

# THE CORPORATION OF THE MUNICIPALITY OF NEEBING

## By-law number 2024-035

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

### Recitals:

**WHEREAS** the *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, provides that by-law enforcement officers may enforce the Act for animal control;

**AND WHEREAS** the *Municipal Act, 2001*, S.O. 2001, Ch. 25, provides that by-laws may be passed by the council of a municipality for prohibiting and regulating the keeping of animals, running at large of dogs in the community and dangerous dogs;

**AND WHEREAS** Council wishes to consolidate all Dog by-laws, By-law 2014-028 is hereby repealed and replaced;

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

### Section One: Definitions and Interpretation:

- 1.01 **Definitions:** Whenever 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. Whenever 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. **"Council"** means the elected municipal council for the Corporation.
  - c. **"Dog"** means a male or female dog over the age of twelve (12) weeks.
  - d. **"Dangerous Dog"** means a dog that, in absence of reasonably mitigating factors such as self-defense, protection of young or protection of people and property from criminal activity, bites, causes injury to a person or other domestic animal, chases or approaches any person or domestic animal off of its premises in a menacing fashion, or is prone to attack as demonstrated by growling or snarling while unsecured on or off of its premises.
  - e. **"Dog Control Officer"** means municipal by-law enforcement officer or other delegate contracted by Council for impounding of dogs at large or dangerous dogs.
  - 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. **"Neebing"** means the geographic area under the jurisdiction of the Corporation.

- h. **“Owner”** of a dog includes any person who is responsible for, possesses or harbours a dog and where the owner is a minor, person responsible for the custody of the minor. “Owns” or “Owned” have corresponding meanings.
- i. **“Running at Large”** means when found at a place off of its premises and not under the control of any person by leash of up to 1.8 metres (6 Feet) in length or when on its premises but not secured by a fence, enclosure or leash of less than the distance to the property edge, as required by this by-law.
- j. **“Working Dog”** means a farm dog kept and utilized for the purpose of herding, securing and protecting livestock.

- 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 a 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 a number in this By-law, the reference is to the By-law of the Corporation which has that number. The references includes that By-law, as amended from time to time, including any successor By-law.
- 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 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 renamed).
- 1.06 **Acting Directly or Indirectly:** Where this By-law prohibits 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: Dog Owner Responsibilities & Offences**

- 2.01 **Disturbances:** It is an offence for an Owner to allow a dog to make persistent noise by barking, howling, yelping, whining or other sounds audible to neighbours or passersby. Any persistent barking, howling, yelping, whining or other noise beyond thirty (30) minutes will be considered a violation of and an offence under this By-law.
- 2.02 **Feces:** It is an offence for an Owner to not remove its dog's feces from public or private property within the Township.
- 2.03 **Limitations on Number of Dogs:** It is an offence for an Owner or Owners to have more than three (3) dogs reside, permanently or temporarily, on a property that is less than one (1) hectare in size and is located:
- a. on land which is zoned "Residential 1" with the symbol "R1" under the Corporation's Zoning By-law;
  - b. on land which is zoned "Residential 2" with the symbol "R2" under the Corporation's Zoning By-law;
  - c. on land which is zoned "Seasonal" with the symbol "S" under the Corporation's Zoning By-law;
  - d. on land which is zoned "Lakefront Residential" with the symbol "LR" under the Corporation's Zoning By-law; or
  - e. on land which is within a registered plan of subdivision.
- 2.04 **Exemptions:** For clarity, 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 the temporary care of Dogs, on a non-commercial basis, for a period of time no longer than thirty (30) days are exempted from this provision and related offences.
- Further, sled dogs and dogs utilized in an employment, business or volunteer service, search and rescue or a similar operation are exempted from this provision and related offences, as reasonably determined by Council upon any information requested by the Corporation.
- 2.05 **Restriction Secured Dogs:** It is an offence for an owner to confine a Dog outside within 50 metres of any neighbouring property line when no responsible adult is on the premises to monitor and address disturbances.
- 2.06 **Dogs Running at Large:** It is an offence for an Owner to permit a Dog to run at large.
- 2.07 **Dangerous Dogs:** It is an offence to possess or harbour a Dangerous Dog without meeting applicable conditions or to allow a Dangerous Dog to run at large, chase, attack or bite any other domestic animal or person.

### **Section 3: Dog Control Officer**

- 3.01 Where a Dog Control Officer has reasonable and probable grounds to believe there has been a contravention of this By-law, he or she may order such restrictions on the Dog as required to prevent undue noise disturbance or for public safety, seize the Dog wherever it is located and impound the Dog, or return the Dog to its Owner with or without conditions for care and restraint.
- 3.02 A Dog Control Officer may dispose of any Dangerous Dog on sight, without notice to or complaint against the Owner, where that Dog represents a threat to the safety of persons or other domestic animals.
- 3.03 A Dog Control Officer may enter onto private property to inspect Dogs and their care conditions at any reasonable time upon reasonable notice to the property owner and or tenant.
- 3.04 A Dog Control Officer may not enter a private dwelling without the consent of inhabitants or a warrant, to inspect for an offence or to seize a Dog, unless he or she has reasonable grounds to suspect an imminent risk to a person or other domestic animal.
- 3.05 Council may establish fees, from time to time, for the care and maintenance of impounded Dogs, including reasonably necessary veterinarian expenses, and charge such fees to the Owner as a pre-condition to a Dog's release.

### **Section 4: Dangerous Dogs**

- 4.01 Any Dog shall be deemed to be Dangerous Dog by the Dog Control Officer if it has made an unprovoked attack upon any person or domestic animal in the course of which the person or animal is bitten, injured or where the person suffers damage to clothing or other personal property.
- 4.02 Every Owner of a Dangerous Dog shall:
- a. Chip the Dangerous Dog for identification, ownership and address purposes;
  - b. Ensure the Municipality has an up-to-date address for the Dangerous Dog at all times and is notified forthwith of any change in ownership or death of the Dangerous Dog;
  - c. Ensure that the Dangerous Dog has an up-to-date rabies shot;
  - d. Ensure the Dangerous Dog is spayed or neutered;
  - e. Display a sign at all entrances to the property and buildings where the Dangerous Dog is kept that warns there is a Dangerous Dog on the premises. The signs shall be visible and legible from the nearest road or thoroughfare;
  - f. Ensure the dog is inside the house, a secured pen of a minimum 2 meters by 4 meters and 1.8 meters in height with the sides anchored a minimum of 30 cm into the ground, or within an enclosed fence of a minimum height of 1.8 meters (6 feet); and
  - g. Obtain, provide and maintain a policy of liability insurance in the amount of at least two million (\$2,000,000) dollars for injuries due to the Dangerous Dog. The policy shall name

the Municipality as an additional insured for the sole purpose of the Municipality being notified of any cancellation or expiration of the policy.

- 4.03 When a Dangerous Dog is off its Owner's property the Owner shall:
- a. Ensure the dog is muzzled in a humane manner at all times;
  - b. Ensure the dog is on a leash not longer than 1.8 meters (6 feet);
  - c. Ensure the dog is under the control of a responsible adult; and
  - d. Advise the municipality forthwith if the Dangerous Dog is running at large or has bitten, injured or attacked any person or domestic animal.
- 4.04 Any at Dangerous Dog may be impounded by the Dog Enforcement Officer or another police or peace officer and it may be destroyed immediately if it is deemed to pose an immediate threat to a person or a domestic animal or upon assessment in impound.

### **Section 5: Impoundment**

- 5.01 The Dog Control Officer may impound any dog running at large or upon a report of a Dangerous Dog that has bitten, chased or attacked another person or domestic animal or engaged in threatening behaviour toward a person or domestic animal.
- 5.02 The Dog Control Officer shall make all reasonable efforts to identify and contact the Owner of every stray dog or Dangerous Dog impounded, whether the animal is living or dead.
- 5.03 The Dog Control Officer shall ensure the dog is kept for a minimum of three (3) days after the day of impoundment, not including statutory holidays or any day the pound is not open to the public.
- 5.04 An impounded Dog may be claimed during this time upon proof of ownership, if the Dog is chipped or agreement to have it chipped, and upon payment of impoundment and related fees and charges.
- 5.05 To claim an impounded Dangerous Dog, the Owner must abide by the Conditions imposed on Dangerous Dogs under Section 4 and any further particular conditions imposed by the Dog Control Officer.
- 5.06 If a Dog or Dangerous Dog is not claimed within three (3) days of impoundment, the Dog may be put up for adoption, sold or euthanized, in the discretion of the Dog Control Officer.
- 5.07 Where a Dog seized and impounded is injured or ill and is treated by a veterinarian, the Municipality shall, in addition to any impoundment fees, be entitled to charge the Owner the cost of treatment.

### **Section Six: Exemptions**

- 6.01 The provisions of this By-law do not apply to any animal hospital, animal clinic, animal research facility, boarding kennel lawfully licensed and operated for professional animal

services, or Working Dogs as reasonably determined by Neebing from time to time upon information requested by the Corporation.

**Section 7: Enforcement and Offences**

- 7.01 This By-law may be enforced by Municipality Dog Control Officer or by way or private information sworn by any person in accordance with the *Provincial Offences Act*, R.S.O. 1990, c.P.33.
- 7.02 Any person who contravenes this By-law is guilty of an offence and upon conviction be subject to the penalties provided by the *Provincial Offences Act*, *Municipal Act* and this By-law.
- 7.03 Each day of a continuing violation of this By-law constitutes a separate offence.
- 7.04 Where any person has contravened this By-law twice or more in one (1) calendar year, an elevated penalty will be sought.
- 7.05 The Dog Control Officer may issue an Order to discontinue an offence under this By-law or to meet conditions imposed upon a Dangerous Dog. Should an Owner fail to implement the Order, the Municipality may impound the Dangerous Dog and charge the costs of same, meeting conditions imposed or destruction of the Dog to the property owner of the Dog Owner's premises as taxes. Any failure to abide by an Order to Discontinue is an offence.
- 7.06 The Dog Control Officer may issue a work Order to correct the contravention of this By-law after the time for Owner compliance in the Order has expired, and charge to the property owner of the Dog Owners premises as taxes.

**Section 8: General Provisions**

- 8.01 **Other Provincial Laws:** Notwithstanding anything in this By-law, Dog Owners are subject to the *Dog Owners Liability Act*, R.S.O. 1990, c.D.16, the *Protection of Livestock and Poultry Act*, R.S.O. 1990, c.L.24 and any other applicable legislation.
- 8.02 **Repeals:** By-law 2014-028 is repealed.
- 8.03 **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 7<sup>th</sup> day of August, 2024 as witnessed by the corporate seal of the Corporation and the hands of it proper Officers duly authorized in that behalf.

THE CORPORATION OF THE  
MUNICIPALITY OF NEEBING



Mayor

  
Clerk-Treasurer

Short Form Wording and Set Fines for By-law 2024-035:

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine (includes costs)
1	Allow Dog to make persistent noise	Section 2.01	\$150.00
2	Fail to remove dog feces from public or private property	Section 2.02	\$150.00
3	Own more than four (4) Dogs in prohibited area	Section 2.03	\$150.00
4	Secure or Confine Dog too close to property line	Section 2.05	\$100.00
5	Allow Dog to Run at Large	Section 2.06	\$450.00
6	Possess or harbour a Dangerous Dog without meeting applicable conditions	Section 2.07	\$450.00
7	Allow Dangerous Dog to run at large, chase, attack or bite	Section 2.07	\$450.00