

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER 16-067

**Being a By-law to protect, prohibit, regulate and
Control the activities at the dog park in the Township of Tiny**

WHEREAS pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, a municipality may pass by-laws respecting matters within the spheres of jurisdiction, namely culture, parks, recreation and heritage;

AND WHEREAS Council deems it appropriate to enact a by-law to prohibit and regulate activities at the dog park and to protect these lands on behalf of the public interest;

NOW THEREFORE the Council for The Corporation of the Township of Tiny hereby ENACTS AS FOLLOWS:

TITLE

This By-law shall be known and may be cited as the "Dog Park By-law".

1. DEFINITIONS

- 1.1 "Authorized sign" means any sign, notice, or other device placed or erected in or upon a park by the Township.
- 1.2 "Township of Tiny Dog Park" for the purpose of this by-law is legally described as #2 Winterset Ave, Township of Tiny, CON 9 PT LOT 16, RP 51R8258 PART 1 TO 3, and herein may be referred to as the "dog park".
- 1.3 "Council" means the Council of the Township.
- 1.4 "Damage" means break, injure, deface or otherwise disturb an area, item, thing or structure.
- 1.5 "Off-Leash Area" means the area of land designated in the by-law where signs are posted by the Township of Tiny indicating dogs are permitted to run free, and herein may be referred to as "enclosure" or "enclosures".
- 1.6 "Officer" means a Municipal Law Enforcement Officer, a Police Officer or other person appointed by by-law to enforce the provisions of this by-law.
- 1.7 "Owner" 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.
- 1.8 "Parking area" means a part of a park that is designated for the parking of motor vehicles.
- 1.9 "Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- 1.10 "Township" means The Corporation of the Township of Tiny.

2. DOG PARK HOURS

- 2.1 No person shall enter into or remain in the dog park except between the hours of 6:00AM and 9:00PM.
- 2.2 No person shall enter into or remain in the dog park except between the calendar dates of May 1 and October 31 each year.
- 2.3 No person shall during any period when the dog park is closed, allow a vehicle to remain in the park.

3. GENERAL CONDUCT

- 3.1. Enter and use at your own risk. The Township of Tiny assumes no responsibility or liability for any injury or damage to persons, property or animal, arising from or in connection with the use of the dog park.
- 3.2. The dog park is provided for people and their dogs. No person shall have or possess an animal other than a canine at the dog park.
- 3.3. All dogs remain the responsibility of the person in charge of the canine and their owners. Dog owners may be prosecuted and held liable for all damages and injuries as set out in the Dog Owners' Liability Act, R.S.O. 1990.
- 3.4. No person shall fail to leash their dog when entering and exiting the dog park enclosure(s) and while enjoying other open space areas outside of the dog park enclosure(s).
- 3.5. No person shall have an unlicensed or unregistered dog at the dog park. No person shall fail to keep the dog tag securely fixed on the dog at all times at the dog park.
- 3.6. No person shall disobey an authorized sign.
- 3.7. No person shall have or be responsible for more than two dogs within the dog park enclosure(s).
- 3.8. No person shall leave a dog unattended in a dog park enclosure(s).
- 3.9. No person shall fail to have a leash ready for each dog.
- 3.10. No person shall fail to be in view of their dog(s) at all times.
- 3.11. No person shall have a female dog in heat within the dog park enclosure(s).
- 3.12. No person shall have an unneutered male dog within the dog park enclosure(s).
- 3.13. No person shall fail to immediately pick up and dispose of their dog(s) feces in the disposal bins provided.

- 3.14. No person shall allow their dog to chase another person, wildlife or dig up any fencing.
- 3.15. No person shall fail to fill any holes or divots dug by their dogs.
- 3.16. No people food, breakable substance capable of injury to a dog, spiked or chain linked collars are permitted in the dog park.
- 3.17. Dogs more than 30 pounds are not permitted in the small dog enclosure within the dog park enclosure(s).
- 3.18. Children under the age of 12 years old are not permitted in the dog park enclosure(s).
- 3.19. No person shall use the dog park to conduct their business unless said activity is approved by the Township of Tiny.
- 3.20. All dog bites must be reported to the Animal Control Officer.
- 3.21. Pit Bull Type Dogs must be leashed and muzzled at all times pursuant to the Dog Owner's Liability Act, R.S.O. 1990, as amended. Dog Parks and Leash-free areas are not exempt from the Act. Pit Bull Owners are liable to fines of up to \$10,000 and imprisonment for up to 6 months for contraventions.
- 3.22. Violations of dog park rules may result in fines, loss of the dog park privileges, or other punitive measures.

4. DAMAGE TO PROPERTY

- 4.1 No person shall plant, cut, dig up, remove or damage any plant, shrub, flower, flowerbed, tree, shrub, bush, sod, grass or any other vegetation.
- 4.2 No person shall climb, remove, damage, or deface any property owned by or under the control of the Township including, but not limited to, any fence, bench, seat, table, monument, hand rail, or sign.
- 4.3 No person shall climb onto any park building, structure or equipment not intended for that purpose.
- 4.4 No person shall damage or deface any park building, structure or equipment.
- 4.5 No person shall remove any soil, sand, gravel, stone, rocks, wood, or any other material located in the dog park.

5. ENFORCEMENT AND EXEMPTIONS

- 5.1 Any Township employee is authorized to inform any person of the provisions of this By-law and to request compliance therewith.
- 5.2. Any Police Officer, Municipal Law Enforcement Officer or Township employee is authorized to order any person that they believe to be contravening or who has contravened any provision of this By-law,

5.2.1 to desist from the activity constituting or contributing to such contravention;

5.2.2 to remove from the dog park any object, thing or motorized vehicle owned by or in the control of such person which the officer or employee believes is or was involved in such contravention;

5.2.3. to leave the dog park or park building.

5.3 No person shall fail to comply with any order given in sections 5.1 or 5.2.

5.4 Any Police Officer or Municipal Law Enforcement Officer upon discovery of any object, thing or motorized vehicle in contravention of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the object, thing or motorized machine which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25, as may be amended from time to time, or any successor acts thereto.

5.5 Any Police Officer or Municipal Law Enforcement Officer appointed by the Township of Tiny may enforce the provisions of this By-law.

6. OBSTRUCTION

6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

6.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

7. PENALTY

7.1 Every person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

7.2 Every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$500 and the maximum shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

7.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

7.3.1 Despite section 7.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

7.4 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of

the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

7.4.1 Despite section 7.4 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

8. SEVERABILITY

8.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such and the remainder of the By-law shall be valid and shall remain in force.

8.2 That Schedule "A" attached hereto forms part of this by-law.

9. CONFLICT BETWEEN BY-LAWS

9.1 In the event of any conflict between the provisions of this by-law and any other By-law, the provision of the By-law which is most restrictive shall prevail.

10. EFFECTIVE DATE

10.1 That this By-law shall come into force and effect on the date of passing.

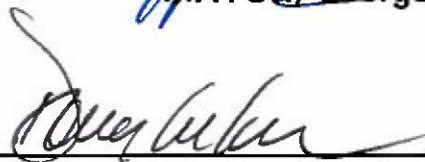
READ A FIRST AND SECOND TIME THIS 12th DAY OF OCTOBER 2016.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF OCTOBER 2016.

THE CORPORATION OF THE TOWNSHIP OF TINY



MAYOR, George Gornell



CAO/CLERK, Doug Luker

SCHEDULE "A" OF BY-LAW 16-067

