

MUNICIPALITY OF NORTH NORFOLK

BY-LAW NO. 56 / 2019

OFF-LEASH DOG PARK BY-LAW

BEING A BY-LAW OF THE MUNICIPALITY OF NORTH NORFOLK TO PROVIDE FOR THE CREATION AND REGULATION OF AN OFF-LEASH DOG PARK WITHIN THE LIMITS OF THE MUNICIPALITY OF NORTH NORFOLK.

WHEREAS sub-section 232(1) of The Municipal Act S.M. 1996, c 58 provides, in relevant part as follows:

A Council may pass By-Laws for municipal purposes respecting the following matters:

- a) The safety, health, protection and well-being of people and the safety and protection of property;
- k) Wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;
- o) The enforcement of by-laws;

AND WHEREAS sub-section 5(1) of The Animal Liability Act S.M. 1998, c A95 provide that except when permitted by a by-law of a municipality, no owner or person in charge of an animal shall allow it to run at large;

AND WHEREAS the citizens of the Municipality of North Norfolk have expressed a desire for the creation of an off-leash dog park whereby citizens would have an enclosed area to take their dogs to allow them to run at large;

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-Law of the Municipality of North Norfolk in Council duly assembled, as follows:

1. This By-Law may be referred to as the Municipality of North Norfolk Off-Leash Dog Park By-Law.
2. Subject to conditional use approval, the Municipality shall establish an off-leash dog park on the 1/2 acre parcel of land in the community of MacGregor, being that portion of North Railway Street (Now Closed), Plan 210 in SE 1/4 33-11-10 WPM, lying between PLTO Plans 21874 and 24217 (the "**Park**").
3. In this By-Law, unless the context otherwise requires:
 - (a) "**Animal Control Officer**" means the person authorized by Council to maintain a pound or to carry out any provision of this By-Law, and includes any person acting as an assistant to, or under the direction of the Animal Control Officer;
 - (b) "**Council**" means the Council of the Municipality of North Norfolk, or any delegate thereof;
 - (c) "**dangerous and aggressive**" means a dog that is likely to cause harm or injury to individuals or animals;

- (d) **"dog"** or **"dogs"** means all species of the animal commonly known by that name, and includes the female as well as the male of every breed or classification thereof;
 - (e) **"license"** means that a dog is in compliance with the Municipality's Animal Control By-Law No. 23/2016 and has been issued a license and tag under said By-Law;
 - (f) **"run at large"** means that the dog is not under the direct, continuous and effective control of its owner and shall be free to roam at its will;
4. The Park shall be created for the purpose of providing dog owners with a space to allow their dogs to run at large. The ability for dogs to run at large shall be strictly confined to the enclosed space of the Park.
 5. The owner of a dog must be present at the Park with his or her dog.
 6. All dogs shall have a valid license and while in the Park, if requested by the Animal Control Officer, an owner of the dog shall produce the dog's license.
 7. If a dog is in the Park without having a valid license, the Animal Control Officer may apprehend and confine the dog pursuant to the provisions of the Municipality's Animal Control By-Law No. 23/2016.
 8. Dogs which are dangerous and aggressive or are used primarily to guard property shall not be allowed in the Park.
 9. When seeking to use the Park, the owner of a dog must:
 - (a) ensure the dogs remains leashed until they enter the Park;
 - (b) be present and have the dog within view at all times;
 - (c) ensure that the dog is not in heat and that it does not act in a dangerous and aggressive manner;
 - (d) remove the dog from the off-leash area immediately if the dog is in heat or acts in a dangerous and aggressive manner;
 - (e) ensure that the dog comes when called;
 - (f) have a leash available to restrain the dog if needed;
 - (g) remedy any harm caused by the dog, including filling in holes dug by the dog; and
 - (h) immediately remove and properly dispose of any excrement left by the dog.
 10. No owner of a dog shall permit or allow the dog to become a nuisance to other persons or dogs in the Park. Behaviour of a Dog which constitutes a nuisance includes, but is not limited to the following:
 - (a) running at such a distance from its owner so as to be incapable of responding to voice or sign commands;
 - (b) doing any act that injures a person or another animal;
 - (c) chasing or otherwise threatening a person or another animal;

- (d) biting, barking at, or chasing;
- (e) excessive barking or howling or otherwise disturbing any person or other animal; or
- (f) causing damage to property.

11. Any owner who contravenes or permits the contravention of any provision of this By-Law, or who fails, refuses or neglects to comply with the requirements of this By-Law is subject, as per decision rendered by Council:

- (a) to a fine of \$50, plus applicable costs, for a first offence;
- (b) to a fine of \$100, plus applicable costs, for a second offence; and
- (c) to a fine of \$150, plus applicable costs, for each subsequent offence.

12. This By-Law shall not be interpreted so as to limit, restrict or curtail in any manner the rights of any person contained in the provisions of The Animal Liability Act of the Continuing Consolidation of Manitoba Statutes, and amendments hereto.

DONE AND PASSED in Council assembled at the Council Chambers of the Municipality of North Norfolk at MacGregor in the Province of Manitoba, this ____ day of _____, 2019.

MUNICIPALITY OF NORTH NORFOLK

Per:

Name: Gerald Barber
Title: Mayor

Name: Valorie Unrau
Title: Chief Administrative Officer

Read a first time this 10th day of July, 2019.

Read a second time this 14th day of August, 2019.

Read a third time this 11th day of September, 2019.