

Appendix A: Survey and Community Meeting Results

1. Survey Results

Survey invitation postcards were sent to over 6,600 households via Canada Post on Wednesday May 12th. Recipients were invited to go online to complete a short survey about the proposed dog park, or to call a telephone number to obtain a paper copy of the survey. A second postcard was sent to the same households on Tuesday May 25th reminding recipients of the survey completion deadline. Both postcards also informed recipients of community meeting being held on May 26th.

A total of 358 online survey responses were received, in addition to 9 paper surveys for a grand total of 367 surveys. This represents a response rate of 5%. The survey has a margin of error of plus or minus 4 percent at a 95 percent level of confidence.

Respondents were asked to indicate their agreement with a number of statements concerning the proposed dog park. The responses to this question are presented in Table 1 below. Overall, 79.5% of survey respondents strongly agreed that the City of Greater Sudbury needs dog parks. The majority of respondents reported that building a dog park and maintaining a dog park were appropriate uses of municipal funds (67.9% and 66.7%). The majority of respondents also indicated that a dog park in Minnow Lake would improve the area (69.9%) and that a dog park in Minnow Lake would benefit the city (70.2%).

Table 1: Please indicate how strongly you agree or disagree with the following statements:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The City of Greater Sudbury needs dog parks	79.5	8.2	2.7	1.9	7.7
Building a dog park is an appropriate use of municipal funds	67.9	13.2	5.2	2.7	11.0
Maintaining a dog park is an appropriate use of municipal funds	66.7	13.4	6.0	3.0	10.9
A dog park in Minnow Lake would improve the area	69.9	12.6	4.9	3.3	9.3
A dog park in Minnow Lake would benefit the City	70.2	13.9	3.0	3.3	9.6

Respondents were also asked to rate their level of concern with a number of commonly perceived problems with dog parks. The responses to this question are presented below. The three most common concerns were animal

vaccinations / disease, followed by maintenance / sanitation and aggressive dogs. A total of 41.6%, 37.5% and 37.4% of respondents indicated they were very concerned with these issues (respectively). The least common concerns reported were noise, stray dogs and security. A total of 33.3%, 19.4% and 18.8% of respondents reported they were not at all concerned with these issues.

Table 2: How concerned are you about the following issues with the proposed off-leash dog area?

	Very Concerned	Somewhat Concerned	Neither	Not very Concerned	Not at all Concerned
Maintenance / sanitation	37.5	31.5	6.6	15.3	9.0
Animal vaccinations / disease	41.6	27.9	9.3	15.6	5.5
Overuse / overcrowding	17.0	23.0	20.8	24.1	15.1
Heavy road traffic	22.0	23.4	15.1	22.5	17.0
Lack of parking	17.1	28.7	15.2	24.0	15.2
Aggressive dogs	37.4	35.2	8.2	15.0	4.1
Non spayed or neutered dogs	23.6	22.7	17.0	22.2	14.5
Stray dogs	21.3	18.3	16.3	24.7	19.4
Noise	10.9	9.6	18.0	28.1	33.3
Security	18.5	21.3	16.8	24.7	18.8

Respondents were asked how many dogs they owned. Most reported dog ownership. A total of 54.4% of respondents reported owning one dog, while 21.4% reported owning two, and 1.9% reporting three or more. Of the survey respondents, 22.3% did not own dogs.

Table 3: How many dogs do you own?

	Percent
None	22.3
1 dog	54.4
2 dogs	21.4
3 or more dogs	1.9

Dog owners were asked whether or not their animals are licensed with the City of Greater Sudbury. Although the majority (71.9%) indicated that their dogs were licensed, a considerable proportion of dog owners (26.3%) reported their dogs were not licensed with the City.

Table 4: Are your dogs licensed with the City of Greater Sudbury?

	Percent
Yes (all)	71.9
Yes (some)	1.8
No (none)	26.3

Respondents who indicated their dogs were not licensed were asked why their dogs were not licensed. They most commonly indicated that there were no services in return (60.3%) or that they did not see the point (52.9%). Close to one-quarter of respondents indicated that they did not have the money to license their pets.

Table 5: Why are your dogs not licensed with the City?

	Percent
No time	7.4
Don't have the money	22.1
Don't know where to obtain a license	5.9
Don't see the point	52.9
No services in return	60.3
Other	(12)

Unlicensed dog owners were asked the likelihood that they would license their dogs if a dog license were required to use the off-leash area. Close to three-quarters reported that they would either be very likely or somewhat likely to license their pets to use the dog area.

Table 6: If a dog license were required to use the off-leash dog area how likely would you be to license your dogs?

	Percent
Very likely	51.8
Somewhat likely	19.3
Somewhat unlikely	7.2
Very unlikely	15.7
Don't know	6.0

Dog owners were asked how often they would visit the proposed dog area. The majority of respondents (58.2%) indicated they would visit more than six times per month, followed by three to four times per month (16.1%) and five to six times per month (14.4%). Very few dog owners (5.3%) reported they would never use the dog area.

Table 7: If Minnow Lake had a legal area where dogs can play off-leash, how many times would you visit?

	Percent
Never	5.3
Once or twice per month	6.0
Three to four times per month	16.1
Five to six times per month	14.4
More than six times per month	58.2

Of the dog owners who reported they would never use the dog area, most indicated this was because they preferred to exercise their dog elsewhere or because they were concerned about aggressive dogs (38.5% each). Another common reason was that the location is inconvenient (23.1%).

Table 8: Which of the following best describes why you would not use the dog area?

	Percent
My dog is timid	
My dog is aggressive	
The location is inconvenient	23.1
Concerned about disease	
Concerned about aggressive dogs	38.5
I prefer to exercise my dog somewhere else	38.5
Other	(5)

The respondents who reported they would use the dog park were asked how they would most likely travel to the area. Two-thirds indicated they would drive, while the remaining third indicated they would walk.

Table 9: How would you most likely travel to the off-leash dog area?

	Percent
Walk	32.7
Personal vehicle	66.5
Bicycle	0.4
Public transit	0.4
Other	(12)

Survey respondents were asked how far they would be willing to travel to get to an off-leash area. They most commonly reported being willing to travel between 1 and 5 kilometers (44.8%), followed by 6 to 10 kilometers (22.0%).

Table 10: How far would you be willing to travel to get to an off-leash dog area?

	Percent
Less than 1 kilometer	3.7
1 to 5 kilometers	44.8
6 to 10 kilometers	22.0
11 to 15 kilometers	14.2
More than 15 kilometers	15.3

Dog owners were asked how likely they would be to volunteer for certain tasks at the new off-leash area. The activities included clean-up, maintenance, enforcing rules, special events and fundraising. The most popular response for each of the tasks was "somewhat likely", with 17.0% to 27.0% indicating they would be very likely to volunteer for these tasks.

Table 11: How likely would you be to volunteer your time for the following activities at the new off-leash dog area?

	Very Likely	Somewhat Likely	Neither	Somewhat Unlikely	Very Unlikely
Clean-up	22.7	38.3	11.4	14.8	12.9
Maintenance	17.0	40.2	16.3	14.8	11.7
Enforcing of rules	26.9	31.1	12.5	15.5	14.0
Special events	27.0	43.4	10.9	8.6	10.1
Fundraising	23.1	36.4	12.9	13.3	14.4

Dog owners were asked how they would be willing to financially contribute to the off-leash area. Although there was no clear preference, respondents seemed most opposed to funding the dog area through an increase in the annual dog license fee. An annual membership fee was a slightly more popular option. Respondents suggested annual membership fees ranging from \$0 to \$500 with an average of \$34.51. Close to 40% of respondents indicated they would be willing to make a one-time donation to the dog area. The amount of one-time donations ranged from \$0 to \$5,000, with an average of \$76.76, representing a total of \$14,430.

Table 12: As a dog owner, would you be willing to contribute to the off leash dog area through...

	Yes	Maybe	No
Increase to the annual dog license fee	27.4	30.2	42.5
Annual membership fee	37.3	27.3	35.4
Annual donation	38.8	36.1	25.1
One-time donation	39.2	37.6	23.2

Table 13: How much would you be willing to pay for each of the following:

	Range	Average	Total	Count
Increase to the annual dog license fee	1-500	19.91	2,509	126
Annual membership fee	1-500	44.67	7,281	163
Annual donation	5-500	42.17	6,620	157
One-time donation	5-5,000	97.50	14,430	148

Most of the dog owners surveyed had not been to a dog park in the last 12 months (70.4%).

Table 14: In the last year, how often have you been to an Off-Leash Dog Park in another community?

	Percent
Never	70.4
Once or twice	17.2
Three to four times	3.4
Five to six times	2.6
More than six times	6.4

Lastly, dog owners were asked to rate the importance of specific dog park features for the proposed location in Minnow Lake. The most important features reported were waste bags and cans (90.5%), fencing (89.1%) and a water feature for dogs (63.7%). The least important features were artificial turf and sand boxes.

Table 15: Please rate the importance of the following items for an off-leash dog area:

	Very Important	Somewhat Important	Neither	Not very Important	Not at all Important
Fencing	89.1	7.5	0.8	1.9	0.8
Artificial turf	6.2	13.8	20.8	26.9	32.2
Waste bags and cans	90.5	6.8	1.1	0.8	0.8
Sand box for dogs	6.8	16.3	24.0	21.7	31.2
Benches	46.4	39.2	6.8	5.7	1.9
Shaded areas	58.6	28.1	7.2	4.2	1.9
Lighting	39.8	37.5	9.6	9.2	3.8
Separate areas for large and small dogs	22.5	30.2	20.6	14.5	12.2
Water feature for dogs	63.7	22.9	7.3	4.2	1.9
Restrooms	41.8	24.3	11.8	13.7	8.4
Parking	32.2	45.5	12.5	5.7	4.2

At the end of the survey, respondents were asked to provide demographic information. The majority of survey respondents were female (73.7%). Respondents ranged in age from 15 to 82 years with a mean of 41. They reported having lived in Sudbury from 1 to 70 years, with a mean of 30. The majority of respondents indicated they owned their home (73.0%). Most reported living in a detached house (70.5%), followed by a semi-detached or townhouse (15.0%) and an apartment building (13.6%).

At the end of the survey a total of 149 respondents signed up to receive email updates regarding the project.

2. Community Meeting Results

Here are the general comments and questions received from residents that participated at the Community Meeting about the proposed Off-Leash Dog Park to be located at the Second Avenue North property on Wednesday, May 26, 2010 at Pius XII Elementary School.

- Will there be signage of rules?
- How will aggressive dogs and owners be dealt with?
- Off-Leash dogs are better socialized, quieter and healthier.
- How will we enforce the rules?
- Will there be clear contact for reporting/enforcement?
- Dog Owners are taxpayer also.
- I support an off-leash dog park at that location.
- The present site is an eye sore.
- Who will provide education to users of the park?
- How will the dog park be funded (ie: taxes, fundraising, donations, etc.)?
- The dog park will encourage responsible dog ownership.
- Will it be a group of volunteers that will assist in the maintenance of the park?
- Will there be a fee for use of the dog park?
- Will there be restrictions on certain dogs like 'female dogs in heat', 'aggressive dogs'?
- Will there be parking access on or by the property?
- Will there be a gate between the small and big dog areas?
- Will there be washrooms or port-a-potty available?
- Will there be other dog parks throughout the City of Greater Sudbury?
- To maintain this dog park will a dog association be required?
- What are the hours of operation/usage?
- Will it be maintained all year-round (ie: winter months)?
- Who will pick up the garbage cans?

Appendix B: Summary Dog Park Information

Dog Park Sub-Committee of the Minnow Lake CAN

SUMMARY OF CITY BINDER OF DOG PARK INFORMATION

Prepared by: Maria Bozzo, Date: 10 February, 2010

At the initial meeting of the Dog Park Sub-Committee of the Minnow Lake CAN it was brought forward that the City of Greater Sudbury (Leisure Services) had begun collecting information on dog parks. Following is a summary of the binder that was prepared.

Introduction:

The binder is divided into ten sections:

- Dog Owners' Liability Act (DOLA);
- People, Dogs and Parks-Off Leash Area Policy (City of Toronto);
- Leash-Free Parks Program Policy (City of Hamilton);
- Dog-In-Parks Designation (City of Ottawa);
- Licensing Fees & By-Laws (Various Municipalities);
- Correspondences (Various Municipalities);
- Dog Parks – Expenses; Designing a Dog Park;
- List of Current Parks in Ontario;
- Dog Park Publications.

In order not to duplicate all of the information contained in the documents, a list of websites reflecting the bulk of the content is provided at the end of this summary.

Each city studied had established their own rules for the operation of the parks, the parameters under which they could be established, community involvement, and cost sharing with citizens using the parks. This led to a variety of approaches from parks with seating for humans, supply of drinking water, disposal bags being provided for dog waste, areas where fencing was required, areas where dogs could run free with no fencing, and the budgets provided by the city to establish and maintain the sites.

Key Points:

1. The staff has done a great job in compiling an excellent reference manual of what has been put into place in other areas. Apart from the official By-Laws and official city manuals, the binder includes summaries of informal conversations with municipal officials. A blueprint for proceeding in Greater Sudbury could easily be developed from the contents as presented here.
2. The themes that emerged and the individual municipality's response varied depending on the budget that had been made available.
3. In all cases, adults were to accompany the dogs and no more than two dogs per adult. Trainers were not permitted to conduct their business at a park.

4. The binder had an excellent article on establishing a dog park that was written for use in planning parks in Australia (see internet reference below).

Examples from the Municipalities:

Toronto:

- Dogs excluded from use of off-leash areas included: female dogs in heat, uncastrated male dogs, dogs identified under the DOLA, and dogs not licensed with the City's Animal Services or with the municipality where the dog resides.
- Dog Owner associations play a key role that includes facilitating the communication among dog owners, between dog owners and other park users, and municipal staff but are not expected to bear operational or enforcement responsibilities.
- There are no fees.
- The most elaborate is the park located within Allen Gardens – very fancy. See reference below.

Hamilton:

- The "leash free" facilities program was given no operating budget. The source of funding was to come from the "dog tag" surcharge and community organizations.
- In Hamilton, two off leash type areas were established: Free Running Areas (unfenced with no cost to municipality but meeting certain other restrictions) and Dog Parks (fenced, having a volunteer committee, restrictions on locations and no funding to be provided through the municipality).

Ottawa:

- Heavy emphasis on developing policies which were consistent and fair that ensured access to parkland with their owners as well as freedom from dogs where parks, parts of parks or park activities were not compatible with the presence of dogs.
- Of the approximately 1000 parks and designated spaces in Ottawa, currently almost 50% are off leash, on leash or mixed designation.
- Users are expected to take home fecal matter collected from their pets.

Kingston:

- Two dollars from each dog tag sold was used to fund the off leash park areas. Red tags are issued to indicate that the dog is eligible to use the off leash park. The money was not an additional cost – simply part of the cost.
- A Pet Tag Renewal reminder is sent to dog owners who purchased tags in the past. (Good idea for those of us who forget.) Done via internet.

Conclusion:

There is a lot of information already collected that can form an excellent foundation for the work to be done in Sudbury. The impression left from reading about experiences in other municipalities is that community involvement is key;

municipal support is essential; and, consideration needs to be given to the ability of all citizens to enjoy park areas. In other words, everyone has to work together and be responsible. Cost appears to be a key factor in how the off leash area eventually took shape.

LIST OF ELECTRONIC REFERENCE DOCUMENTS:

DOG OWNERS' LIABILITY ACT:

<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/dola-pubsfty/dola-pubsfty.asp>

CITIES WITH DOG PARKS REVIEWED:

Toronto:

1. <http://www.toronto.ca/parks/dogs.htm>
2. <http://www.bantinghouse.com/> - highlights the dog park in Allen Gardens

Hamilton:

1. <http://www.hamilton.ca/NR/rdonlyres/920DB140-6072-45A0-A77B-B79B555AA85C/0/LeashFreeProgramPolicy.pdf>
2. <http://www.hamilton.ca/CityDepartments/PublicWorks/Parks/Programs/LeashFreeDogParks.htm>

Ottawa:

http://www.ottawa.ca/residents/animal_care/cats_dogs/dogs/parks/index_en.html

Ontario-wide:

<http://www.pets.ca/dogparks/ontario.htm>

Kingston:

<http://www.cityofkingston.ca/residents/recreation/parks/offleash/index.asp>

Australia:

http://www.petnet.com.au/sites/default/files/PIAS_-_public_open_space_and_dogs.pdf

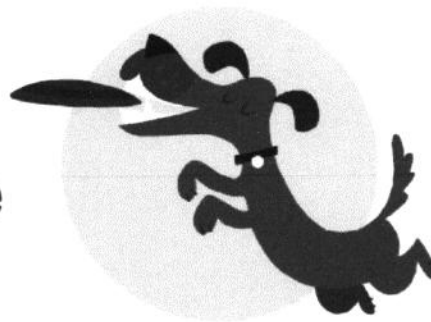
ADDITIONAL INFO:

Durham, North Carolina:

<http://www.durhamnc.gov/departments/parks/dog.cfm>

Appendix C: Example of Mailed Post-card to Minnow Lake Residents

**Some say dogs in
Greater Sudbury
should have a place
where they can run
and play off leash.**



What do you think?

Dear Neighbour,

A group of volunteers has been working with the Minnow Lake Community Action Network (CAN) to develop an area in Minnow Lake where dogs can run and play off-leash. As a resident of the area we want to know what you think.

Go to **www.dogsoffleash.ca/survey** to complete a short survey.
Call 674-4455, ext. 2448 if you would like a paper copy of the survey.
(one survey per household)

Please complete the survey **before May 29.**

We want to hear from you!

Thank you.

John Lindsay
Chair, Minnow Lake Community Action
Network

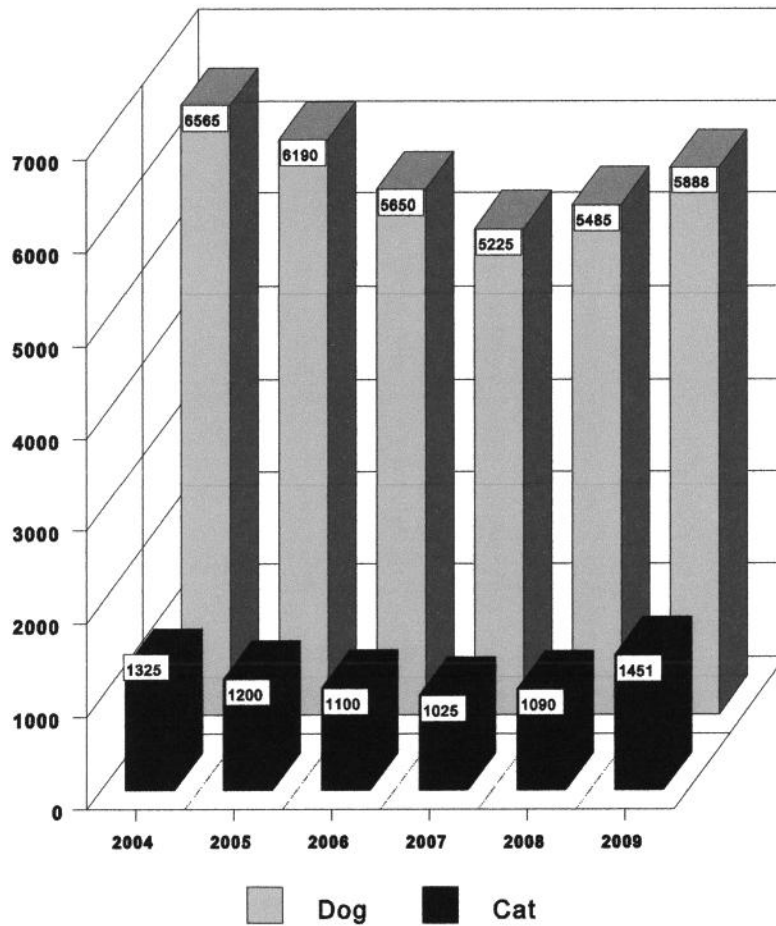
TO LEARN MORE:
Visit **www.dogsoffleash.ca**

Attend a community meeting
Date: Wed. May 26 at 7:00 PM
Place: Pius XII School, 44 Third Ave

Or email us **Info@dogsoffleash.ca**

Appendix D: Dog & Cat Registrations 2004-2009

Dog and Cat Tag Registrations 2004 to 2009



Appendix E: Dog Owners' Liability Act

Dog Owners' Liability Act

R.S.O. 1990, CHAPTER D.16

Consolidation Period: From January 1, 2007 to the e-Laws currency date.

Last amendment: 2006, c. 32, Sched. C, s. 13.

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INTERPRETATION

Definitions

1. (1) In this Act,

“owner”, when used in relation to a dog, includes a person who possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor; (“propriétaire”)

“pit bull” includes,

- (a) a pit bull terrier,
- (b) a Staffordshire bull terrier,
- (c) an American Staffordshire terrier,
- (d) an American pit bull terrier,
- (e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d); (“pit-bull”)

“pound” has the same meaning as in the *Animals for Research Act*; (“fourrière”)

“regulation” means a regulation made under this Act. (“règlement”) R.S.O. 1990, c. D.16, s. 1; 2005, c. 2, s. 1 (2).

Same

(2) In determining whether a dog is a pit bull within the meaning of this Act, a court may have regard to the breed standards established for Staffordshire Bull Terriers, American Staffordshire Terriers or American Pit Bull Terriers by the Canadian Kennel Club, the United Kennel Club, the American Kennel Club or the American Dog Breeders Association. 2005, c. 2, s. 1 (3).

CIVIL LIABILITY

Liability of owner

2. (1) The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person or domestic animal. R.S.O. 1990, c. D.16, s. 2 (1).

Where more than one owner

(2) Where there is more than one owner of a dog, they are jointly and severally liable under this section. R.S.O. 1990, c. D.16, s. 2 (2).

Extent of liability

(3) The liability of the owner does not depend upon knowledge of the propensity of the dog or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages. R.S.O. 1990, c. D.16, s. 2 (3).

Contribution by person at fault

(4) An owner who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person’s fault or negligence caused or contributed to the damages. R.S.O. 1990, c. D.16, s. 2 (4).

Application of *Occupiers' Liability Act*

3. (1) Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this Act and not under the *Occupiers' Liability Act*. R.S.O. 1990, c. D.16, s. 3 (1).

Protection of persons or property

(2) Where a person is on premises with the intention of committing, or in the commission of, a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable under section 2 unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of persons or property. R.S.O. 1990, c. D.16, s. 3 (2).

PROCEEDINGS — PART IX OF THE PROVINCIAL OFFENCES ACT

Proceedings against owner of dog

4. (1) A proceeding may be commenced in the Ontario Court of Justice against an owner of a dog if it is alleged that,

- (a) the dog has bitten or attacked a person or domestic animal;
- (b) the dog has behaved in a manner that poses a menace to the safety of persons or domestic animals; or
- (c) the owner did not exercise reasonable precautions to prevent the dog from,
 - (i) biting or attacking a person or domestic animal, or
 - (ii) behaving in a manner that poses a menace to the safety of persons or domestic animals. 2005, c. 2, s. 1 (6).

Same

(1.1) A proceeding may be commenced in the Ontario Court of Justice against a person if it is alleged that the person contravened a provision of this Act or the regulations or a court order made under this Act. 2005, c. 2, s. 1 (6).

Nature of proceeding

(1.2) Part IX of the *Provincial Offences Act* applies to a proceeding under this section. 2005, c. 2, s. 1 (6).

Standard of proof

(1.3) Findings of fact in a proceeding under this section shall be made on the balance of probabilities. 2005, c. 2, s. 1 (6).

Interim order

(2) When a proceeding has been commenced under subsection (1) or (1.1), the Ontario Court of Justice may, pending a determination of whether an order should be made under subsection (3) or pending an appeal of such an order, make an interim order requiring the owner to take measures specified in the interim order for the more effective control of the dog. 2000, c. 26, Sched. A, s. 6; 2005, c. 2, s. 1 (7).

Final order

(3) If, in a proceeding under subsection (1), the court finds that the dog has bitten or attacked a person or domestic animal or that the dog's behaviour is such that the dog is a menace to the safety of persons or domestic animals, and the court is satisfied that an order is necessary for the protection of the public, the court may order,

- (a) that the dog be destroyed in the manner specified in the order; or
- (b) that the owner of the dog take the measures specified in the order for the more effective control of the dog or for purposes of public safety. 2000, c. 26, Sched. A, s. 6; 2005, c. 2, s. 1 (8, 9).

Examples, measures for more effective control

(4) Some examples of measures that may be ordered under subsection (2) or clause (3) (b) are:

- 1. Confining the dog to its owner's property.
- 2. Restraining the dog by means of a leash.
- 3. Restraining the dog by means of a muzzle.
- 4. Posting warning signs. 2000, c. 26, Sched. A, s. 6; 2005, c. 2, s. 1 (10).

Automatic restraint order

(5) If a dog whose destruction has been ordered under clause (3) (a) is not taken into custody immediately, the owner shall restrain the dog by means of a leash and muzzle and such other means as the court may order until the dog is taken into custody. 2000, c. 26, Sched. A, s. 6; 2005, c. 2, s. 1 (11).

Considerations

(6) Except as provided by subsections (8) and (9), in exercising its powers to make an order under subsection (3), the court may take into consideration the following circumstances:

- 1. The dog's past and present temperament and behaviour.
- 2. The seriousness of the injuries caused by the biting or attack.
- 3. Unusual contributing circumstances tending to justify the dog's action.
- 4. The improbability that a similar attack will be repeated.

5. The dog's physical potential for inflicting harm.
6. Precautions taken by the owner to preclude similar attacks in the future.
7. Any other circumstances that the court considers to be relevant. 2000, c. 26, Sched. A, s. 6; 2005, c. 2, s. 1 (12).

Sterilization requirement

(7) The owner of a dog that is subject to an order under clause (3) (b) shall ensure that the dog is neutered or spayed, as the case may be, within 30 days of the making of the order or, if the court specifies a different time period, within the time period specified by the court. 2005, c. 2, s. 1 (13).

Mandatory order under cl. (3) (a)

(8) When, in a proceeding under this section, the court finds that the dog is a pit bull and has bitten or attacked a person or domestic animal, or has behaved in a manner that poses a menace to the safety of persons or domestic animals, the court shall make an order under clause (3) (a). 2005, c. 2, s. 1 (13).

Same

(9) When, in a proceeding under this section, the court finds that the owner of a pit bull contravened a provision of this Act or the regulations relating to pit bulls or contravened a court order relating to one or more pit bulls, the court shall make an order under clause 3 (a). 2005, c. 2, s. 1 (13).

Onus of proof, pit bulls

(10) If it is alleged in any proceeding under this section that a dog is a pit bull, the onus of proving that the dog is not a pit bull lies on the owner of the dog. 2005, c. 2, s. 1 (13).

Order to prohibit dog ownership

5. When, in a proceeding under section 4, the court finds that the dog has bitten or attacked a person or domestic animal or that the dog's behaviour is such that the dog is a menace to the safety of persons or domestic animals, the court may make an order prohibiting the dog's owner from owning another dog during a specified period of time. 2000, c. 26, Sched. A, s. 6; 2005, c. 2, s. 1 (14).

PRECAUTIONS BY DOG OWNERS

Owner to prevent dog from attacking

5.1 The owner of a dog shall exercise reasonable precautions to prevent it from,

- (a) biting or attacking a person or domestic animal; or
- (b) behaving in a manner that poses a menace to the safety of persons or domestic animals. 2005, c. 2, s. 1 (15).

PIT BULLS — BAN AND RELATED CONTROLS

Pit bull ban

6. Except as permitted by this Act or the regulations, no person shall,
- (a) own a pit bull;
 - (b) breed a pit bull;
 - (c) transfer a pit bull, whether by sale, gift or otherwise;
 - (d) abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario or a designated body;
 - (e) allow a pit bull in his or her possession to stray;
 - (f) import a pit bull into Ontario; or
 - (g) train a pit bull for fighting. 2005, c. 2, s. 1 (16).

Ownership of restricted pit bulls

7. (1) For the purposes of this Act, a pit bull is a restricted pit bull if,
- (a) it is owned by a resident of Ontario on the day subsection 1 (16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* comes into force; or
 - (b) it is born in Ontario before the end of the 90-day period beginning on the day subsection 1 (16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* comes into force. 2005, c. 2, s. 1 (16).

Same

- (2) Despite clause 6 (a), a person may own a pit bull if it is a restricted pit bull. 2005, c. 2, s. 1 (16).

Controls on restricted pit bulls

- (3) A person who owns a restricted pit bull shall ensure compliance with the requirements set out in this Act and the regulations that relate to restricted pit bulls, within such time frames as are provided for those requirements in this Act or the regulations. 2005, c. 2, s. 1 (16).

Ownership of pit bull other than restricted

8. (1) Despite clause 6 (a), a pound may own a pit bull that is not a restricted pit bull for as long as is reasonably necessary to fulfil its obligations under the *Animals for Research Act*. 2005, c. 2, s. 1 (16).

Same

- (2) Despite clause 6 (a), a research facility registered under the *Animals for Research Act* may own a pit bull that is not a restricted pit bull that is transferred to it under the *Animals for Research Act*. 2005, c. 2, s. 1 (16).

Transfer of pit bulls

9. (1) Despite clause 6 (c) and subject to the regulations, an owner of a restricted pit bull may transfer that pit bull by gift or bequest. 2005, c. 2, s. 1 (16).

Same

(2) No person who owned one or more pit bulls on the day subsection 1 (16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* comes into force shall acquire a pit bull under subsection (1) after that day if the effect of the acquisition would be that the person owns more pit bulls after that day than on that day. 2005, c. 2, s. 1 (16).

Same

(3) No person who did not own a pit bull on the day subsection 1 (16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* comes into force shall acquire more than one pit bull under subsection (1) after that day. 2005, c. 2, s. 1 (16).

Same

(4) The limits set out in subsections (2) and (3) do not apply to a pound operated by or on behalf of a municipality, Ontario or a designated body or to a research facility within the meaning of the *Animals for Research Act*. 2005, c. 2, s. 1 (16).

Same

(5) Despite clause 6 (c), a pit bull may be transferred by its owner to a pound operated by or on behalf of a municipality, Ontario or a designated body. 2005, c. 2, s. 1 (16).

Same

(6) Despite clause 6 (c), a pit bull may be transferred in accordance with section 20 of the *Animals for Research Act*. 2005, c. 2, s. 1 (16).

Importation of restricted pit bulls

10. (1) For the purposes of clause 6 (f), an individual who leaves Ontario with a restricted pit bull and returns to Ontario with that pit bull within three months is not importing that pit bull into Ontario. 2005, c. 2, s. 1 (16).

Same

(2) For the purposes of clause 6 (f), an individual who owns a pit bull on the day referred to in clause 7 (1) (a) and is legally resident in Ontario on that day, but who is not present in Ontario on that day, is not importing a pit bull into Ontario if he or she returns to Ontario with that pit bull within three months of that day. 2005, c. 2, s. 1 (16).

Municipal by-laws

11. Despite section 14 of the *Municipal Act, 2001* and section 11 of the *City of Toronto Act, 2006*, if there is a conflict between a provision of this Act or of a regulation under this or any other Act relating to pit bulls and a provision of a by-law passed by a municipality relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bulls prevails. 2005, c. 2, s. 1 (16); 2006, c. 32, Sched. C, s. 13.

SEARCH AND SEIZURE

Peace officers

12. For the purposes of this Act, the following persons are peace officers:

1. A police officer, including a police officer within the meaning of the *Police Services Act*, a special constable, a First Nations Constable and an auxiliary member of a police force.
2. A municipal law enforcement officer.
3. An inspector or agent under the *Ontario Society for the Prevention of Cruelty to Animals Act*.
4. A public officer designated as a peace officer for the purposes of this Act. 2005, c. 2, s. 1 (16).

Warrant to seize dog

13. (1) Subsection (2) applies where a justice of the peace is satisfied by information on oath or affirmation that there are reasonable grounds to believe that,

- (a) a dog is in any building, receptacle or place, including a dwelling house, other than in a pound operated by or on behalf of a municipality, Ontario or a designated body or in a research facility registered under the *Animals for Research Act*; and
- (b) it is not desirable in the interests of public safety that the dog be in that location. 2005, c. 2, s. 1 (16).

Same

(2) In the circumstances described in subsection (1), the justice of the peace may issue a warrant authorizing a peace officer named in the warrant to enter any building, receptacle or place, including a dwelling house, to search for and seize the dog and any muzzle, collar or other equipment for the dog. 2005, c. 2, s. 1 (16).

Same

(3) Without limiting the generality of clause (1) (b), it is not desirable in the interests of public safety for a dog to be in a location other than in a pound operated by or on behalf of a municipality, Ontario or a designated body or in a research facility registered under the *Animals for Research Act* if,

- (a) the dog has on one or more occasions bitten or attacked a person or domestic animal;
- (b) the dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals;
- (c) an owner of the dog has on one or more occasions failed to exercise reasonable precautions to prevent the dog from,
 - (i) biting or attacking a person or domestic animal, or
 - (ii) behaving in a manner that poses a menace to the safety of persons or domestic animals;
- (d) the dog is a restricted pit bull and an owner of the dog has on one or more occasions failed to comply with one or more of the requirements of this Act or the regulations respecting restricted pit bulls;
- (e) the dog is a pit bull other than a restricted pit bull; or
- (f) there is reason to believe that the dog may cause harm to a person or domestic animal. 2005, c. 2, s. 1 (16).

Same

(4) A peace officer named in a warrant who is executing a warrant under this section may be accompanied by one or more veterinarians or animal control personnel as are reasonably required to give effect to the safe and humane seizure of the dog, whether the accompanying persons are named in the warrant or not. 2005, c. 2, s. 1 (16).

Same

(5) Every warrant issued under this section shall name a date on which it expires, which date shall be not later than 30 days after its issue. 2005, c. 2, s. 1 (16).

Same

(6) Every warrant shall be executed between 6 a.m. and 9 p.m., unless the justice by the warrant otherwise authorizes. 2005, c. 2, s. 1 (16).

Exigent circumstances

14. (1) Where the circumstances in clauses 13 (1) (a) and (b) exist and it would be impracticable to obtain a warrant because of exigent circumstances, a peace officer may exercise any of the powers of a peace officer described in section 13. 2005, c. 2, s. 1 (16).

Same

(2) In this section, exigent circumstances include circumstances in which the peace officer has reasonable grounds to suspect that entry into any building, receptacle or place, including a dwelling house, is necessary to prevent imminent bodily harm or death to any person or domestic animal. 2005, c. 2, s. 1 (16).

Seizure in public place

15. (1) A peace officer may seize a dog in a public place if the officer believes on reasonable grounds that,

- (a) the dog has on one or more occasions bitten or attacked a person or domestic animal;
- (b) the dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals;
- (c) an owner of the dog has on one or more occasions failed to exercise reasonable precautions to prevent the dog from,
 - (i) biting or attacking a person or domestic animal,
 - (ii) behaving in a manner that poses a menace to the safety of persons or domestic animals;
- (d) the dog is a restricted pit bull and an owner of the dog has on one or more occasions failed to comply with one or more of the requirements of this Act or the regulations respecting restricted pit bulls;
- (e) the dog is a pit bull other than a restricted pit bull; or
- (f) there is reason to believe that the dog may cause harm to a person or domestic animal. 2005, c. 2, s. 1 (16).

Same

(2) Subsection (1) shall not be interpreted to restrict seizure of a dog in a public place if the seizure is otherwise lawful. 2005, c. 2, s. 1 (16).

Necessary force

16. A peace officer may use as much force as is necessary to execute a warrant issued under section 13 or to exercise any authority given by section 14 or 15. 2005, c. 2, s. 1 (16).

Delivery of seized dog to pound

17. A peace officer who seizes a dog under section 13, 14 or 15 shall promptly deliver the seized dog to a pound operated by or on behalf of a municipality, Ontario or a designated body. 2005, c. 2, s. 1 (16).

OFFENCES

Offences

18. (1) An individual who contravenes any provision of this Act or the regulations or who contravenes an order made under this Act or the regulations is guilty of an offence and liable, on conviction, to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or both. 2005, c. 2, s. 1 (16).

Same

(2) A corporation that contravenes any provision of this Act or the regulations or that contravenes an order made under this Act or the regulations is guilty of an offence and liable, on conviction, to a fine of not more than \$60,000. 2005, c. 2, s. 1 (16).

Same

(3) If a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to make compensation or restitution in relation to the offence. 2005, c. 2, s. 1 (16).

Identification of pit bull

19. (1) A document purporting to be signed by a member of the College of Veterinarians of Ontario stating that a dog is a pit bull within the meaning of this Act is receivable in evidence in a prosecution for an offence under this Act as proof, in the absence of evidence to the contrary, that the dog is a pit bull for the purposes of this Act, without proof of the signature and without proof that the signatory is a member of the College. 2005, c. 2, s. 1 (16).

Immunity

(2) No action or other proceeding may be instituted against a member of the College of Veterinarians of Ontario for providing, in good faith, a document described in subsection (1). 2005, c. 2, s. 1 (16).

Onus of proof

(3) For greater certainty, this section does not remove the onus on the prosecution to prove its case beyond a reasonable doubt. 2005, c. 2, s. 1 (16).

REGULATIONS

Regulations

20. (1) The Lieutenant Governor in Council may make regulations respecting the control of pit bulls. 2005, c. 2, s. 1 (16).

Same

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) respecting leashing and muzzling of restricted pit bulls;

- (b) respecting the spaying or neutering of restricted pit bulls;
- (c) authorizing persons or other bodies specified in the regulations to pass and enforce by-laws governing pit bulls for the purposes of unorganized territory or specified parts of unorganized territory in the same ways that a municipality can pass and enforce by-laws governing pit bulls for the purposes of its geographic jurisdiction;
- (d) governing the presence in Ontario of pit bulls in connection with dog shows, including regulations providing for exemptions, subject to any restrictions specified in the regulations, from any provision of this Act or the regulations;
- (e) designating bodies referred to as designated in this Act;
- (f) designating public officers as peace officers for the purposes of this Act. 2005, c. 2, s. 1 (16).

Same

- (3) Regulations may be general or specific. 2005, c. 2, s. 1 (16).

Same

- (4) Without limiting the generality of subsection (3), a regulation may be made to apply or not to apply to a person or body specified in the regulation. 2005, c. 2, s. 1 (16).
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Appendix F: By-Law 2002-285, City of Greater Sudbury

BY-LAW 2002-285

BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO REGULATE THE KEEPING OF ANIMALS AND THE REGISTRATION OF DOGS AND CATS

Diane Trotter (15)
Nickel Centre CSC
Orapine CSC
Chellmsford CSC
Valley East CSC
Walden CSC
E. Stankiewicz
N. Charette
K. Giddie (2)
Tom Davies CSC

WHEREAS Subsections 210.8, 210.9, 210.10 210.11 and, inclusive of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, allows municipalities to pass By-laws regulating leashing; removal of excrement left by a dog; muzzling and leashing of dogs;

AND WHEREAS Subsections 210.13 and 210.4 of the *Municipal Act* allows municipalities to prohibit or regulate the running at large of dogs and of animals other than dogs, and the impound and sale thereof;

AND WHEREAS Subsection 210.1 of the *Municipal Act* allows municipalities to pass By-laws for prohibiting and regulating the keeping of animals or any class thereof, within the municipality or defined areas thereof;

AND WHEREAS Subsection 210.5 of the *Municipal Act* allows municipalities to pass By-laws for providing for animal identification systems;

AND WHEREAS the Council of the City of Greater Sudbury deems it advisable to enact such a by-law;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

PART I - GENERAL

Interpretation

1. In this By-law:

"animal" includes any mammal, bird or reptile, other than a dog or cat;

"animal control officer" means a person appointed by Council as a Municipal By-law Enforcement Officer to enforce the provisions of this By-law and includes a police officer;

Appendix G: Parks, Open Space & Leisure Master Plan

2.2.2 Principles - City / Corporate

The City of Greater Sudbury's Vision and Mission Statements provide high-level direction for this Plan:

Vision: *The City of Greater Sudbury is a growing, world-class community bringing talent, technology, and a great northern lifestyle together.*

Mission: *We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the City of Greater Sudbury.*

Of particular importance to this Plan, the City has adopted the following strategic goals:

- a) To promote the well-being of our citizens in a healthy, safe and stimulating community.
- b) To protect and improve the environmental and ecological health of the community.
- c) To develop a viable strategy to increase investment in infrastructure.
- d) To secure new sources of revenue through innovative strategies and partnerships.
- e) To ensure our community is attractive to young adults as a place to build careers and raise families.
- f) To put children first.

2.2.3 Principles - Citizen and Leisure Services Department

The vision and mission statements of the City's Citizen and Leisure Services Department are:

Vision: *To deliver great service that consistently exceeds the citizen's expectations and enhances our northern lifestyle.*

Mission: *To support a physically, intellectually, socially and ecologically healthy community that nurtures local values, volunteers and community partnerships.*

In fulfilling its roles, the Citizen and Leisure Services Department is committed to:

- a) Providing exemplary services with a citizen focus by treating all citizens fairly, equitably and with sensitivity in order to respect each citizen's uniqueness.
- b) Building a physically, intellectually, socially and ecologically healthy community that nurtures local values and community partnerships and supports an excellent quality of life.
- c) Identifying and removing barriers so as to ensure easy and open access to Citizen and Leisure Services while recognizing the large geographical area of the City of Greater Sudbury.
- d) Managing the resources in our trust efficiently, responsibly and effectively so as to ensure the delivery of high quality and affordable services and programs.

In addition, park sites suitable for “off leash” or “leash free” dog play are needed within the urban areas of the City. “Off leash zones” are parks or areas within parks where dog owners can run their dogs off of their leashes. For such parks to be successful there must be significant involvement by a community group in both the creation of the park and the ongoing maintenance of the park. The establishment of at least one such park as a test case should be undertaken. Sites that are not appropriate include lands that are considered environmentally sensitive, parks that attract a large number of users, or back on to residential lots. The portion of a park established for the leash free area must also be clearly delineated by either natural or manmade barriers and be well signed. The area must also be associated with an affiliated group who will assume responsibility for the added maintenance.

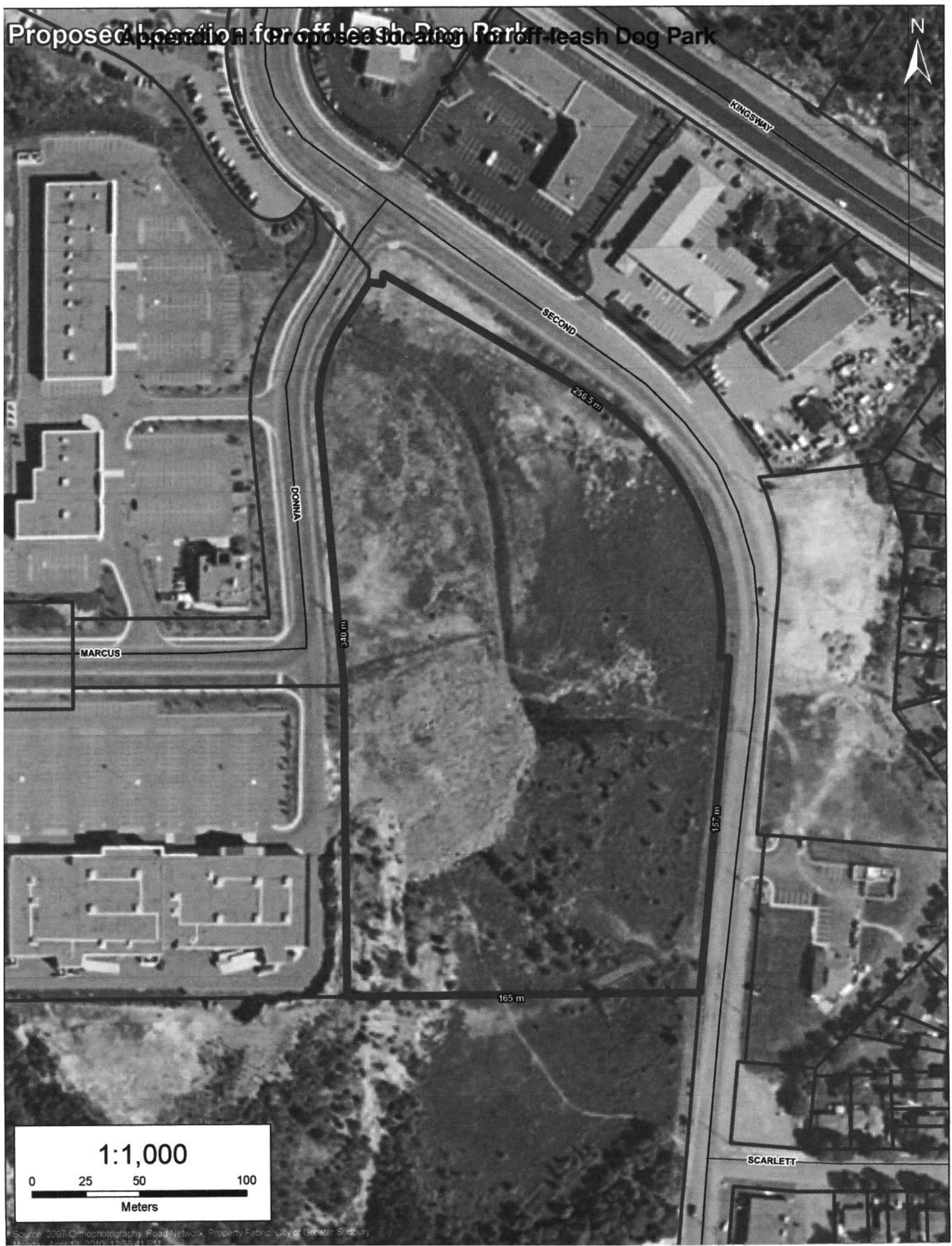
Action Plans

- ★ In an effort to achieve a more favourable per capita ratio of parkland, the City should capitalize on available opportunities to acquire park sites for both active and passive recreation that are 10 or more acres in size in the following areas (in priority order):
 - Sudbury - Flour Mill/Donovan area
 - Sudbury - New Sudbury area
 - Sudbury - South End
 - Sudbury - West End & Copper Cliff
 - Coniston, Wahnapiatae & the New Townships
 - Chelmsford & Azilda
- ★ Determine if a park exists that would be suitable as a leash free park or acquire suitable lands.
- ★ Work with a community group to establish rules and maintenance schedules for the park.

7.1.4 Disposal of Surplus Parkland

One significant issue is the considerable number of small, undeveloped park sites within the City. A query of the City's assessment system indicates that there are over 1,600 parcels classified as “Vacant Land”. Some of these lots are “developed” parks without buildings, others contain various municipal infrastructure, but the vast majority are undeveloped properties. Over 1,100 of these lots are less than one acre in size and many have been acquired by the City through a variety of means, including its parkland dedication policies. Furthermore, most of these lots are zoned R1 or R2, although some are designated for parkland purposes in the City's various planning documents. In some cases, local neighbourhoods have expectations that these lots will one day be developed as parks or, at the very least, that they will remain in their natural state and not sold as residential lots. Before deciding whether or not these unclassified, residentially-zoned “park” parcels should be declared surplus, the City should identify and evaluate them on a site-by-site basis. Preference should be given to maintaining parks that are already developed, contain important natural heritage features, and/or that provide public access to local water bodies.

The magnitude of Greater Sudbury's geographic area and the dispersal of residential areas results in the need for more play areas (in order to ensure physical accessibility by all residents) compared to more concentrated urban areas. Despite this fact, some of the City's developed and



Proposed Location for off-leash Dog Park

