

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 028-2014

Being a by-law requiring the Owners and keepers of Dogs to be responsible pet Owners

Recitals:

The Municipal Act, 2001 authorizes municipalities to regulate the keeping of animals and to regulate noise and other nuisances.

Council has received complaints relating to Dogs running at large and Dogs disturbing the peace through persistent barking.

The Council recognizes that balance must be achieved between the clash of individual interests that arise in modern municipalities, and that the existence of organized society depends upon the principle of “give and take”.

By-laws 914-2011 and 938-2012A each deal with different aspects of animal control. The Council wishes to consolidate all Dog ownership regulations into a single by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

Section One: Definitions and Interpretation

1.01 **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

- (a) **“By-law”** means this By-law, as it may be amended from time to time, unless another by-law is expressly referenced by name or number. The Recitals to, and any Schedules attached to, this By-law are considered integral parts of it.
- (b) **“Corporation”** means The Corporation of the Municipality of Neebing.
- (c) **“Confine”** means to keep stationary by means of confinement in a cage or other quarters, or by means of being Secured.

- (d) “**Council**” means the elected municipal council for the Corporation.
 - (e) “**Dog**” means a domesticated canine, either male or female.
 - (f) “**Includes**”: The use of the word “includes” in any tense (for example, “including”, “included”, or “include”) is not intended to restrict or limit any of the words or phrases either preceding or following it.
 - (g) “**Municipal Law Enforcement Officer**” means a Police Officer, a law enforcement officer, the Manager, a person in the employ of the Thunder Bay District Humane Society or other organization associated with the Society for the Prevention of Cruelty to Animals, or another person duly appointed to enforce the by-laws of the Corporation.
 - (h) “**Neebing**” means the geographic area under the jurisdiction of the Corporation.
 - (i) “**Owner**” when used in reference to property, means a person with legal title to that real or personal property. “**Owner**” when used in reference to a Dog, means the person with legal title to the Dog but also includes a person to whom care of the Dog has been entrusted. Where the Owner of a Dog is a minor, the term refers to the person responsible for the custody of the minor Owner.
The terms “**Own**”, “**Ownership**”, and words of like import or intent have corresponding meanings.
 - (j) “**Running At Large**”: For the purposes of this By-law, a Dog is considered to be Running at Large when it is:
 - i) it is found in any place other than the premises of the Owner of the Dog; and
 - ii) it is not under the control of any person.
- A Dog is not considered to be Running at Large when it is:
- i) it is on its Owner’s property;
 - ii) it is demonstrated to be under the control of a person through connection to that person by a leash or similar apparatus no longer than four (4) metres in length; or
 - iii) it is “at heel” beside a person and is obedient to that person’s command.
- (k) To “**Secure**” means to tether, fasten or tie down. “**Secured**” has a corresponding meaning.

- 1.02 **Gender/Plurals**: Terms expressed in a masculine gender may be interpreted in the feminine gender, and vice-versa, whenever the context requires it. Terms expressed in plural may be interpreted in the singular, and vice-versa, whenever the context requires it.
- 1.03 **Citing Legislation and by-laws**: When provincial legislation is cited in this By-law using a date within the title to the legislation, the reference is to the Statutes of Ontario for that particular year. Where the title does not have a date in it, the reference is to the Revised Statutes of Ontario, 1990. In both cases, the term refers to the legislation as amended from time to time, and includes successor legislation. Where another by-law is cited by number in this By-law, the reference is to the by-law of the Corporation which has that number. The reference includes that by-law, as amended from time to time, including any successor by-laws.
- 1.04 **Text Organization**: The organization of this By-law into sections or paragraphs, and the use of headings, is intended to assist readers, and is not intended to imply any particular interpretation.
- 1.05 **Changes over Time**: If a person is referred to in this By-law by virtue of an office held, or an organization is referred to in this By-law by a name, and the title of the office or the name of the organization changes, the By-law text is deemed to continue to refer to the holder of the title (as changed) or the particular organization (as re-named).
- 1.06 **Acting Directly or Indirectly**: Where this By-law prohibits an action, or requires a person to undertake an action, the prohibition or requirement applies both directly and indirectly. This means that a person prohibited from doing something is also prohibited from causing, allowing or permitting that action to be done. Likewise, a person may fulfil the requirements of this By-law to undertake a particular action by causing, allowing or permitting the action to be undertaken.
- 1.07 **Nouns**: Reference to any noun is considered to be a reference to all or any part of that item. For example, reference to “a Cage” should be interpreted as reference to “all or any portion of a Cage”.
- 1.08 **Severability**: If any portion of this By-law is considered by a court or tribunal of competent jurisdiction to be unenforceable or void, that ruling will not apply to the balance of the By-law, which shall be considered to remain in full force and effect.
- 1.09 **Conflicts with other By-laws**: In the event of any conflict between this By-Law and any other by-law passed by the Corporation, the more restrictive

provision prevails unless applicable law requires otherwise.

Section Two: Responsible Dog Owner Provisions

- 2.01 **Disturbances Prohibited**: It is an offence for a Dog Owner to allow the Dog to make persistent noise by barking, calling, howling, yelping, whining or making other sounds.
- 2.02 **Limitation on Number of Dogs**: It is an offence for a person to Own more than four (4) Dogs at any one time on property that is less than one (1) hectare in size and is located:
- (a) on land which is zoned "Recreation 1" with the symbol "S1" under the Corporation's Zoning By-law, Number 860-2010;
 - (b) on land which is zoned "Recreation 2" with the symbol "S2" under the Corporation's Zoning By-law, Number 860-2010;
 - (c) on land which is zoned "Recreation 4" with the symbol "S4" under the Corporation's Zoning By-law, Number 860-2010;
 - (d) on land which is zoned "Lakefront Residential" with the symbol "LR" under the Corporation's Zoning By-law, Number 860-2010; or
 - (e) on land which is within a registered plan of subdivision.
- 2.03 **Exemptions**: Section 2.02 does not apply to prevent:
- (a) the keeping of newly born puppies with their mother for a maximum time frame of six (6) months from the date of the puppies' birth; and/or
 - (b) the temporary care of Dogs, on a non-commercial basis, for a period of time no longer than thirty (30) days.
- 2.04 **Prohibition against Nuisance**: It is an offence to Confine a Dog outside in a manner so as to create a nuisance to anyone occupying property in the vicinity.
- 2.05 **Restriction on Location of Secured/Confined Dogs**: It is an offence for a person to Confine a Dog outside within fifty (50) meters of any neighbouring property lines in circumstances where there is no responsible adult on the premises.
- 2.06 **Prohibition against Running At Large**: It is an offence for the Owner of a Dog to allow the Dog to be Running At Large.

Section Three: Enforcement & Penalties

- 3.01 **Enforcement:** This by-law may be enforced by the Municipal By-law Enforcement Officer, or by way of private information sworn in accordance with the Provincial Offences Act.
- 3.02 **Authorization to Enter Property:** The Clerk, a Municipal Law Enforcement Officer, or any person acting under those persons, may at reasonable times, enter onto private property that is not a building used for human habitation. The person so authorized shall, upon request, produce identification of him- or her-self as authorized to carry out enforcement of this By-law. Entry into a residence is permitted only with consent of the Occupant of the dwelling, after that person has been provided with identification of the authorized person, and advised of the purpose for the entry. Occupants are not required to consent to entry to building used for a residential dwelling.
- 3.03 **Obstructing Enforcement:** It is an offence for any person to hinder or obstruct, or to attempt to hinder or obstruct, any person exercising any power authorized by Section 3.02.
- 3.04 **Penalties:** Every person who commits an offence pursuant to this By-law is liable, upon conviction, to the penalties prescribed in the Provincial Offences Act.

Section Four: General Provisions

- 4.01 **Other Provincial Laws:** Notwithstanding anything in this By-law, Dog Owners are subject to the Dog Owners' Liability Act, the Protection of Livestock and Poultry Act, and any other applicable legislation.

4.02 **Repeals:** By-law 914-2011 and 938-2012A are repealed.

4.03 **Effective Date:** This By-law shall come into force and take effect upon the date that it is passed.

ENACTED AND PASSED IN COUNCIL this 19th day of November, 2014 as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING

Mayor

Deputy Clerk

Read for a first and second time this 19th day of November, 2014

Read for a third time and finally passed this 19th day of November, 2014