

Municipality of Chatham-Kent
Infrastructure and Engineering Services
Parks, Recreation and Cemeteries Division

To: Mayor and Members of Council

From: Scott Mailing
Acting Director, Parks, Recreation and Cemeteries

Date: May 19 2021

Subject: Feasibility of a Dog Off-Leash Recreation Area, Community of Blenheim

Recommendation

It is recommended that:

1. The Stormwater Retention Area in the Community of Blenheim be approved as the site for the Dog Off-Leash Recreation Area (DOLRA) and the next steps in the dog park development process be completed.

Background

On March 1, 2021 Councillor Ceccacci put forth the following Notice of Motion:

Whereas the Municipality of Chatham-Kent has in place By-law # 176-2005 respecting the control and licensing of dogs and kennels, and By-law # 66-2004 which governs the use of municipal parks and prohibits dogs running at large except as provided for in “Off-Leash” facilities, And whereas Staff has developed a policy to serve as a framework containing guidelines governing the development and locations of a Dog Off-Leash Recreation Area (DOLRA) for the Municipality of Chatham-Kent. And whereas some residents in Blenheim have shown interest in a potential location in Blenheim South Kent; Therefore, be it resolved that: Administration investigate and identify if there any suitable locations that meet site requirements as set out in said guidelines in the community of Blenheim. This report include how the current successful parks are funded and facilitated and the report be included in the agenda on May 31st meeting of Council.

The 2007 Development Policy for Off-Leash Recreation Areas, the Policy, has established the process and criteria for the creation of these amenities while ensuring this use does not infringe on adjacent property owners (Appendix A).

In 2009, Council approved By-law 127-2009, which establishes and regulates parks in which dogs can run at large in Chatham-Kent (Appendix B).

Per the Policy, mandatory site amenities for a DOLRA are as follows:

- One to five acres in size
- Fencing
- Gates (pedestrian and maintenance)
- Access to shade
- Adequate drainage
- Sufficient on-site parking
- Grassed areas
- Garbage receptacles
- Benches
- Fully accessible
- Safety for dogs and the public
- Able to be maintained year round
- Signage
- Must be a minimum of 50 metres from the nearest residential building or structure

Comments

Staff reviewed all municipally owned land parcels in the Community of Blenheim. It was determined that the Stormwater Retention Area is the only site that adheres to some of the Policy's mandatory criteria as follows (Appendix C):

- Grassed areas
- Fully accessible
- Able to be maintained year-round
- Must be a minimum of 50 metres from the nearest residential building or structure

Note: It was this requirement that eliminated the other potential sites.

Sufficient clearance from the Stormwater Retention Area is required to allow for maintenance and signage to ensure that dogs are not allowed to enter the water. The Stormwater Retention Area is not to be used as a recreational site.

Below are approximate measurements for the potential layout:

- Dog Park Area – 690' x 258'
- Parking Lot – 160' x 60'
- Dog Park from nearest house – 165'
- Parking Lot from nearest house – 100'

This layout will allow for future development of Little St. extension.

The next steps in the DOLRA development process are:

1. A request for a DOLRA must be submitted to the Parks, Recreation and Cemeteries.

2. Before considering an application for the development of a DOLRA, a volunteer committee of a minimum of fifteen (15) members over 18 years of age must be formed with a designated chairperson.
3. Community Input:
Administration will consult with other affected municipal business units and all residents within a 120 metre radius of the proposed DOLRA site.
4. Reporting:
Administration will report to Council with recommendations and all applicable development costs. All potential DOLRAs must receive Council approval.

Roles and Responsibilities

The DOLRA Committees in Chatham and Wallaceburg annually raise funds and are responsible for the following:

- All site improvements
- Electrical bills for lighting
- Organize regular park clean up twice a week to ensure there is no debris that would cause harm to the animals
- Organize, coordinate and install fencing
- Patrol the off-leash park regularly, ensuring the rules of the DOLRA are being followed
- Clean up any pet debris accidentally left behind
- Clear small hazards and litter from people and their pets
- Record any significant problems/concerns and bring them to the attention of the Recreation Facilities Supervisor, so that a joint solution can be found
- Report all of the above to the Committee Chairperson and/or to the Recreation Facilities Supervisor on a regular basis
- Notify the public of the location of the off-leash area, using various media outlets and word-of-mouth

Municipal operation staff complete the following duties:

- Garbage removals
- Minor site repairs, e.g., fencing

Grass cutting is completed as indicated in the Municipal grass cutting contract.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports the following areas of strategic focus:

☐ Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

☒ A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

☐ People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

☐ Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendation in this report support the following critical success factors:

☐ Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

☐ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

☐ Has the potential to support all areas of strategic focus & critical success factors

☒ Neutral issues (does not support negatively or positively)

Consultation

The Engineering and Transportation Services team was consulted on the site location and impact of any future development of the area.

Financial Implications

As a Blenheim DOLRA Committee has not been formed or a site confirmed, there are no financial implications at this time.

Prepared by:

Reviewed by:

Scott Mailing
Acting Director
Parks, Recreation and Cemeteries

Thomas Kelly, P.Eng., MBA
General Manager
Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

Mark McFadden
Manager, Infrastructure Services
Engineering and Transportation Services

Attachments: Appendix A – Development Policy for Off-Leash Recreation Areas
Appendix B – By-law 127-2009 -DOLRA Development Policy
Appendix C – Proposed Blenheim DOLRA location

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Community of Blenheim.docx

The Municipality of Chatham-Kent Parks, Cemeteries and Horticulture - Community Services Division

Policy and Procedures

Development Policy for Dog Off-Leash Recreation Areas (DOLRA)	Policy # 07-07-09
---------------------------------------------------------------	--------------------------

Final as amended June 20, 2007

Whereas By-law # 176-2005 respecting the control and licensing of dogs and kennels, and By-law # 66-2004 which governs the use of municipal parks and prohibits dogs running at large except as provided for in "Off-Leash" facilities, Staff has developed this policy to serve as a framework containing guidelines governing the development of a Dog Off-Leash Recreation Area (DOLRA) for the Municipality of Chatham-Kent.

This policy shall work in conjunction with the approved by-laws respecting the control and/or licensing of animals on public lands.

The information contained herein is categorized under the following headings:

1. Definition of Terms
2. Site Selection Criteria
3. Site Selection Process
4. Site Performance Evaluation
5. Development Funding
6. Rules and Regulations

Definition of Terms

- a) **Amenities** include such things as park benches, picnic tables, garbage receptacles, drinking fountains, light standards, parking facilities, public washroom facilities, telephones, site furnishings, etc.
- b) **Development** is restricted to the provision of regulatory and advisory signage, the installation of fencing and a gated entry system (where required for dog off-

leash recreation areas) and the provision of any site preparatory works (including grading, repair of drainage problems, removal of landscaping obstructions, remediation of safety concerns etc.) on a one time basis.

- c) **Dog Off-Leash Recreation Areas (DOLRA)** are fenced facilities where residents have the opportunity to exercise dogs off-leash within a controlled environment without being in contravention of the municipal by-laws.
- d) **Area of Natural Scientific Interest (ANSI)** a site recognized by Ministry of Natural Resources that has important ecological or hydrological functions, contains rare plant or animal species, rare or unique topography or geologic features or designated as an area of natural interest or a provincially significant wetland)
- e) **Free Running Areas** designated areas within the parkland and open spaces infrastructure, which have been set aside for residents to exercise their dog off-leash without being in contravention of the municipal by-laws. These areas are sometimes governed by time restrictions and seasonal restrictions and are generally not fenced.
- f) **Equipment and Apparatus** refers to such things as dog exercise equipment, plastic bag dispensers, bulletin boards, dog drinking fountains, dog wash stations, etc.
- g) **Park Signs** are primarily posted at the entrance of the park and contain the name of the park. By-law regulatory signs are also posted within the park areas.
- h) **Primary Entrance Point** is the main entrance to the park and is visually designated with the posting of the park sign.
- i) **Restorative/Remedial Works** means any construction and/or ground work undertaken to restore or improve site conditions (following the creation of a dog off-leash recreation area) and would include but not be limited to resodding, soil amendments, soil rehabilitation, etc.
- j) **Sport Facilities** include all outdoor athletic facilities (such as soccer, football, baseball, etc.) tracks and facilities of like nature or components.

Site Selection Criteria

The following criteria will be used to assess the appropriateness of a proposed site for a DOLRA and has been created to limit risk and avoid potential conflicts among park users.

a) Mandatory Site Amenities

Mandatory design features to include the following:

- One to five acres in size
- Fencing
- Gates – pedestrian and maintenance
- Access to shade
- Adequate drainage
- Sufficient on-site parking provisions
- Grassed Area
- Garbage receptacles on site
- Benches
- Accessible (physically-challenged)
- Safety (for dogs and public)
- Able to be maintained year round (garbage collection, snow removal in parking lot)
- Signage (regulatory and advisory) must be posted
- Must be a minimum of 164 ft from any residential building or structure at the time of construction

b) Optional Site Amenities:

- Picnic tables
- Shade covering (eg. pavilion)
- Plastic bag dispensers
- Drinking water source (eg. fountain)
- Access to natural water

Amenities such as plastic bag dispensers and watering systems for the park must be funded through independent efforts of the volunteer committees associated with the DOLRA through donations, sponsors, etc.

c) Site Location Evaluation:

Sites meeting the above criteria will be evaluated based on the following:

- i. **Usage:**
The site does not currently provide structured or active recreational opportunities for individuals or groups.
- ii. **Setting:**
 - The site provides a variety of natural terrains

- Open Space making it suitable for this type of usage
 - Sites are equally spaced across the Municipality
 - Not adjacent to school or daycare areas
 - Does not reasonably impact on residential area
- iii. **Development status:**
The site is not expected to be developed within the next five years
- iv. **Accessibility:**
a) Public: easily accessed year round
b) Servicing: able to allow for service vehicles to access
- v. **Environmental Impacts:**
a) Natural: will not adversely impact the environment
b) Not in “Areas of Natural Scientific Interest” (ANSI)
- vi. **Free Running Areas:**
a) Will be considered if an open space area can be found that has no other competing uses and will be considered in new parkland development

Site Selection Process

Dog Off-Leash Recreation Areas

k) Initial Proposal Request

A “Request for a Dog Off-Leash Recreation Area (DOLRA), should be submitted to the Parks, Cemeteries and Horticulture Section of the Community Services Division.

l) Application

Before considering an application for the development of a DOLRA, a volunteer committee of a minimum of fifteen (15) members over 18 years of age must be co-ordinated. There must be a designated chairperson for the committee that is appointed by the group.

The volunteers must agree to:

- 1) Organize, co-ordinate and implement a schedule for site clean-up and maintenance. Clean-ups are required at least twice per calendar week and maintenance/repairs must be performed on an as required basis.
- 2) Organize, co-ordinate and implement a schedule for fence inspections to occur at least twice per calendar week and must be signed by a volunteer performing the inspection.
- 3) Provide “Dog Watch” eyes and ears on the park to identify and help educate irresponsible pet owners and to advise the Municipality in writing with identifying information of any problems or issues that arise.
- 4) Monitor user activities and guidelines for code of conduct of owners and dogs.
- 5) Become involved in fundraising ventures to finance the purchase of desired amenities for DOLRAs.
- 6) Liaise with the Municipality on any pertinent issues that require attention.
- 7) Notify the Municipality if the original number of volunteer committee members drops below 15 members.
- 8) Sign an agreement to participate in overseeing operations at the DOLRA.

m) Site Evaluation

The Parks, Cemeteries and Horticulture Section will review the application against the set guidelines for development and consult with other departments affected as necessary. Administrative staff will advise the applicants of any deficiencies noted in proposed sites.

n) Community Input

- 1) The Parks, Cemeteries and Horticulture Section will review the application against the set guidelines for development and consult with other departments affected as necessary. Administrative staff will advise the applicants of any deficiencies and a mail-out to residents within a 120 m radius requesting feedback will be undertaken for the proposed sites that meet the criteria.

- 2) The proposed site locations will also be posted on the municipal web site available for review and comment at local service centers and notice of sites will be advertised in the local newspapers for general comments and feedback.

o) Reporting

Parks administrative staff will submit a report to Council with recommendations. All potential DOLRAs must receive Council approval. Park development costs must be clearly identified, in place and presented to Council for consideration prior to the development of a DOLRA.

p) Implementation

Parks administrative staff will undertake to have all regulatory and advisory signage manufactured and installed in accordance with the availability of funding.

Site Performance Evaluation

All parks will be evaluated once within the first year of operation, and on an as-needed-basis thereafter to determine if further action is required to improve or remove the DOLRA designation. Where removal is preferred, administrative staff will report to Council with recommendations. Park closures and/or removals will be at the sole discretion of Council.

Sites will be evaluated on the following:

1. Number of complaints documented
2. Number and severity of risk management issues
3. Severity of degradation of area to include turf, shrub and flowerbed areas
4. Severity of public health concerns
5. Number of by-law infractions
6. Involvement of volunteer group or lack thereof
7. Deficiencies in site maintenance

Development Funding

Development funding for DOLRAs is subject to approved by Council. Development costs of a DOLRA will be assessed as a one time charge on a dog tag licencing fee in the urban service boundary in which the DOLRA will be developed. 50% of the upstart development costs will be paid for by all dog tag holders in the urban service boundary area in which the development occurs and the DOLRA volunteer committee will pay the remaining 50% of the development costs.

Annual Maintenance

Annual restoration/remedial work and infrastructure repairs will be paid for from a per dog tag annual surcharge in the urban service boundary area in which a DOLRA is located.

Rules and Regulations

- q) The DOLRA is not a supervised facility. People and dogs visiting the DOLRA do so at their own risk.
- r) Owners will be held liable for all actions of their dogs.
- s) Hours of use of the facility are 6:00 a.m. – 11:00 p.m. as per the parks by-law.
- t) Dogs must be kept leashed until in the DOLRA site.
- u) Gates to the DOLRA must be kept closed except when entering or exiting.
- v) All individuals using the recreation area must clean up after their dogs.
- w) Dogs must be wearing up-to-date rabies and dog licence tags.
- x) It is strongly recommended that dogs using DOLRA be vaccinated for common canine contagious diseases.
- y) Dog behaviour can be unpredictable around other dogs and strangers. For the safety of all users, leash your dog if it exhibits aggressive behaviour and leave the DOLRA immediately.
- z) Some dogs exhibit unpredictable behaviour around small children. For the safety of children please do not bring children under the age of 12 into the DOLRA unless supervised by an adult.
- aa) Dogs that are required to be muzzled including Pit Bulls or whose dogs are deemed dangerous may not permit the dog to run off-leash in a DOLRA
- bb) Dogs must be accompanied by their owner in the area and must maintain voice control over their dog(s) and keep them in sight while remaining in the DOLRA.
- cc) Glass containers or other breakable substances are not permitted in the DOLRA.
- dd) Food intended for human consumption is not permitted in the DOLRA.
(Allowance of food and use of dog toys within a DOLRA to be reviewed after 1 year of operation)
- ee) Pinch (prong) and spike collars are not allowed in the DOLRA area.
- ff) Professional dog trainers must not use the park for the conduct of business.
- gg) Dogs are the only animal allowed in the area with a maximum of **two** dogs per handler at any time.
- hh) Owners of a dog must be a minimum of 16 years of age and are responsible for the acts and conduct of their animal at all times when it is in a municipal park.
- ii) To discourage aggressive behaviour, it is recommended that dog owners only bring dogs that have been spayed or neutered. Absolutely no female dogs in heat are allowed into the DOLRA.
- jj) Park users and dog owners assume all risks related to use of the dog parks.
- kk) Dog owners are subject to the Ontario Dog Owners Liability Act, Municipal By-Law #176-2005 as amended and the Parks By-Law #66-2004 as amended.
- ll) In the event of an incident or repair required please contact (519) 360-1998.
- mm) This area is governed by the Dogs Off-Leash By-Law # 38-2009.

BY-LAW NUMBER 127-2009

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to establish and regulate a park(s) in which dogs can run at large in the Municipality of Chatham-Kent.

FINALLY PASSED the 27th day of July, 2009.

AND WHEREAS THE Municipality of Chatham-Kent may pass by-laws for establishing and laying out public parks and for exercising all of the powers that are conferred on boards of park management by the Public Parks Act pursuant to paragraph (3) of section 11 of the Municipal Act 2001, S.O. 2001, Chapter 25.

THEREFORE the Municipal Council of the Municipality of Chatham-Kent enacts as follows:

1. PART 1 - DEFINITIONS

In this by-law:

- (a) "Dogs Off-Leash Area" shall mean an area of land designated in this by-law for which signs are posted by the Municipality of Chatham-Kent indicating that dogs are permitted to run at large.
- (b) "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 licence for the dog, and, where the owner is a minor, the person responsible for the custody of the minor.

PART 2 – KEEPING OF DOGS

- 2.1 Dogs Off-Leash Areas are hereby established on those lands as outlined in Schedule "A" of this by-law.
- 2.2 Subject to subsection 2.3, a dog owner may permit their dog licensed under By-law 176-2005 (Dog By-law), as amended, or any successor by-law thereto, to run at large in a Dogs Off-Leash Area.
- 2.3 Owners of dogs, whose dogs are required to be muzzled including Pit Bulls as defined in the Dog Owners' Liability Act, or whose dogs are deemed dangerous as defined in Municipal By-law 176-2005, as amended, may not permit the dog that is required to be muzzled to run at large in a Dogs Off-Leash Area.
- 2.4 Section 3.5 of By-Law 176-2005 (Dog By-law), as amended, shall not apply to persons who permit their dogs to run at large in accordance with subsection 1.1 (a) of this by-law.
- 2.5 No person shall permit a dog to run at large pursuant to subsection 1.1 (a) of this by-law unless that person is in the area designated to permit the running at large of dogs.
- 2.6 No person shall permit a dog to run at large pursuant to subsection 1.1 (a) of this by-law unless that person is within sight of the dog at all times.
- 2.7 A Dogs Off-Leash Area is a designated leash-free area for the purposes of section 3.1 (18) of By-law 38-2009 (Parks By-law), as amended.
- 2.8 No person shall remain in a Dogs Off-Leash Area between the hours of 11:00 p.m. and 6:00 a.m. as per the By-Law # 38-2009 (-Parks By-Law)
- 2.9 No person shall play or practice any sporting activity except walking within a Dogs Off-Leash Area.
- 2.10 No person shall convey to or on, or enter or be on any areas in a Dogs Off-Leash Area while in the possession of any bottles, containers, or any other articles, equipment, or utensils, made of glass, china, ceramic or other breakable substance capable of causing injury to a dog.

- | 2.11 No person shall bring any more than two (2) dogs into the off leash area at any given time or permit any animal other than a dog to be at large in a Dogs Off-Leash Area.

PART 3 – ENFORCEMENT

- 3.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, R.S.O., 1990 c.P.33 as amended, and all such penalties and costs may be recovered under the Provincial Offences Act.
- 3.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation of repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

This by-law shall come into effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this 27th day of July, 2009.

ORIGINAL SIGNED BY:

Mayor – Randy Hope

ORIGINAL SIGNED BY:

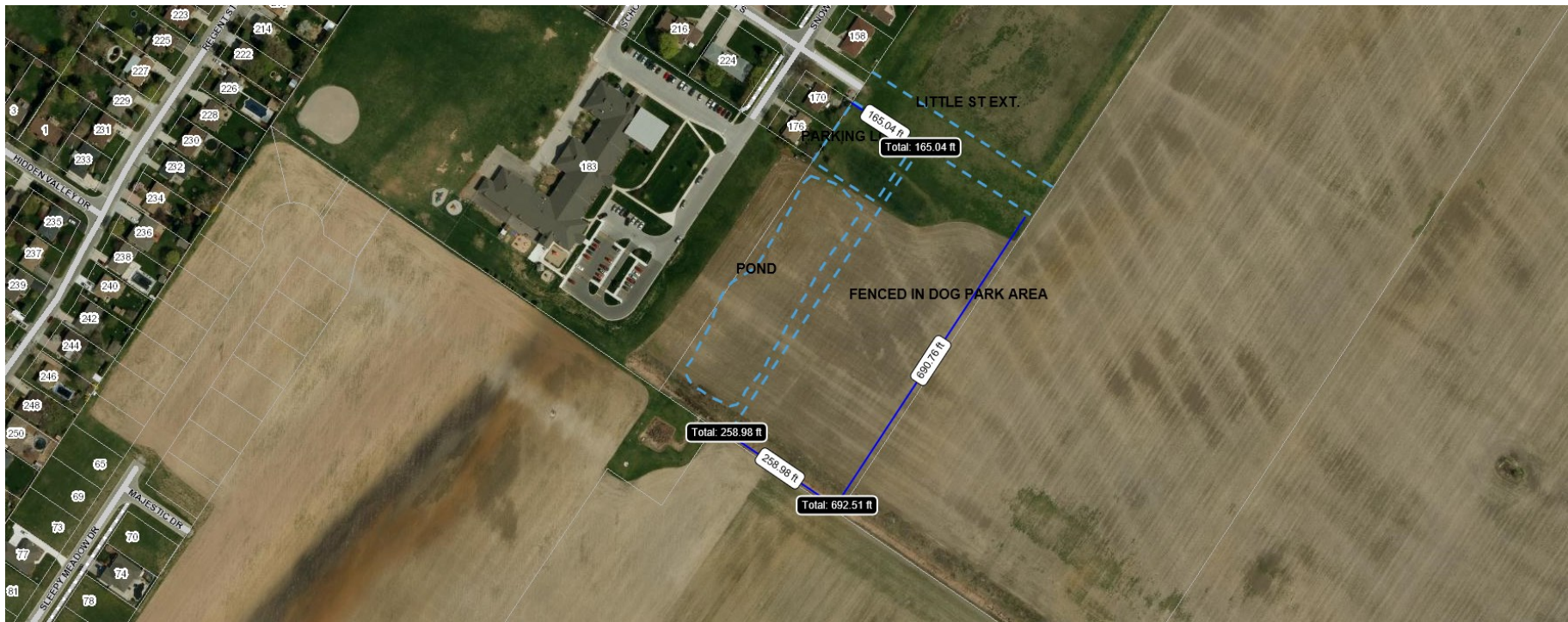
Clerk – Elinor Mifflin

Appendix “A”

The following location is designated as a Dog Off –Leash Recreation Area

1. John Waddell Park – 59 Water Street, Chatham

Appendix C - Proposed Location Dog Off Leash Area – Community of Blenheim



The Municipality of Chatham-Kent Parks, Cemeteries and Horticulture - Community Services Division

Policy and Procedures

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Site Selection Criteria

The following criteria will be used to assess the appropriateness of a proposed site for a DOLRA and has been created to limit risk and avoid potential conflicts among park users.

a) Mandatory Site Amenities

Mandatory design features to include the following:

- One to five acres in size
- Fencing
- Gates – pedestrian and maintenance
- Access to shade
- Adequate drainage
- Sufficient on-site parking provisions
- Grassed Area
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- Benches
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- Safety (for dogs and public)
- Able to be maintained year round (garbage collection, snow removal in parking lot)
- Signage (regulatory and advisory) must be posted
- Must be a minimum of 164 ft from any residential building or structure at the time of construction

b) Optional Site Amenities:

- Picnic tables
- Shade covering (eg. pavilion)
- Plastic bag dispensers
- Drinking water source (eg. fountain)
- Access to natural water

Amenities such as plastic bag dispensers and watering systems for the park must be funded through independent efforts of the volunteer committees associated with the DOLRA through donations, sponsors, etc.

c) Site Location Evaluation:

Sites meeting the above criteria will be evaluated based on the following:

- i. **Usage:**
The site does not currently provide structured or active recreational opportunities for individuals or groups.
- ii. **Setting:**
 - The site provides a variety of natural terrains

- Open Space making it suitable for this type of usage
 - Sites are equally spaced across the Municipality
 - Not adjacent to school or daycare areas
 - Does not reasonably impact on residential area
- iii. **Development status:**
The site is not expected to be developed within the next five years
- iv. **Accessibility:**
a) Public: easily accessed year round
b) Servicing: able to allow for service vehicles to access
- v. **Environmental Impacts:**
a) Natural: will not adversely impact the environment
b) Not in “Areas of Natural Scientific Interest” (ANSI)
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Site Selection Process

Dog Off-Leash Recreation Areas

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- 3) Provide “Dog Watch” eyes and ears on the park to identify and help educate irresponsible pet owners and to advise the Municipality in writing with identifying information of any problems or issues that arise.
- 4) Monitor user activities and guidelines for code of conduct of owners and dogs.
- 5) Become involved in fundraising ventures to finance the purchase of desired amenities for DOLRAs.
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- 7) Notify the Municipality if the original number of volunteer committee members drops below 15 members.
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m) Site Evaluation

The Parks, Cemeteries and Horticulture Section will review the application against the set guidelines for development and consult with other departments affected as necessary. Administrative staff will advise the applicants of any deficiencies noted in proposed sites.

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Sites will be evaluated on the following:

1. Number of complaints documented
2. Number and severity of risk management issues
3. Severity of degradation of area to include turf, shrub and flowerbed areas
4. Severity of public health concerns
5. Number of by-law infractions
6. Involvement of volunteer group or lack thereof
7. Deficiencies in site maintenance

Development Funding

Development funding for DOLRAs is subject to approved by Council. Development costs of a DOLRA will be assessed as a one time charge on a dog tag licencing fee in the urban service boundary in which the DOLRA will be developed. 50% of the upstart development costs will be paid for by all dog tag holders in the urban service boundary area in which the development occurs and the DOLRA volunteer committee will pay the remaining 50% of the development costs.

Annual Maintenance

Annual restoration/remedial work and infrastructure repairs will be paid for from a per dog tag annual surcharge in the urban service boundary area in which a DOLRA is located.

Rules and Regulations

- q) The DOLRA is not a supervised facility. People and dogs visiting the DOLRA do so at their own risk.
- r) Owners will be held liable for all actions of their dogs.
- s) Hours of use of the facility are 6:00 a.m. – 11:00 p.m. as per the parks by-law.
- t) Dogs must be kept leashed until in the DOLRA site.
- u) Gates to the DOLRA must be kept closed except when entering or exiting.
- v) All individuals using the recreation area must clean up after their dogs.
- w) Dogs must be wearing up-to-date rabies and dog licence tags.
- x) It is strongly recommended that dogs using DOLRA be vaccinated for common canine contagious diseases.
- y) Dog behaviour can be unpredictable around other dogs and strangers. For the safety of all users, leash your dog if it exhibits aggressive behaviour and leave the DOLRA immediately.
- z) Some dogs exhibit unpredictable behaviour around small children. For the safety of children please do not bring children under the age of 12 into the DOLRA unless supervised by an adult.
- aa) Dogs that are required to be muzzled including Pit Bulls or whose dogs are deemed dangerous may not permit the dog to run off-leash in a DOLRA
- bb) Dogs must be accompanied by their owner in the area and must maintain voice control over their dog(s) and keep them in sight while remaining in the DOLRA.
- cc) Glass containers or other breakable substances are not permitted in the DOLRA.
- dd) Food intended for human consumption is not permitted in the DOLRA.
(Allowance of food and use of dog toys within a DOLRA to be reviewed after 1 year of operation)
- ee) Pinch (prong) and spike collars are not allowed in the DOLRA area.
- ff) Professional dog trainers must not use the park for the conduct of business.
- gg) Dogs are the only animal allowed in the area with a maximum of **two** dogs per handler at any time.
- hh) Owners of a dog must be a minimum of 16 years of age and are responsible for the acts and conduct of their animal at all times when it is in a municipal park.
- ii) To discourage aggressive behaviour, it is recommended that dog owners only bring dogs that have been spayed or neutered. Absolutely no female dogs in heat are allowed into the DOLRA.
- jj) Park users and dog owners assume all risks related to use of the dog parks.
- kk) Dog owners are subject to the Ontario Dog Owners Liability Act, Municipal By-Law #176-2005 as amended and the Parks By-Law #66-2004 as amended.
- ll) In the event of an incident or repair required please contact (519) 360-1998.
- mm) This area is governed by the Dogs Off-Leash By-Law # 38-2009.

BY-LAW NUMBER 127-2009

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to establish and regulate a park(s) in which dogs can run at large in the Municipality of Chatham-Kent.

FINALLY PASSED the 27th day of July, 2009.

AND WHEREAS THE Municipality of Chatham-Kent may pass by-laws for establishing and laying out public parks and for exercising all of the powers that are conferred on boards of park management by the Public Parks Act pursuant to paragraph (3) of section 11 of the Municipal Act 2001, S.O. 2001, Chapter 25.

THEREFORE the Municipal Council of the Municipality of Chatham-Kent enacts as follows:

1. PART 1 - DEFINITIONS

In this by-law:

- (a) "Dogs Off-Leash Area" shall mean an area of land designated in this by-law for which signs are posted by the Municipality of Chatham-Kent indicating that dogs are permitted to run at large.
- (b) "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 licence for the dog, and, where the owner is a minor, the person responsible for the custody of the minor.

PART 2 – KEEPING OF DOGS

- 2.1 Dogs Off-Leash Areas are hereby established on those lands as outlined in Schedule "A" of this by-law.
- 2.2 Subject to subsection 2.3, a dog owner may permit their dog licensed under By-law 176-2005 (Dog By-law), as amended, or any successor by-law thereto, to run at large in a Dogs Off-Leash Area.
- 2.3 Owners of dogs, whose dogs are required to be muzzled including Pit Bulls as defined in the Dog Owners' Liability Act, or whose dogs are deemed dangerous as defined in Municipal By-law 176-2005, as amended, may not permit the dog that is required to be muzzled to run at large in a Dogs Off-Leash Area.
- 2.4 Section 3.5 of By-Law 176-2005 (Dog By-law), as amended, shall not apply to persons who permit their dogs to run at large in accordance with subsection 1.1 (a) of this by-law.
- 2.5 No person shall permit a dog to run at large pursuant to subsection 1.1 (a) of this by-law unless that person is in the area designated to permit the running at large of dogs.
- 2.6 No person shall permit a dog to run at large pursuant to subsection 1.1 (a) of this by-law unless that person is within sight of the dog at all times.
- 2.7 A Dogs Off-Leash Area is a designated leash-free area for the purposes of section 3.1 (18) of By-law 38-2009 (Parks By-law), as amended.
- 2.8 No person shall remain in a Dogs Off-Leash Area between the hours of 11:00 p.m. and 6:00 a.m. as per the By-Law # 38-2009 (-Parks By-Law)
- 2.9 No person shall play or practice any sporting activity except walking within a Dogs Off-Leash Area.
- 2.10 No person shall convey to or on, or enter or be on any areas in a Dogs Off-Leash Area while in the possession of any bottles, containers, or any other articles, equipment, or utensils, made of glass, china, ceramic or other breakable substance capable of causing injury to a dog.

- | 2.11 No person shall bring any more than two (2) dogs into the off leash area at any given time or permit any animal other than a dog to be at large in a Dogs Off-Leash Area.

PART 3 – ENFORCEMENT

- 3.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, R.S.O., 1990 c.P.33 as amended, and all such penalties and costs may be recovered under the Provincial Offences Act.
- 3.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation of repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

This by-law shall come into effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this 27th day of July, 2009.

ORIGINAL SIGNED BY:

Mayor – Randy Hope

ORIGINAL SIGNED BY:

Clerk – Elinor Mifflin

Appendix “A”

The following location is designated as a Dog Off –Leash Recreation Area

1. John Waddell Park – 59 Water Street, Chatham