



MUNICIPALITY OF | MUNICIPALITÉ DE

**MARKSTAY
WARREN**

**THE CORPORATION OF THE MUNICIPALITY OF
MARKSTAY-WARREN
COMMITTEE OF THE WHOLE
AGENDA**

June 24, 2025, 5:30 pm
Markstay-Warren Council Chambers
21 Main Street South
Markstay, Ontario

Pages

1. Opening Remarks and call meeting to order
2. Roll Call
3. Closed Session
4. Disclosure of Pecuniary Interest and General Nature
5. Approval of Agenda
6. New Business
 - 6.a Noise By-Law Report
7. Adjournment

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**LA CORPORATION DE LA MUNICIPALITÉ DE
MARKSTAY-WARREN
COMITÉ PLÉNIER
ORDRE DU JOUR**

le 24 juin 2025, 17 h 30
Salle du Conseil Markstay-Warren

Pages

1. Remarques préliminaires et introductions
2. Appel nominal
3. Closed Session
4. Divulcation des intérêts pécunière
5. Approbation de l'Ordre du jour
6. Affaires nouvelles
- 6.a Noise By-Law Report
7. Levée de la séance

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Sudbury East Building and By-law Services (SEBBS)

Report for the Consideration by Council

Shared Services in the Municipalities of French River, Killarney, St.-Charles and Markstay-Warren

RE: Noise By-Law Review

OBJECTIVE: To present Council with recommendations regarding the Noise By-Law within the Municipality of Markstay-Warren.

BACKGROUND:

At the May 20, 2025 Regular Meeting of Council, two motions were discussed:

1. A motion to remove the term "livestock dog" from Noise By-law 2024-36. Staff confirm that this term does **not appear** in the by-law or any of its schedules nor do similar terms appear. The term that appears is "agricultural or other authorized work" and applies to exempt **all** animals in agricultural or other authorized settings from the prohibition of excessively barking, calling, etc... The motion was therefore determined to be unnecessary.
2. A revised motion was passed directing SEBBS to provide a report exploring improvements to the Noise By-law as it relates to nuisance dogs.

Staff Review:

SEBBS enforces a Noise By-law in each of the four member municipalities. The by-laws define "persistent noise" from animals and include enforceable standards under Schedule "A". Officers apply a consistent, compliance-focused approach involving education, notices, and where required, administrative monetary penalties (AMPs) or charges under the Provincial Offences Act.

The vast majority of dog barking complaints, including those involving working dogs, are resolved using this process. One unresolved dispute in Markstay-Warren involving a resident with livestock and barking dogs has brought renewed attention to livestock guardian dogs (LGDs). Staff acknowledge the concern, but emphasize that this is the exception — **not a systemic issue**.

LGDs and Agricultural Practices:

Markstay-Warren Noise By-law 2024-36 includes a general exemption under Section 4.1(k) for: “Activities of a Normal Farm Practice carried out as part of an Agricultural Operation, as defined in the *Farming and Food Production Protection Act, 1998*, and located on a property zoned for agricultural purposes in accordance with the Municipal Zoning By-law...”

This provision is broad enough to cover the use of Livestock Guardian Dogs **when used as part of a legitimate farm operation for the protection of livestock** — which is recognized as a non-lethal predator control method supported by the Ontario Federation of Agriculture (OFA).

However, this exemption does **not** protect animals that are barking excessively without purpose, or where the property is not engaged in a genuine agricultural activity. Compliance is determined based on the situation, not solely on the breed of dog.

Enforcement vs. Compliance:

It is important to note that enforcement tools are in place and have proven effective in other cases. The challenge is not the by-law — it is with gaining voluntary compliance from individuals who refuse to acknowledge enforcement efforts or compromise with neighbours.

The current situation prompting this review has followed all available escalation paths. Amending the by-law will not affect enforcement, as the available tools and processes remain unchanged.

Recommendations:

1. **If Council desires further clarity**, an addition to Schedule A could reinforce the agricultural exemption as it relates to LGDs:

“Barking by Livestock Guardian Dogs used in a Normal Farm Practice may be considered exempt under Section 4.1(k), provided the noise is clearly associated with active livestock protection on land zoned for agricultural purposes.” Recommended from OFA and SEBBS.

2. **Staff recommend continuing to resolve nuisance complaints through education and progressive enforcement**, not by altering by-laws in response to isolated, unresolved disputes.
3. **That Council support the development of a public education initiative to improve understanding of the Noise By-law as it relates to barking dogs and rural living.** This may include updated web content, a frequently asked questions (FAQ) handout, and communications to explain how enforcement is carried out, what constitutes “unreasonable or likely to disturb”, and the responsibilities of both dog owners and complainants.

Conclusion:

Staff are confident that the existing by-law, supported by SEBBS's enforcement model, provides the necessary tools to manage nuisance dog complaints — including those involving LGDs — in a balanced and fair manner. The core issue is not enforcement authority but achieving cooperation.

ATTACHMENTS:

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Appendix 1 – Noise By-Law 2024-36