THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 48/2015

Being a By-law to Establish and Regulate the use of Off – Leash Dog Parks.

WHEREAS Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25 requires that a municipal power be exercised by By-law;

AND WHEREAS Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass By-laws respecting the social well-being of the municipality, animals and protection of persons and property;

AND WHEREAS pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 municipalities have the authority to pass By-laws with respect to animals;

AND WHEREAS the Municipal Council of the Municipality of Port Hope considers it desirable for the public to enact a By-law providing for off leash Dog Parks in the Municipality;

AND WHEREAS Section 11 of the Dog Owners' Liability Act, R.S.O. 1990, c. 16 provides that if there is a conflict between a provision of that Act or of a regulation under the Act and a municipal By-law relating to pit bulls the provision that is the most restrictive in relation to controls or bans on pit bulls prevails.

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE AS FOLLOW:

1. DEFINITIONS:

That for the purposes of this By-law the following definitions shall apply:

a) "Animal" includes any mammal, bird or reptile, but does not include a Dog;
b) "Animal Control By-law" means a By-law for the Licensing and Registration of Dogs and for the Regulation of Dogs and Prohibiting the Running At Large of Animals within the Municipality of Port Hope (By-law 18/2014).
c) "Authorized signage" means any sign, notice or other device placed or erected in or upon the designated Dog Park under the authority of this By-law.
d) "Dog" means a male or female of the domesticated canine species;
e) "Dog Park" means the lands enclosed by a fence in a designated dog park area as set out in Schedule "A" to this By-law;
f) "Dog Tag" means a numbered tag issued by the Municipality when the owner of a dog licenses such dog with the Municipality, or Animal Control Officer or Shelter of Hope pursuant to the Municipality of Port Hope Animal Control By-law;
g) "Owner" includes any person who owns, keeps, possesses, harbours or acts as a guardian of a dog for any length of time, whether or not that person has a license for the dog, and where the owner is a minor, the person responsible for the custody of the minor.
h) "Leash Free" means without human control by a device, such as a leash, lead, chain, harness, line or rope or devices of a similar nature;
i) "Restricted Dog" means a restricted dog under the Dog Owners' Liability Act, R.S.O. 1990, c. D. 16 or a dog deemed vicious under the Animal Control By-law;

2. Establishment of Dog Park Rules and Conduct.

a) Dog Parks are hereby established within the fenced areas on the lands shown in Schedule "A" of this By-law as designated Dog Park Areas.
b) In addition, no person shall disobey the rules for the use of a Dog Park and acceptable behaviours, conduct of persons and dogs in a Dog Park are set out in Schedule "B" to this By-law.
c) Use of a Dog Park is a privilege and not a right.

3. Off Leash Permitted

a) Despite section 7.2, of the Animal Control By-law, a person may permit or cause a dog wearing a Dog Tag issued for the current year to be Leash Free within a designated Dog Park.
b) Despite subsection (a) above, no person shall permit more than three (3) dogs under their control to be Leash Free within a Dog Park regardless of whether that person is the owner of the dogs.

4. Restricted Dogs Prohibited

Despite the provisions outlined in Section 3 above, no person shall permit or cause a Restricted Dog to enter or be in a Dog Park.

5. Possession of Leash at all times

A person that has permitted or caused a Dog to be leash free within a designated Dog Park shall be in the possession of a leash for each dog that he or she has permitted or caused to be leash free.

6. Dog Must be Supervised at All times

No person shall leave a Dog unsupervised that he or she has permitted or caused to be leash free within a designated Dog Park unattended.

Every person or dog owner shall take all precautions necessary to prevent the dog from biting or attacking any person or fighting, attacking or biting any other dog within a designated Dog Park and must remove such dog at the first sign of aggression.

Where a dog has bitten or attacked any person or dog, or is alleged to have bitten or attacked any person or dog, any person may appear before a Justice of the Peace to commence proceedings under the provisions of the *Dog Owners Liability Act* R.S.O. 1990, c.D.16, as amended, by way of an application under Part IX of the *Provincial Offences Act.*

7. Sporting Activities Prohibited

No person shall play or practice any sporting activity except walking within a designated Dog Park.

8. Glass, Breakable Materials Prohibited

No person shall convey to or on, or enter or be in any area in a designated Dog Park while in the possession of any bottles, containers or any other articles, equipment, or utensils, made of glass, china, ceramic or any other breakable substance.

9. Other Animals Prohibited

No person shall permit or cause any animal other than a Dog to be in a designated Dog Park.

10. Animal feces

In accordance with the provisions of this By-law every person who owns or harbours a dog shall forthwith remove any excrement left by the dog anywhere within the designed Dog Park and shall dispose of same forthwith in a sanitary manner.

11. Park Closure

No person shall be or remain in a designated Dog Park after the closing hour or before the opening hour unless authorized by the Department of Parks, Recreation and Culture.

12. Failure to comply with signs

No person shall fail to comply with authorized signage.

13. Administration

a) Any Police Officer, Provincial Offences Officer, Municipal By-law Enforcement Officer, Animal Control Officer or employee of the Municipality designated by Council to administer this By-law is authorized to inform any person of the provisions of this By-law and to request compliance therewith;
b) Any Police Officer, Provincial Offences Officer, Municipal By-law Enforcement Officer, Animal Control Officer or employee of the Municipality designated by Council to administer this By-law is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this By-law:
    i. To desist from the activity constituting or contributing to such contravention; or
    ii. To remove from the Park or Recreation Area any animal or thing owned by or in the control of such person which the officer or employee believes is or was involved in such contravention; or
    iii. To leave the Park or Recreation area.
c) Any Police Officer, Provincial Offences Officer, Municipal By-law Enforcement officer or Animal Control Officer may enforce the provisions of this By-law;

14. Penalties

Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the *Provincial Offences Act.* R.S.O. 1990, c.P-33 as amended.

15. Headings:

Section headings in this By-law are not to be considered part of this By-law and are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the sections of this By-law to which they relate.

16. Severability

a) In the event any court of competent jurisdiction should adjudge that any section or sections of this By-law is/are not valid for any cause, such section or sections shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforced to the same extent as if the offending section or sections had not been included therein;
b) If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and it is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

17. Short Title

The short tile of this By-law is the "Dog Park By-law"

18. Effective Date:

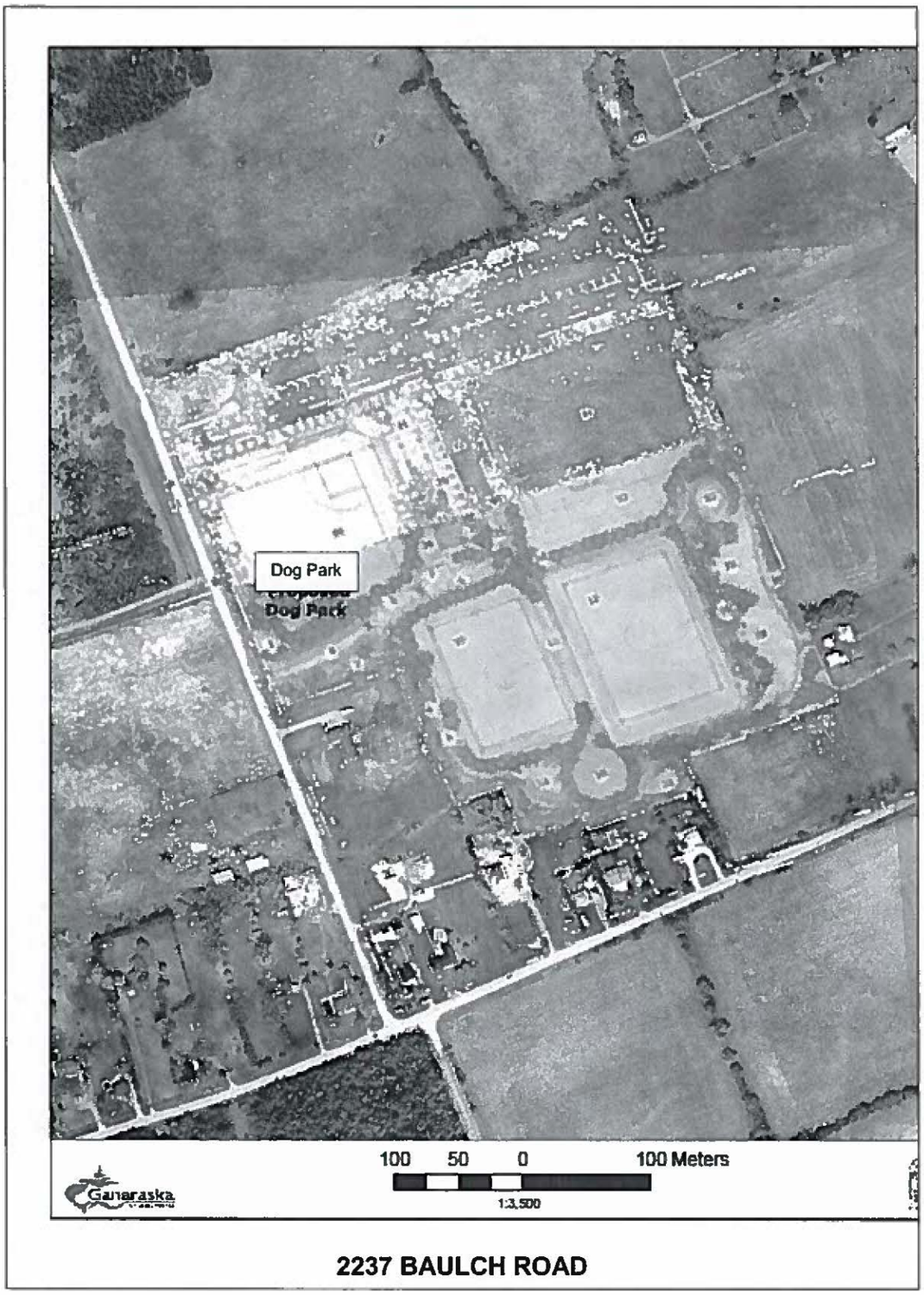
This By-law shall come into force and effect on the date it is enacted by Council which shall come into force and effect upon final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 16th day of June, 2015.

R. J. Sanderson, Mayor

S.C. Bernardi, Municipal Clerk

Schedule "A" to By-law 48/2015



2237 BAULCH ROAD

Schedule "B" to By-law 48/2015

Dog Park Rules and Conduct

1. Use of the Off-leash dog park at your own risk
2. Please, always pick up after your dog (s)
3. All Dogs must have up to date vaccinations, rabies shots and license tags required
4. Leash your dog while entering and exiting
5. Keep your dog within sight and under verbal control
6. Puppies under six months of age must use the puppy-park
7. No female dogs in heat permitted
8. Dogs required by law to be leashed and muzzled must remain so while in the off-leash area (i.e. Pit bulls)
9. No food or drink in glass containers permitted
10. Children must be supervised by an adult
11. Fill the holes if our dog digs
12. Dogs must be removed from the dog park at the first sign of aggression
13. No person shall destroy, injure, deface, move or remove any portion of the Dog Park or mark, write or post upon the Dog Park structure or permit their dog to destroy, injure any portion of the Dog Park;
14. No person shall engage in unauthorized activity within or on the Dog Park, including climbing of any fence structure

The Corporation of the Municipality of Port Hope

By-law 48/2015: Off-Leash Dog Park

Part 1 Provincial Offences Act

Set Fine Schedule

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fines
1.	Disobey the rules for the use of a Dog Park and acceptable behaviours, conduct	Section 2 b)	$150.00
2.	Permit more than three 3 dogs under their control to be Leash Free in a Dog Park.	Section 3 b)	$150.00
3.	Permit or cause a Restricted Dog to enter or be in a Dog Park.	Section 4	$150.00
4.	Not be in possession of a leash for each dog that he or she has permitted or caused to be leash free.	Section 5	$150.00
5.	Leave a Dog unsupervised within a Dog Park	Section 6	$150.00
6.	Play or practice any sporting activity except walking within a designated Dog Park.	Section 7	$150.00
7.	Enter or be in any area in a Dog Park while in the possession of any bottles, containers or other breakable substance.	Section 8	$150.00
8.	Permit or cause any animal other than a Dog to be in a designated Dog Park.	Section 9	$150.00
9.	Fail to remove any excrement left by the dog within the Dog Park and dispose of same in a sanitary manner.	Section 10	$150.00
10.	Remain in Dog Park or recreation area after the closing hour or before the opening hour unless authorized	Section 11	$150.00
11.	Fail to comply with authorized signage	Section 12	$150.00

Note: The general penalty provision for the offences listed above is Section 14 of By-law 48/2015, a certified copy of which has been filed.