

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2005-43

Being a by-law to provide for the removal of dog excrement on public property in the Town of Tecumseh

**WHEREAS** Section 11(1) 9 of the Municipal Act 2001, S.O. 2001 c.25, and amendments thereto, provides that By-laws may be passed by the Councils of local municipalities respecting animals;

**AND WHEREAS**, complaints have been received by members of Council and Administration regarding dog excrement being left on municipally owned property including parks, sidewalks, boulevards, etc.;

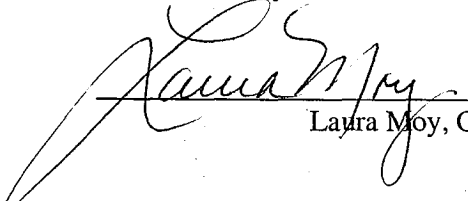
**AND WHEREAS** the Council of The Town of Tecumseh deems it appropriate to pass a By-law for requiring any person who owns or harbours a dog, except for such class or classes of physically handicapped persons as may be set out in the By-law, to remove forthwith excrement left by the dog in any municipally owned areas including parks, sidewalks, boulevards, etc.,

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

1. **That** in this By-Law,
  - (a) "Blind Person" means a person who becomes of blindness and is dependent on a guide dog or a white cane;
  - (b) "Handicapped Person" means a person who is permanently confined to a wheelchair or restricted to the permanent use of crutches or braces; and
  - (c) "Harbour" shall include having care or control of a dog.
  - (d) "Owner" when used in relation to a dog, includes a person who possesses or Harbours the dog and, where the Owner is a minor, the person responsible for the custody of the minor.
2. **That** every Owner of a dog shall remove forthwith excrement left by such dog on any municipally owned property, in the Town of Tecumseh, which shall include, but not be limited to the public road allowances, highways, boulevards, shoulders, walkways and trails, sidewalks and parks.
3. **That** the provisions of Section 2 do not apply to a Blind Person or Handicapped Person.
4. **That** every Owner who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five hundred dollars (\$500.00) exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*, R.S.O. 1990.
5. **That** any portion of any by-law inconsistent with this by-law is hereby repealed.
6. **That** this by-law shall come into force and take effect on the day of the final passing thereof.

**Read** a first, second and third time and finally passed this 24<sup>th</sup> day of May, 2005.

  
Gary McNamara, Mayor

  
Laura Moy, Clerk

**Part 1 Provincial Offences Act  
THE CORPORATION OF THE TOWN OF TECUMSEH  
BY-LAW #2005-43**

BEING A BY-LAW TO PROVIDE FOR  
THE REMOVAL OF EXCREMENT  
LEFT BY A DOG  
IN THE TOWN OF TECUMSEH

COLUMN 1 ITEM SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (includes costs)
1. Fail to remove excrement left by a dog on municipally owned property	2	\$105.00

**NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, cP.33.**

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION

COURT HOUSE  
15<sup>TH</sup> FLOOR, UNIT "G"  
80 DUNDAS STREET  
LONDON, ONTARIO  
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292  
FAX/TÉLÉCOPIEUR (519) 660-3138

RECEIVED

JUN 22 2005

Per:  
TOWN OF TECUMSEH

June 15th, 2005

Ms. Laura Moy, Clerk  
Corporation of the Town of Tecumseh  
917 Lesperance Road  
Tecumseh ON N8N 1W9

Dear Ms. Moy:

**Re: Set Fines - Provincial Offences Act - Part I  
By-law Number 2005-43 of the Town of Tecumseh**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "Alex Graham", with a long horizontal flourish extending to the right.

Alexander M. Graham  
Regional Senior Justice  
West Region

Enclosures  
/ec

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. **2005-43 of the Town of Tecumseh**, attached hereto are the set fines for those offences. This Order is to take effect June 15th, 2005.

Dated at London this 15<sup>th</sup> day of June, 2005.



Alexander M. Graham  
Regional Senior Justice  
West Region

**Part 1 Provincial Offences Act  
THE CORPORATION OF THE TOWN OF TECUMSEH  
BY-LAW #2005-43**

BEING A BY-LAW TO PROVIDE FOR  
THE REMOVAL OF EXCREMENT  
LEFT BY A DOG  
IN THE TOWN OF TECUMSEH

COLUMN 1	COLUMN 2	COLUMN 3
ITEM    SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINE
1. Fail to remove excrement left by a dog on municipally owned property	2	\$105.00

**NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, cP.33.**

MAYOR – MAIRE  
GARY McNAMARA  
DEPUTY MAYOR – SOUS MAIRE  
TOM BURTON  
COUNCILLORS - CONSEILLERS  
JOE BACHETTI  
MARCEL BLAIS  
GUY DORION  
JOIE JOBIN  
RITA OSSINGTON

917 LESPERANCE ROAD  
TECUMSEH, ONTARIO • N8N 1W9

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## THE CORPORATION OF THE



## TOWN OF TECUMSEH CORPORATE SERVICES DEPARTMENT

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DEPUTY CLERK / DEPUTY TREASURER  
SUSAN MAZZEI  
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June 22, 2005

Mr. Robert Heuton, Manager  
Ontario Court of Justice  
Provincial Offences Court  
Westcourt Place, Suite 300  
251 Goyeau, 3<sup>rd</sup> Floor  
Windsor, ON N9A 6V2

Dear Mr. Heuton:

**Re: Provincial Offences Act – Part I approval – Set Fines  
By-law No. 2005-43 – Removal of Dog Excrement**

Attached please find a photocopy of the letter, with attachments, all as dated June 15, 2005, from Alexander M. Graham, Regional Senior Justice, Ontario Court of Justice, respecting the Order approving the set fine amounts for the above By-law. A certified copy of the By-law is also attached.

Trusting this to be satisfactory, I remain,

Yours very truly,

**TOWN OF TECUMSEH**

Laura Moy, A.M.C.T.  
Clerk

LM/df

Attachments – as referenced above

c.c. Sgt. Dave Strang, Tecumseh O.P.P.  
George De Groot, Director of Public Works and Environmental Services  
Bruce Norris, Area Manager, Parks  
Michael Voegeli, Acting Director of Building Services  
Rick Wellwood, Development Officer