

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 93-95

"BARKING DOGS BY-LAW"

A By-law for the control of the barking of dogs

WHEREAS Section 210 Subsection 138 of the Municipal Act, R.S.O., 1990, Chapter M.45 provides, inter alia, that by-laws may be passed by the councils of local municipalities for prohibiting within the municipality or within any defined area or areas thereof unusual noises likely to disturb the inhabitants;

AND WHEREAS Section 210 Subsection 140 of the Municipal Act, R.S.O., 1990, Chapter M.45 provides that by-laws may be passed by the councils of local municipalities for prohibiting and abating public nuisances;

AND WHEREAS Council of the Corporation of the Town of New Tecumseth deems it necessary and expedient to control the excessive and prolonged barking of dogs within the town which is likely to disturb the inhabitants and become a public nuisance;

NOW THEREFORE Council of the Corporation of the Town of New Tecumseth enacts as follows:

1. DEFINITIONS

1.1 In this by-law the following definitions shall apply:

1.1.1 "**Council**" means Council of the Corporation of the Town of New Tecumseth;

1.1.2 "**Dog**" means a male or female dog over the age of 12 weeks; and

1.1.3 "**Town**" means the Town of New Tecumseth.

2. GENERAL REGULATIONS

2.1 A word interpreted in the singular number has a corresponding meaning when used in the plural.

2.2 The excessive and prolonged barking of a dog within the Town of New Tecumseth is deemed to be a noise disturbing to the inhabitants and also deemed to be a public nuisance.

2.3 The owner of a dog or the person having custody of a dog within the Town limits are responsible for ensuring that the dog does not engage in excessive and prolonged barking.

3. COMPLAINTS

3.1 A person who is habitually disturbed by the barking of a dog may lodge a complaint with the Municipal By-Law Enforcement Officer in the following manner:

3.1.1 the complaint shall be in writing;

- 3.1.2the complaint shall set out the name of the owner of the dog or the person having custody of the dog;
- 3.1.3the complaint shall show the location of the premises where the dog is habitually kept;
- 3.1.4the complaint shall give information as to the nature of the disturbance regarding the barking of the dog;
- 3.1.5the complaint shall contain a statement as to the willingness of the complainant to give evidence in Court, if required; and
- 3.1.6the complaint shall be signed by the complainant.
- 3.2Where legal action is required the Municipal By-Law Enforcement Officer shall be instructed to take the necessary procedures to have the offence brought before the appropriate Court.

4. PENALTY

- 4.1That every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

5. VOLUNTARY PAYMENT

- 5.1Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of fifty dollars (\$50.00), and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

6. ENFORCEMENT

- 6.1For the purposes of enforcing this by-law, the Town's Canine Control Officers are hereby appointed Municipal Law Enforcement Officers in accordance with Section 15 of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.

7. SEVERABILITY

- 7.1Should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

8. CITING

8.1 That this by-law shall be cited as the "Barking Dogs By-law".

9. ENACTMENT

9.1 That this by-law shall come into force and take effect upon passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 17th DAY OF AUGUST, 1993.

MAYOR

CLERK