disregard to the safety of people using their facility.

This statement sounds like it would offer a solid defence to municipalities facing claims from accidents on the rink. However, case law has found that the dominant duty of care must rest with the occupier. The occupier must ensure that their premises are reasonably safe because the premises are under the occupier's control and within the occupier's power to make reasonably safe. The courts take issue with the fact that if the dominant duty rests with the person using the premises, then an occupier could simply let nature take its course and not do anything proactively to ensure safety. (see *Potozny v. City of Burnaby*, 2001 BCSC 837; and *Woelbern v. Liberty Leasing of Canada No.3 Ltd.*, 1978, 8 BCLR 352)

## Findings

The municipality, as the occupier, has a duty to ensure that the premises are reasonably safe. If they do not, they can be held liable for injuries caused to people using the rink. Even though people should realize that there is some risk involved in skating on an outdoor rink, they do not 'bargain

away' the right to bring a claim against the municipality. Even if the type of incident had never happened before, the courts have pointed out that an occupier cannot be relieved of responsibility for failure to keep the premise reasonably safe by saying that no one had ever been hurt and no one had warned the occupier of the danger. If the unsafe condition was there to be seen by someone who had a mind towards relevant risks, then it is the duty of the occupier to take reasonable steps to remedy that risk. (see *Niblock v. Pacific National Exhibition and City of Vancouver* 1981 30 BCLR 20)

### **Outcome of the Claim**

The claim was settled out of court. The municipality paid a settlement to the woman for her injury.

### **Lessons Learned**

Outdoor skating is an activity that involves some risk of injury. Although some of these risks are voluntarily assumed by those who use the rink, the municipality needs to take steps to reasonably minimize such risks. For further information on keeping your outdoor rink safe see our Risk Management Considerations for Outdoor Rinks.

# ABC's of Outdoor Rink Maintenance

**A**lcohol is forbidden at all ice rinks.

**B**enches should be provided for resting.

**C**racks, frost boils and chopped up surfaces must be repaired immediately.

**D**ocument all inspections, repairs and maintenance.

**E**ven surface preparation in the fall makes for a better skating surface in the winter.

**F**lood the rink as often as needed when weather permits applying light sprays of water.

**G**arbage containers should be provided or else the ice rink will become the container.

**H**ockey should not be allowed during public or open skating.

**I**ce shavings may contain bodily fluids; dispose of accordingly.

**J**ustify your rules to the public in terms of safety and legislation.

**K**now what the different colours of natural ice mean (blue, white, grey).

**L**ights must be in working condition and should point towards the ice surface.

**M**aintain adequate water supply and equipment at all rinks.

**N**o food or drink on the ice.

**O**nly maintained ice is safe ice.

**P**arking should be provided for users.

**Q**uick response to any reports of unsafe conditions can prevent injury.

**R**ules should be posted on signs, websites and in newspapers.

**S**ignage should advise when the ice is OPEN and when the ice is CLOSED.

**T**rucks are not the preferred method of cleaning snow.

**U**sers of the rink should be encouraged to report problems with the ice.

**V**olunteers are crucial for any outdoor ice rink program.

**W**earing of helmets by all skaters is recommended.

**X'**plain your policies, procedures and incident reporting protocol to volunteers.

**Y**ou should train your volunteers as if they were your own employees.

**Z**ero-tolerance to horseplay on the ice.

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## Daily Outdoor Rink Safety Inspection Checklist

Date of inspection: \_\_\_\_\_ Location/address: \_\_\_\_\_

Staff/Volunteer(s) conducting inspection: \_\_\_\_\_

Weather conditions: \_\_\_\_\_

(Please complete clearly and in detail – place NR – No Report in any box not requiring information)

Reviewed Item	Observations	Action Taken or Required	Date Completed	Notes
Posted facility EMS address and rules of conduct information				
Facility Access – can EMS easily enter area				
Parking lot condition				
Walkway condition				
Waste containers				
Seating areas				
Warming area				
Washrooms				
Nets				
Boards				
Protective barriers				

Lighting system(s)				
Electrical system (GFCI check)				
Protective barriers above boards				
Ice Condition <ul style="list-style-type: none"> <li>• Ice quality</li> <li>• Ice thickness</li> <li>• Low areas</li> <li>• Sand tracked on to surface</li> </ul>				
Snow removed from sheet				
Water hose and nozzle condition				
Water added to sheet				
Ice thickness depth checks				
Ice repairs (crack, chip, hole and shell ice)				
Ice condition warning system status (red-yellow-green)				
Risky Behaviour observations (alcohol – homemade equipment, vandalism etc.)				
Equipment storage area housekeeping				
AED/First Aid Equipment				