

***** AGENDA *****

Tuesday, September 20, 2022

****START TIME 6:30 p.m.****

1. Disclosure of pecuniary interest.
2. Staff Reports.
3. Committee Reports.
4. Resolution: Adopt the minutes of the meeting held September 6, 2022.
5. By-Law: Zoning By-Law Amendment for the Removal of a Holding (H) Symbol, as amended – subject lands located at 2675 Highway 654.
6. By-Law: Regulating the Keeping and Registration of Dogs.
7. Resolution: Authorizing Delivery of Tandem Truck approved by Resolution R2021-192, RFP-NIP Tandem 2021-01 and issuance of financing.
8. Correspondence.
9. Accounts to pay.
10. By-Law: Confirming Proceedings of Council.
11. Adjournment.

Council meetings will be held in person at 2381 Highway 654, Township of Nipissing Community Centre and virtually utilizing the Zoom platform; and will be livestreamed to the Township of Nipissing YouTube channel.

<https://www.youtube.com/channel/UC2XSMZqRNHbwVppelfKcEXw>

MINUTES

TOWNSHIP OF NIPISSING
Tuesday, September 6, 2022

A regular meeting of the Township of Nipissing Council was held on Tuesday, September 6, 2022. The meeting was held in person at the Township of Nipissing Community Centre, and livestreamed to the Township of Nipissing YouTube Channel.

Present: Mayor Tom Piper and Councillors Steve Kirkey, Tom Marchant, Liz Moore and James Scott.
Staff: Operations Superintendent Dan MacInnis; Fire Chief-MLEO-CEMC Will Bateman; Administrative Assistant-Deputy Clerk Kristin Linklater; Land Planning and Technology Administrator-Deputy Treasurer John-Paul Negrinotti and Municipal Administrator-Clerk-Treasurer Kris Croskery-Hodgins.

Disclosure of pecuniary interest: None.

Staff Reports:

Dan MacInnis, Operations Superintendent – written report.

John-Paul Negrinotti, Land Planning and Technology Administrator – Deputy Treasurer – written report.
Will Bateman, Fire Chief-MLEO-CEMC – written report.

Committee Reports:

Liz Moore: AMO Conference

Tom Marchant: North Bay-Mattawa Source Protection Authority

Steve Kirkey: Nipissing Township Museum Board

James Scott: Recreation Committee.

Tom Piper: Eastholme Home for the Aged Board of Management.

R2022-163 T. Marchant, J. Scott: That the minutes of the Council Meeting held August 16, 2022 be adopted as published. **Carried.**

This part of our meeting is declared a public meeting pursuant to the provisions of Section 34 (12) of the Planning Act, R.S.O., 1990, to discuss an application for a change to Zoning By-Law 2020-20 by the Township of Nipissing and an amendment to the Official Plan for the Township of Nipissing.

R2022-164 S. Kirkey, L. Moore: That we pass By-Law Number 2022-40, being a By-Law to adopt Amendment No. 1 to the Official Plan for the Township of Nipissing.
Read a first, second and third time and passed this 6th day of September, 2022. **Carried.**

R2022-165 T. Marchant, J. Scott: That we pass By-Law Number 2022-41, being a By-Law to amend Zoning By-Law 2020-20, as amended.
Read a first, second and third time and passed this 6th day of September, 2022. **Carried.**

Item #7 from the Agenda, By-Law Regulating the Keeping and Registration of Dogs, was deferred pending further clarification.

R2022-166 J. Scott, S. Kirkey: WHEREAS the Township of Nipissing has implemented the use of electronic devices with monitoring capabilities within the Township;
NOW THEREFORE the Township of Nipissing Council adopts a Utilization of Electronic Devices with Monitoring Capabilities Policy. **Carried.**

R2022-167 L. Moore, T. Marchant: That we approve the circulation of the Fall 2022 Newsletter as presented. **Carried.**

R2022-168 T. Marchant, S. Kirkey: WHEREAS the instances of motor vehicle collisions involving wildlife on Highway 522 have been increasing;
AND WHEREAS the brushing and removal of trees and shrubs along the side of the highway where no electrical transmission lines are located has not been done;
NOW THEREFORE we respectfully request the Ministry of Transportation to include this work in a regular work and budget schedule to increase the safety of the motoring public along the Highway 522 corridor. **Carried.**

R2022-169 J. Scott, T. Marchant: That we accept the correspondence as presented. **Carried.**

R2022-170 S. Kirkey, L. Moore: That the statement of accounts dated August 18, 19 and 30; September 1 and 6, 2022; totaling \$459,104.78 be approved. **Carried.**

R2022-171 T. Marchant, L. Moore: That we pass By-Law No. 2022-43, being a by-law to confirm the proceedings of Council at its meeting held on September 6, 2022.
Read the first, second and third time and passed this 6th day of September, 2022. **Carried.**

R2022-172 J. Scott, S. Kirkey: That the meeting be adjourned. Time: 7:34 p.m. Next regular meeting to be held September 20, 2022. **Carried.**

Mayor:

Municipal Administrator:

Minutes prepared as per Section 228 (1)(a) of the Municipal Act, S.O. 2001, c. 25.
Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the council.
Minutes to be approved by Council at the next regular Council Meeting.

**Corporation of the Township of Nipissing
2675 Highway 654**

BY-LAW NO. 2022 - 44

**“Being a By-law to Amend Zoning By-law 2020-20 for the
Removal of a Holding (H) Symbol, as amended”**

WHEREAS the Corporation of the Township of Nipissing has received an application to amend Zoning By-law 2020-20 for the Removal of a Holding (H1) Symbol, as amended;

AND WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended, applies to the Removal of a Holding (H1) Symbol;

NOW THEREFORE the Council of the Corporation of the Township of Nipissing enacts that By-law 2020-20, as amended is hereby amended as follows:

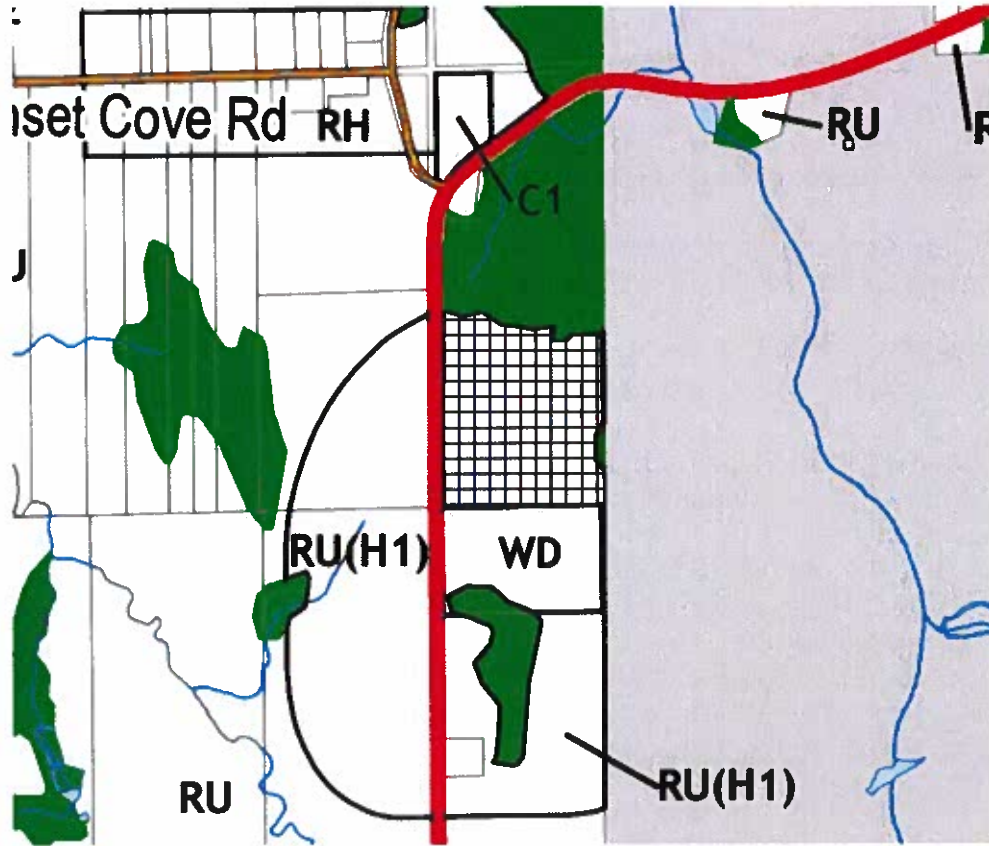
1. That the Holding (H1) Symbol shall be removed on the subject lands located at 2675 Highway 654 in accordance with Schedule A1 to By-law No. 2022 - 44, attached hereto.

Read a first, second and third time and passed this 20th day of September, 2022.

Tom Piper, Mayor

Kris Croskery-Hodgins
Municipal Administrator-Clerk-Treasurer

Schedule A1 to By-law No. 2022 - 44



Lands subject to the Removal of the Holding (H1) Symbol.

TOWNSHIP OF NIPISSING			
Report Prepared For:	John-Paul Negrinotti	Application Number:	ZBA 2022-44 (Removal of Holding Symbol)
Report Prepared By:	Patrick Townes, BA, BEd & Jamie Robinson, MCIP, RPP	Applicant Names:	Owner Gary Emberson
Location:	2675 Highway 654	Application Type:	Zoning By-law Amendment
		Report Date:	September 20, 2022

A. PROPOSAL/BACKGROUND

A Zoning By-law Amendment (Removal of Holding Symbol) application has been submitted by Gary Emberson, who owns the property located at 2675 Highway 654, legally described as Concession 16, Lot 5, REM PCL 5606. The application was submitted to remove the H1 Holding Symbol on the subject property to permit the owner to make modifications to the existing dwelling on his property. The proposed rebuild is also to include a new drilled well.

The subject property is shown on Figure 1.

Figure 1: Subject Property



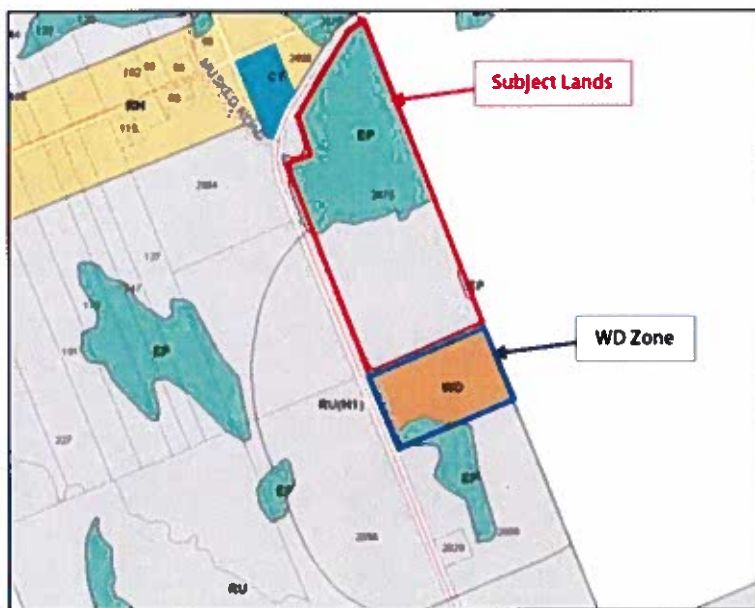
The subject property is located within 500 metres of a waste disposal site. Therefore development is restricted where a new water supply is required, until the waste disposal assessment area is studied.

The lifting of the H1 Holding Symbol will permit the development of any new use or new enlarged buildings and structures requiring a water supply within the currently identified waste disposal assessment area (500 metres from a waste disposal fill area and waste disposal site).

The subject property is currently developed with an existing single detached dwelling and accessory buildings/structures. The surrounding land uses primarily include rural land uses.

The subject property is designated Rural and Environmental Protection in the Official Plan and is currently zoned Rural Holding One (RU (H1)) and Environmental Protection (EP) in the Zoning By-law. An excerpt of the Zoning By-law mapping is included as Figure 2.

Figure 2: Zoning By-law Mapping Excerpt



B. REGULATORY REVIEW & ANALYSIS

B1. Provincial Policy Statement

All applications made under the *Planning Act*, must be consistent with the Provincial Policy Statement (PPS). The subject lands are considered as Rural Lands in the context of the PPS. Section 1.1.5.2 establishes permitted uses for Rural Lands within municipalities. Section 1.1.5.2 c) identifies residential development that is locally appropriate as a permitted use within Rural Lands. The subject property is already developed with a dwelling and this is considered a permitted use.

Section 2 of the PPS contains policies that address the wise use and management of resources, including the protection of natural heritage features and functions. There are no Provincially significant features identified on the subject property. There is a wetland and a watercourse

located on the northern portion of the property. These features are located greater than 120 metres from the location of the existing dwelling. There are no anticipated negative impacts to natural heritage features and functions as a result of the removal of the hold or future modifications to the existing dwelling.

Section 3 of the PPS contains policies that address natural and human-made hazards. There are no natural or human-made hazards identified on the subject property.

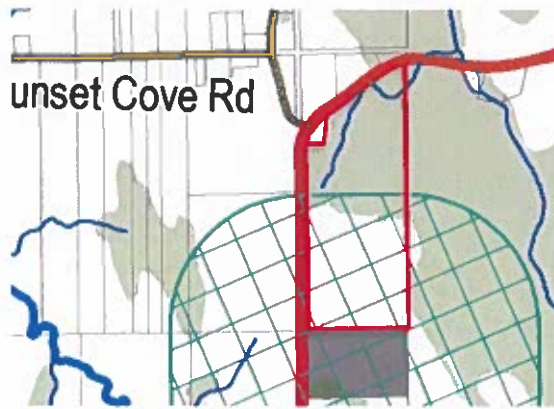
The proposed Zoning By-law Amendment application is consistent with the PPS.

B2. Township of Nipissing Official Plan

The subject property is designated Rural and Environmental Protection in accordance with Schedule A of the Official Plan. Single unit dwellings are a permitted use in the Rural designation.

The subject property is identified on Schedule B as having a wetland and watercourse on the northern portion of the property. Additionally, the southern portion of the subject property is located within the 500 metres Waste Disposal Site Assessment Area overlay. An excerpt of Schedule B is included as Figure 3.

Figure 3. Schedule B – Official Plan Excerpt



There is a wetland and a watercourse located on the northern portion of the property. These features are located greater than 120 metres from the location of the existing dwelling. There are no anticipated negative impacts to natural heritage features and functions as a result of the removal of the hold or future modifications to the existing dwelling.

Section 2.2.8 of the Official Plan contains policies relating to Waste Disposal Sites. In regards to the "500m Waste Disposal Site Assessment Area", Section 2.2.8.2 of the Official Plan states the following:

New developments utilizing private sewage disposal and water supplies shall not be located within 500 metres of the perimeter of the fill area of an existing or former waste

disposal site unless it has been demonstrated through the preparation of studies per the D-4 Guideline that there are no potential impacts associated with gas migration and ground water contamination.

The subject property is currently mapped as being within 500 metres of the boundary of the property that contains the existing waste disposal site. In accordance with Section 2.2.8.2 of the Official Plan, new development utilizing private sewage disposal and water supplies shall not be located within 500 metres of the perimeter of the fill area of an existing or former waste disposal site unless it has been demonstrated through the preparation of studies per the D-4 Guidelines that there are no potential impacts associated with gas migration and ground water contamination.

Pinchin prepared a D-4 Site Assessment which concludes that no potential contaminant pathways or nuisance sources were identified that are likely to impact the subject property as a result of the presence of the Bear Creek Landfill Site. The owner of the subject property retained Pinchin to complete the study so that they could modify the existing dwelling. This would include rebuilding the existing dwelling and proposing a new well.

The proposed Zoning By-law Amendment application conforms to the Official Plan.

B3. ZONING BY-LAW 2020-20

The subject lands are zoned Rural Holding One (RU (H1)) and Environmental Protection (EP) in the Township Zoning By-law. Single unit dwellings are included as a permitted use in the RU Zone.

The Zoning By-law Amendment is proposed to Remove the Holding Symbol on the subject lands in order to permit the rebuild of the existing dwelling and new well. Section 6.1.1 of the Zoning By-law includes the following regarding the H1 Zone that applies to the subject property, as it is located within 500 metres of the property:

The lifting of the H1 Holding provision permitting the development of any new use or new or enlarged buildings and structures requiring a water supply within the waste disposal assessment area shall not be permitted until Council receives confirmation from the Ministry of the Environment that all of the studies required by the Township have been completed in accordance with Section 6.4 of the Official Plan.

Pinchin prepared a D-4 Site Assessment which concludes that no potential contaminant pathways or nuisance sources were identified that are likely to impact the subject property as a result of the presence of the Bear Creek Landfill Site. In accordance with the Assessment that was prepared, the H1 Zone can be removed from the subject property and the Rural (RU) Zone will be retained.

A copy of the draft Zoning By-law Amendment is attached to this report.

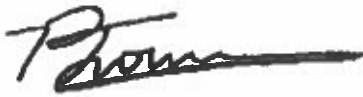
C. RECOMMENDATION

The proposed Zoning By-law Amendment to remove the Holding Symbol on the subject property is consistent with the PPS and conforms to the Township of Nipissing Official Plan.

On the basis of this review, it is recommended that Council receive this Report and pass the Zoning By-law Amendment to Remove the Holding Symbol from the subject property.

Respectfully submitted,

MHBC PLANNING



Patrick Townes, BA, BEd
Associate



Jamie Robinson, BES, MCIP, RPP
Partner

**THE CORPORATION OF THE TOWNSHIP OF NIPISSING
BY-LAW NO. 2022-42**

Being a by-law to regulate the keeping and registration
of dogs within the Township of Nipissing.

WHEREAS Section 10(1) of the *Municipal Act*, S.O. 2001, c. 25, as amended, authorizes the Township of Nipissing to provide any service or thing that the Township considers necessary or desirable for the public; and

WHEREAS Section 10(2)(9) of the *Municipal Act*, S.O. 2001, c. 25, as amended, authorizes the Township of Nipissing to pass By-laws respecting animals; and

WHEREAS subsection 8(3) of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that a By-law under Section 10 of that *Municipal Act* respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter, or may provide for a system of licenses respecting the matter; and

WHEREAS Section 103(1)(a) of the *Municipal Act*, S.O. 2001, c. 25, as amended, states that if a municipality passes a By-law regulating or prohibiting with respect to the being at large or trespassing of animals, the By-law may provide for the seizure and impounding of animals being at large or trespassing contrary to the By-law; and

WHEREAS Section 425(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes the Township of Nipissing to pass By-laws providing that a person who contravenes a By-law of the Township of Nipissing passed under that Act is guilty of an offence; and

WHEREAS Section 28 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, provides that a municipality may collect and retain personal information that is used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity; and

WHEREAS the Council of the Corporation of the Township of Nipissing deems it desirable to regulate the keeping and control of dogs in the Township of Nipissing in order to promote the safety and welfare of both animals and people;

Now Therefore the Council of The Corporation of the Township of Nipissing hereby enacts, as follows:

PART 1 – DEFINITIONS

- 1.1 "Aid Dog" means a dog that is registered and trained to aid a person with a disability and is actively in use for such purpose;
- 1.2 "Animal" means any member of the animal kingdom, other than a human;
- 1.3 "Animal Control Officer" means a person appointed by Council to enforce the provisions of this By-Law and includes Municipal By-law Enforcement Officer appointed by Council or a police officer;
- 1.4 "Animal Shelter" means the premises, as designated and posted by the Corporation of the Township of Nipissing, that are used for the detention, maintenance, or disposal of animals that have been impounded pursuant to this By-law. The operation and maintenance of the designated Animal Shelter shall be the responsibility of the contractor operating the Animal Shelter. Animal Shelter and Impound Centre shall have like meaning;
- 1.5 "At Large" means to be found in any place other than the premises of the owner of the animal and not under the control of a person and in such a manner as to prevent escape;
- 1.6 "Control" means the care and custody of an animal;

- 1.7 "*Council*" means the Council of the Corporation of the Township of Nipissing;
- 1.8 "*Dispose*" means to rehome or euthanize an animal.
- 1.9 "*Dog*" means a male or female of the domesticated canine species;
- 1.10 "*Dog Tag*" means a dog tag issued pursuant to this By-law;
- 1.11 "*Dwelling Unit*" means a group of rooms used or designed or intended to be used by one or more persons as a single, independent and separate housekeeping establishment in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; and which has a private entrance from outside the building or from a common hallway inside the building.
- 1.12 "*Keeps*" means to own, care, control, possess, keep, harbour, maintain, or feed an animal, whether temporary or permanent;
- 1.13 "*Kennel*" means an establishment in which greater than four dogs are housed, groomed, boarded, bred, or trained for gain or profit;
- 1.14 "*Leash*" means a restraint not exceeding 1.8 metres in length;
- 1.15 "*Leashed*" means a restraining device securely attached to the dog and a person or object;
- 1.16 "*Medical Officer of Health*" means the Medical Officer of Health for the North Bay Parry Sound District;
- 1.17 "*Microchip*" means an approved "Canadian Standard" encoded identification device implanted into a dog which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database;
- 1.18 "*Mitigating Factor*" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
- a) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
 - b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or a domestic animal trespassing on the property of its owner; or
 - c) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented;
- 1.19 "*Municipality*" means the Corporation of the Township of Nipissing.
- 1.20 "*Muzzle*" means a humane fastening or covering device over the mouth of a dog and of sufficient strength to prevent the dog from biting;
- 1.21 "*Nuisance Animal*" means any animal that unreasonably annoys humans, endangers the life or health of domestic animals or persons, or substantially interferes with the rights of persons, other than its Owner, to enjoyment of life or property.
- 1.22 "*Owner*" means any person who keeps, possesses, or harbours an animal, and where the owner is under the age of 18, the person responsible for the custody of the person under the age of 18;
- 1.23 "*Police Work Dog*" means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;
- 1.24 "*Premises*" means a building or a part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;
- 1.25 "*Public Park*" means an area of public land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park and may include public and private cemeteries.
- 1.26 "*Public Property*" means all lands owned by the Township, any local boards, any corporations owned or controlled by the Township and includes all Crown lands within the Township;
- 1.27 "*Registrar*" means the person authorized to administer and enforce this By-law, and where applicable, shall be deemed to include an agent appointed by the Registrar to perform that task or exercise the power under this By-law;

- 1.28 "Residential Unit" means a suite operated as a housekeeping unit, used or intended to be used by one or more persons that contains cooking, eating, sleeping, and sanitary facilities;
- 1.29 "Service Animal" means an animal that:
- a) is being trained by a recognized organization for service as a guide animal for the visually or hearing impaired or a special skills animal for other disabled persons;
 - b) has successfully completed training by a recognized organization for service as a guide animal for the visually or hearing impaired or a special skills animal for other disabled persons; or
 - c) is performing the service for which it was trained;
- 1.30 "Veterinarian" means a person registered or licensed under the *Veterinarian Act*;
- 1.31 "Vicious Dog" means a dog that has attacked without provocation or bitten a person or domestic animal as determined by the Animal Control Officer in accordance with Section 21 of this By-law.

PART 2 – APPLICATION

- 2.1 Except as otherwise provided, this By-law shall apply to every person in the *Township of Nipissing*.

PART 3 – REGISTRAR

- 3.1 The Municipal Clerk for the *municipality*, or designate, will be the *Registrar* pursuant to this By-law.
- 3.2 The *Registrar* is responsible for the issuance of tags and may, from time to time appoint, in writing, agents for the issuance of tags as they may consider necessary. The *Registrar* may revoke any such appointment in writing for such reason as the *Registrar* in their sole discretion may determine.

PART 4 – LICENSING

- 4.1 Except as provided to the contrary in this By-law, every *owner* of a *dog* shall register the *dog* with the *Registrar* within 7 days of becoming the *owner* of the *dog*.
- 4.2 Despite Subsection 4.1, an *owner* is not required to register a *dog* before the *dog* reaches the age of six (6) months. The onus of proof of age of the *dog* shall rest with the *owner*.
- 4.3 Seasonal residents and transients shall be exempt from registering *animals* with the *municipality* if they have been registered in the place of their permanent residence. Proof may be requested by By-law Enforcement.

PART 5 – REGISTRATION PROCESS

- 5.1 Every person who applies to the *Registrar* to register a *dog* will:
- a) provide the name, address, telephone number, and email address (if applicable) of the *dog owner*,
 - b) provide a physical description of the *dog*,
 - c) provide such other information or documentation as may be required by the *Registrar*,
 - d) shall pay a registration fee to register the *dog* as outlined in Schedule A of this By-law;
- 5.2 Upon the applicant providing the required information and documentation to the *Registrar*, and paying the appropriate registration fee, the *Registrar* will register the *dog* and shall issue to the applicant the appropriate tag, which bears a unique serial number and other information, as determined by the *Registrar*.
- 5.3 The registration fee otherwise payable to register a *dog* shall be reduced to nil provided the *owner* of the *dog* produces, to the *Registrar* at the time of registration, evidence satisfactory to the *Registrar* that the *dog* is:
- a) a service *dog* and is used in that capacity by the *owner* of the *dog* or by a person under 18 years of age that is part of the family of the *owner* of the *dog*; or

- b) a *police work dog*.
- 5.4 No registration fee or any part thereof shall be refunded for any reason.
- 5.5 Every *owner* of a registered *dog* shall advise the *Registrar*, in writing, within 7 days thereafter, of:
 - a) the *owner's* change of address and phone number; or
 - b) the death or sale or other transfer of ownership of the *dog*.
- 5.6 The *Registrar, or designate*, shall have the right to cancel the registration of a *dog* in the event that the registration fee is not paid in full, through error, as a result of a cheque being returned marked Not Sufficient Funds, or for any other reason.

PART 6 – DOG TO WEAR TAG

- 6.1 Every *owner* of a *dog*, whether or not that *dog* has a *microchip* implanted, will, subject to subsection 6.2, keep the tag securely fixed on the *dog* for which it was issued, at all times during the year of issue.
- 6.2 Despite Subsection 6.1, an *owner* does not need to keep the tag on their *dog*:
 - a) while the *dog* is within the *dwelling unit* or on the *premises* of its *owner*,
 - b) while the *dog* is being lawfully used for hunting in the bush, and the license is produced upon request of an *Animal Control Officer*; or,
 - c) where a *veterinarian* has determined it is necessary to remove the tag for medical treatment of that *dog*.
- 6.3 No person shall remove a tag from a *dog* without the consent of the *owner*.
- 6.4 No person shall attach a tag to a *dog* other than the *dog* for which it was issued.
- 6.5 Every tag issued by the *Registrar* remains the property of the *municipality* and in the event the registration of a *dog* is cancelled by the *registrar*, the tag will be surrendered to the *Registrar*.

PART 7 – REPLACEMENT TAGS

- 7.1 The *Registrar* will issue a replacement *dog tag* to the *owner* of a registered *dog* upon application of the *owner*, that the tag was lost or damaged, and payment of a fee of \$5.00 for the replacement tag.

PART 8 – REGISTRAR'S RECORDS

- 8.1 The *Registrar* shall maintain records of all *dog tags* and replacement tags issued by the *Registrar* and shall update such records as additional information is received pursuant to Part 5, of this By-law.
- 8.2 The records under Subsection 8 will include: the name, address, email address (if applicable), and phone number of the *owner* of the *dog*, a physical description of the *dog*, the serial number of the *dog tag* issued, the fee paid, and such other information as the *Registrar* in their sole discretion determines to be necessary.
- 8.3 Personal information is collected and maintained by the *Registrar* so that the Township may contact the owner for purposes related to administration and enforcement of this by-law and to facilitate the reunion of lost or strayed dogs with their *owners*. The *Registrar* or designate may use or disclose this information for these purposes, or for a consistent purpose, to an officer, employee or agent of the *Municipality* who needs it in the performance of their duties.

PART 9 – DOG LIMITATIONS

- 9.1 Except as otherwise provided in this By-law, no person shall keep or permit in or about any *dwelling unit* or *premises* more than four *dogs*.
- 9.2 Notwithstanding subsection 9.1, a person may keep or permit in or about a *dwelling unit* or *premises*:
 - a) a maximum of four *dogs* that are visiting or being kept under emergency circumstances for a continuous period not exceeding 14 days.
 - b) not more than 6 *dogs* on a property where the prime and legal use of the property is agricultural and the dogs are for herding and livestock protection.
- 9.3 Subsections 9.1 and 9.2 shall not apply to *dogs* under the age of sixteen weeks.

- 9.4 Notwithstanding subsection 9.1, a person may keep about a *dwelling unit* or *premises* every *dog* which was licensed, with the *municipality*, the day prior to this By-law coming into effect in the area in which the *dwelling unit* or *premises* is located, until the earliest of the death of the *dog*, the *owner* otherwise disposes of the *dog*, or the *owner* fails to register the *dog* in accordance with this By-law.
- 9.5 It shall be the responsibility of the *owner* of the *dog* claiming an exemption from Subsection 9.4 to substantiate the entitlement to the exemption claimed.
- 9.6 Notwithstanding sections 9.1 and 9.2, a person may apply, on a site-specific basis, for a *kennel* license provided that the operation of such a business, including a home occupation or home industry, is compliant with municipal zoning regulations.
- 9.7 The licensing of a *kennel* requires that the following conditions be met:
- a) While the license is in force, it shall be continuously exposed in a conspicuous place in the interior of the *premises* for which the license is obtained.
 - b) At all times the *kennel* operator shall maintain the *premises* in a sanitary, well ventilated, clean condition, and free from offensive odors.
 - c) The operator shall keep the *animals* in sanitary, well bedded, well ventilated, naturally lighted, clean quarters, and at a healthful temperature at all times.
 - d) The operator shall feed and give water to the *animals* periodically each day and keep same in a clean, healthy condition, free from vermin and disease.
 - e) All refuse and waste matter from said *kennel* shall be disposed of daily in a proper and sanitary manner.
 - f) The Animal Control Officer, *Medical Officer of Health* or designate, and any other person authorized by the Corporation of the Township of Nipissing may inspect any place where a license has been issued, pursuant to this By-law.
 - g) If the *kennel* is found not to conform, under the requirements set out herein and within other applicable laws such as, but not limited to the Zoning By-law, the *Animal Control Officer*, or designate, may seize and impound the *animals* and the *municipality* may revoke the license issued to the *kennel*.

PART 10 – DOGS RUNNING AT LARGE

- 10.1 No *owner* shall permit a *dog*, except for an *aid dog* or a police *dog*, to be in the following municipal areas:
- a) Municipal Office
 - b) Museum
 - c) Public Works Garage
 - d) Fire Stations 1 and 2
- 10.2 No *owner* of a *dog* shall cause, allow, or permit a *dog* to run *at large* within the limits of the *municipality*.
- 10.3 No *owner* shall permit a *dog* to run *at large* that is not within the *dwelling unit* or on the *premises* of its *owner* or on private property with the consent of the *owner* of that private property.
- 10.4 *Owners* shall ensure that their *dog* is on a *leash*, which is held under the effective *control* of a competent person.
- 10.5 A *dog* shall not be considered to be running *at large* if it is a *police work dog*, and is being used in the course of police duties, or it is a hunting *dog* accompanied by the *owner* or other responsible adult and is actively engaged in hunting or training for hunting, on un-posted land or on posted land with the permission of the *owner* that is not within the urban area of the *municipality*, as defined by municipal zoning and/or planning regulations.
- 10.6 No *owner* shall allow or permit their *dog* to trespass on private property whether on a *leash* or not.

PART 11 – SEIZE AND IMPOUND

- 11.1 Subject to subsection 11.2, an *Animal Control Officer* may seize and impound any *dog* found running *at large*.
- 11.2 An *Animal Control Officer* may enter on any private property without the consent of the *owner* of the property, for the purpose of discharging the duties imposed by this by-law and to enforce its provisions, and provided they are in active pursuit of a *dog*, enter upon the private property of any person for the purpose of continuing their pursuit of the *dog*, provided that in no instance shall any such agent of the Corporation enter into any *dwelling unit* or other building situated on private property without a Search Warrant authorizing such entry.
- 11.3 Where, in the opinion of the *Animal Control Officer* or designate, a *dog* seized under subsection 11.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or *animals*, the *Animal Control Officer* or their designate or agent, despite subsection 11.5 may kill the *dog* in a humane manner as soon after seizure as they think fit, without permitting any person to reclaim the *dog* or without offering it for sale and no person shall be entitled to recover damages or compensation on account of being euthanized.
- 11.4 Subject to Subsection 11.3, any *dog* seized by an *Animal Control Officer* or designate under this By-law shall be impounded for 8 days from the time of its impoundment, excluding the day on which the *dog* was impounded, and days on which the *Animal Shelter* is closed, provided however, that if the *dog* seized is a female *dog* in heat, the female *dog* shall be impounded until the earlier of the day the *dog* is no longer in heat or 21 days. If the municipal *Animal Shelter* is closed for a period requiring one or more *animals* to be housed at another *Animal Shelter*, a notice of the location and contact information of the *Animal Shelter* used will be posted at the municipal *Animal Shelter* and on the front door of the municipal office.
- 11.5 During the impound period referred to in subsection 11.4, the *owner* of the *dog* shall be entitled to redeem the *dog* upon:
- a) payment of the impound fee and board fee in an amount determined in accordance with Schedule "A" to this By-law;
 - b) payment of any *veterinarian* fees incurred for the well-being of the *dog*; and
 - c) registering the *dog* in accordance with this By-law if there is no evidence the *dog* is already registered. When no proof can be shown that the *dog* is registered the appropriate license fees shall be doubled.
- 11.6 If the *dog* is not redeemed within the time frame specified in subsection 11.4, the *Animal Control Officer* may dispose of the *dog* as they see fit without liability to any person for the disposition of the *dog* or the manner thereof. Prior to the *animal* being destroyed, every reasonable attempt shall be made to identify the *owner* through *microchip*, tattoo, or *dog tag*.
- 11.7 The *Animal Control Officer* is authorized, upon request of a police officer, to impound a *dog* for protective care purposes, pursuant to an incarceration, fire, medical emergency, or for any other situation that the *Animal Control Officer* deems appropriate and to keep such *animals* for a maximum of eight days.
- 11.8 In the event that the *owner* of the *dog* impounded for protective care does not claim the *dog* and pay the impound fees, board fees, and *veterinarian* fees in accordance with Schedule "A" of this Bylaw, within eight days, then on the ninth day, the *dog* may be deemed to have been impounded as running *at large* in accordance with Section 10 and time under subsection 11.4 shall begin to run.
- 11.9 Where a *dog* is seized and impounded, or impounded for protective care, the *owner*, if known, shall be liable for the impound fees, board fees and *veterinarian* fees in an amount determined in accordance with Schedule "A" to this By-law, whether the *dog* is claimed from the pound or not and shall pay all fees on demand by the *Animal Control Officer*. In appropriate humanitarian circumstances, the By-law Enforcement Officer may, in their discretion, waive all or part of the impound fees, board fees, and *veterinarian* fees, or provide for delayed or installment payments of same.

PART 12 – STOOP AND SCOOP

- 12.1 Every person who owns or *keeps* a *dog* shall forthwith remove and dispose of excrement left by the *dog* on private and public property within the municipality.
- 12.2 Section 12.1 may not apply to a person who owns or uses a seeing-eye *dog* registered with the Canadian National Institute for the Blind or a working police *dog*.

PART 13 – NOISE

- 13.1 The *owner* or person in *control* of a *dog* shall not permit or allow the *dog* to make or continue to make disturbing noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbours, or others in close proximity to the premises where the dog is kept or harboured for an unnecessary or unreasonable period of time which then has the effect of disturbing the peace, quiet, comfort, or repose of any individual.

PART 14 – VICIOUS DOG

- 14.1 No *owner* or person in *control* of a *dog* shall permit the *dog* to attack without provocation or to bite a person or domestic *animal*.
- 14.2 Where the *Animal Control Officer* is informed upon written complaint (Schedule "AC 1"), and is satisfied that a *dog* has attacked without provocation or bitten a person or domestic *animal*, and has further been provided with satisfactory evidence as to the name and address of the *owner* of the *dog*, the *Animal Control Officer* or designate may issue an Order (Schedule "AC2") to the *owner* requiring that the *dog* be kept *muzzled* at such times as are set out in the Order.
- 14.3 Such order shall set out the conditions of muzzling and the *owner* shall comply with any or all the requirements set out in Subsections 14.3, 14.4 and 14.5. The Order shall remain in effect until an action under the provisions of the *Dog Owners' Liability Act* has concluded, or until it is deemed by the Issuer that the *dog* in question does not present a risk to public safety, or an exemption is granted in accordance with 14.6 of this By-law.
- 14.4 Service of an Order that a *dog* has been deemed a *vicious dog* may be served on the person who shows in the *municipality's* records as the *owner* of the *dog*, or where the *dog* does not appear to be registered pursuant to this By-law, on such other person who appears to be the *owner* of the *dog*. Service may be effected by personal service, by mail, or by posting up in a conspicuous place at the address shown in the municipal records as the address for the *owner* of the *dog*, or where the *dog* is not registered under this By-law, at such address as appears to be the address of the *owner* of the *dog*.
- 14.5 Service of the Order shall be effective upon the date that personal service is effected, or where served by mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.
- 14.6 Every *owner* of a *vicious dog* shall, when the *vicious dog* is within the boundaries of the *owner's premises*, always:
- a) Keep the *vicious dog* confined inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a *dog* from coming into contact with persons, other than the *owner* of the *dog*, or any other domestic *animal* or keep the animal confined within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device;
 - b) transport the *vicious dog* from one location to another by means of a collar-type *leash* and a *muzzle*.
- 14.7 Every *owner* of a *vicious dog* shall, when the *vicious dog* is not within the boundaries of the *owner's premises*, always:
- a) keep the *vicious dog* under the effective *control* of an adult person on a *leash* held by the person; and
 - b) keep the *vicious dog* *muzzled*.
- 14.8 Every *owner* of a *vicious dog* shall notify the *Registrar* within two working days of any change in ownership or residence of the *vicious dog* and provide the *Registrar* with the new address and telephone number of the owner.

- 14.9 The notification that a *dog* is a *vicious dog* is effective from the date it is served, even if a hearing before *Council* is requested by the *owner* of the *dog* affected.
- 14.10 Failure to comply with an Order issued under the authority of Section 14 of this By-law is subject to the Set Fine as set out in Schedule B.

PART 15 – PENALTY

- 15.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

PART 16 – INTERFERENCE

- 16.1 No person shall interfere with, hinder, or molest an agent of the Township in the performance of any duty of such agent, or seek to release any *animal* in the custody of the Township, or its agents, except as herein provided.

PART 17 – SHORT TITLE

- 17.1 This By-law shall be known as the "Dog Control By-law".

PART 18 – BY-LAW APPROVAL

- 18.1 This By-law shall come into force once the Short Form Wording and Set Fines are approved by the Regional Senior Judge of Ontario Court of Justice pursuant to the *Provincial Offences Act*.

PART 19 – REPEAL

- 19.1 That By-law No. 831 is hereby repealed once By-law 2022-41 comes into force.

Read a first, second and third time and passed this 20th day of September, 2022.

Tom Piper
Mayor

Kris Croskery-Hodgins
Municipal Administrator

SCHEDULE "A" – FEES TO BY-LAW 2022-42

SEIZED/IMPOUNDED	Fee	
Impoundment Fee	\$25.00	
Daily Boarding Fee	\$35.00	
Weekend Boarding Fee	\$40.00	
Humane Services/Adoption Fee	\$40.00	
Euthanasia Supplies Fee	\$100.00	
TAGS AND LICENSES	Fee	After March 31st
One dog in a residence	\$10.00	\$20.00
Second, third and fourth dog in a residence	\$20.00 each	\$30.00 each
Replacement Tag(s)	\$5.00	
Register Dog under Sec. 5.3	Nil	
Kennel License Fee	\$75.00	\$100.00

SCHEDULE B
TO DOG CONTROL BY-LAW 2022-42
PENALTIES – SECTION 16

TOWNSHIP OF NIPISSING
SET FINES PART 1 – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Failure to register dog and procure license	Section 4.1	\$55.00
2	Failure to keep tag securely fixed on dog.	Section 6.1	\$50.00
3	Attaching a tag to a dog other than the dog for which it was issued.	Section 6.4	\$50.00
4	Harbouring more than a total number of dogs permitted.	Section 9	\$100.00
5	Allowing animal into Prohibited area	Section 10.1	\$50.00
6	Allow a dog to run at large on private property without consent of owner.	Section 10.6	\$50.00
7	Allow a dog to run at large that is not under the effective control of a responsible person.	Section 10.2	\$50.00
8	Failure to ensure that a dog is on a leash under the control of a responsible person.	Section 10.4	\$50.00
9	Failure to remove and dispose of excrement left by dog.	Section 12.1	\$75.00
10	Failure to prevent dog from attacking without provocation.	Section 14.1	\$300.00
11	Failure to ensure that a vicious dog is securely leashed which does not allow the dog to go beyond the property boundaries.	Section 14.6	\$250.00
12	Failure to keep vicious dog under effective control on a leash/muzzle outside boundaries of owner's premises	Section 14.7	\$250.00
13	Failure to notify change of ownership or location of a vicious dog within 2 days.	Section 14.8	\$100.00
14	Failure to comply with an Order issued under Section 14	Section 14.10	\$100.00

Schedule AC1 TO BY-LAW 2022-42

DECLARATION REGARDING A VICIOUS DOG

Owner of Dog (provide information that you know):

Name: _____

Address: _____

Name of Dog: _____

Dog Tag #: _____

Description of Dog:

Breed: _____

Colour: _____

Other Descriptors: _____

Location of Incident:

Date of Incident: _____

Time of Incident: _____

Description of Incident:

Witness:

Name: _____

Address: _____

Phone Number: _____

Signature of Witness who observed the dog
bite a person or a domestic animal

Signature of Animal Control Officer

Personal information contained in this form is collected under the authority of the
Municipal Act, S.O., 2001, c.25, as amended, and will only be used for the purposes for
which it was collected.

Questions about this collection of information should be directed to the Municipal
Administrator.

Township of Nipissing
45 Beatty Street
Nipissing ON P0H 1W0
(705)724-2144

Schedule AC2 (Front Page) TO BY-LAW 2022-42

ORDER TO RESTRAIN

Date: _____

To: _____
Owner of Dog

Address: _____

Description of Dog: _____

Name of Dog: _____

Breed: _____

Colour: _____

Dog Tag #: _____

The Corporation of the Township of Nipissing is in receipt of a Declaration duly executed by the Animal Control pursuant to Part 14 of By-law No. 2022-42, and that the dog described above did on the ___ of _____, _____ bite and puncture the skin of a person or a domestic animal. In accordance with Part 14 of By-law No. 2022-42, you are hereby ordered to restrain your dog as follows:

When the *dog* is within the boundaries of your property/premises, always:

1. Keep the dog confined inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons, other than the owner of the dog, or any other domestic animal or
2. Keep the animal confined within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside by a child ten (10) years old or younger;

While the dog is off the property of the owner, as described in the Order, the owner shall ensure that the dog:

1. is kept under control on a collar-type leash with a maximum length of 2 metres and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
2. a muzzle is fastened humanely over the mouth of a dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal; and
3. It is under the control of a person eighteen (18) years of age or older.

You shall notify the Registrar within two working days of any change in ownership or residence of the dog and provide the Registrar with the new address and telephone number of the owner.

Personal information contained in this form is collected under the authority of the *Municipal Act, S.O., 2001, c.25*, as amended, and will only be used for the purposes for which it was collected.

Questions about this collection of information should be directed to the
Municipal Administrator

Township of Nipissing
45 Beatty Street
Nipissing ON P0H 1W0
(705)724-2144

This Order is served upon the owner in accordance with Part 14 of By-law No. 2022-42 on
the ___ of _____, _____, by way of:

- Personal Service
- Mail
- Posting Notice

Animal Control Officer: _____
Signature



TOWNSHIP OF NIPISSING

RESOLUTION

DATE: September 20, 2022

NUMBER: R2022-

Moved by

Seconded by

WHEREAS Council approved the purchase of a Tandem Truck following an approved tendering process, Resolution R2021-192;

AND WHEREAS Council approved the method of purchasing to be via financing, Resolution R2022-58 approving the Capital Budget and Asset Management Forecast 2022-2023;

AND WHEREAS the purchase price of the Tandem Truck was included in the 2022 Approved Budget for the Township of Nipissing, By-Law Number 2022-20;

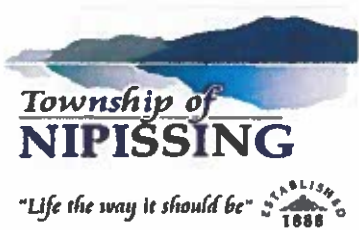
NOW THEREFORE we authorize the Delivery of the Tandem Truck per the approved RFP and the financing of the purchase in accordance with By-Law 2022-02 (2).

For Against

PIPER
KIRKEY
MARCHANT
MOORE
SCOTT

Carried

Mayor: Tom Piper



TOWNSHIP OF NIPISSING

RESOLUTION

DATE: September 20, 2022

NUMBER: R2022-

Moved by

Seconded by

**That the statement of accounts dated:
September 7, 15 and 16, 2022;**

Totaling \$196,640.29 be approved.

For Against

**PIPER
KIRKEY
MARCHANT
MOORE
SCOTT**

Carried

Mayor: TOM PIPER

Bill Register

The Corporation of the Township of Nipissing

Batch: AP01079

Bill #	Vendor Name	Bill Date	Due Date	Bill Total	Pay By	Account	GST/HST	Rebate	Expense
				Totals	971.62		76.53	66.18	905.44

Effective: 2022/09/07

Summary

	Debit	Credit
1-20-200-582-000 Expenses	116.08	
1-20-210-576-292 Postage	11.01	
1-20-210-576-299 OFFICE SUPPLIES & MAINTENAN	20.35	
1-30-300-506-331 Mileage & Expenses	151.79	
1-30-300-506-474 Health and Safety	33.55	
1-30-300-506-570 PROFESSIONAL DEVELOPMENT	31.79	
1-60-602-624-602 Garage Materials	300.73	
1-70-710-215-999 Recreation Event Programming Exp	235.06	
1-70-710-442-000 Beach/Park Mic	5.08	
1-01-005-020-007 HST Partial Rebate	36.75	
1-01-005-025-006 GST Rebate	29.43	971.62
1-03-040-100-000 Accounts Payable Trade		971.62
Totals	971.62	971.62

Bill Register

The Corporation of the Township of Nipissing

Batch: AP01080

Bill #	Vendor Name	Bill Date	Due Date	Bill Total	Pay By	Account	GST/HST	Rebate	Expense
				Totals	2,877.90		318.27	335.88	2,542.02

Effective: 2022/09/07

Summary

	Debit	Credit
1-20-200-582-000 Expenses	190.80	
1-20-200-586-000 Donations	213.35	
1-20-210-576-280 Cleaning & Maintenance	25.91	
1-20-210-576-290 Phone And Fax	85.79	
1-20-210-576-299 OFFICE SUPPLIES & MAINTENAN	336.67	
1-30-300-503-652 Building & Ground Mtc. - Station #2	28.48	
1-30-300-505-290 Telephone - Station #1	139.57	
1-30-300-505-299 Office Supplies	11.92	
1-30-300-505-432 New Equipment	143.48	
1-30-300-505-652 Building & Ground Mtc Station 1	74.25	
1-30-300-506-091 Fire Dept - Capital	142.15	
1-30-300-506-474 Health and Safety	119.92	
1-55-612-488-290 LANDFILL CELL PHONE	162.80	
1-55-612-488-650 Dump Materials And Supplies	754.04	
1-60-602-624-290 Telephone	516.06	
1-60-602-624-330 Professional Development	99.00	
1-60-602-624-602 Garage Materials	10.16	
1-70-700-590-280 Community Centre - Maintenance	40.68	
1-70-830-560-299 Museum - Office Supplies	43.23	
1-70-830-560-585 Museum - Store Supplies	13.90	
1-01-005-000-000 Accounts Receivable		610.14
1-01-005-020-007 HST Partial Rebate	186.46	
1-01-005-025-006 GST Rebate	149.42	
1-03-040-100-000 Accounts Payable Trade		2,877.90
Totals	3,488.04	3,488.04

MEMORIAN ARRANGEMENT STAFF MEMBER , GIFT BASKET SICK STAFF

Bill Register

The Corporation of the Township of Nipissing
 Batch: AP01081

Bill #	Vendor Name	Bill Date	Due Date	Bill Total	Pay	Account	GST/HST	Rebate	Expense
Totals				167,588.71	167,588.71		1,449.37	1,253.15	166,335.56

Effective:	Summary	Debit	Credit
2022/09/16			
	1-10-150-120-000 Transfer Public School English	139,279.41	
	1-10-150-121-000 Transfer Separate School Eng	12,727.18	
	1-10-150-122-000 Transfer Public School French	1,028.05	
	1-10-150-123-000 Transfer Separate School Fr	1,970.53	
	1-20-210-576-282 Utilities - Hydro	234.76	
	1-20-210-576-299 OFFICE SUPPLIES & MAINTENAN	414.04	
	1-30-300-503-282 Hydro - Station #2	579.00	
	1-30-300-505-299 Office Supplies	366.34	
	1-30-300-850-420 Small Engine Fuel & Maintenance	215.85	
	1-55-612-488-650 Dump Materials And Supplies	160.27	
	1-55-614-262-650 Recycling Operating	7,387.78	
	1-60-602-624-602 Garage Materials	70.89	
	1-60-602-656-602 Signs Materials	287.74	
	1-60-604-902-420 Repairs Chev Pick Up	449.78	
	1-60-604-903-420 Repairs 2015 1 Ton Ford	701.37	
	1-60-604-914-420 Repairs 2005 WESTERN STAR	98.71	
	1-70-710-215-999 Recreation Event Programming Exp	30.53	
	1-70-710-442-000 Beach/Park Mtc	112.34	
	1-70-830-560-582 Museum - Special Events	130.14	
	1-70-830-560-583 Museum - Candy/Pop/Yogurt	10.66	
	1-70-830-560-591 MUSEUM PROGRAMS, GARDEN	80.19	
	1-01-005-020-007 HST Partial Rebate	695.71	
	1-01-005-025-006 GST Rebate	557.44	
	1-03-040-100-000 Accounts Payable Trade		167,588.71
	Totals	167,588.71	167,588.71

3RD SCHOOL BOARD REMITTANCE
 - FILING CABINET FOR OFFICE PROPERTY FILES

Payroll Register
General Ledger Distributions (Report Summary)

Account	Debit	Credit
1-01-002-012-000 Bank		24,591.89

Payroll posted Sept 15, 2022