

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 93-131

"DOG EXCREMENT REMOVAL BY-LAW"

A by-law to regulate the removal of dog excrement
on public or private property

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45, Section 210, Subsection 9, authorizes the passing of by-laws by the councils of local municipalities, for requiring an owner of a dog to remove forthwith, excrement left by the dog anywhere in the municipality and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;

AND WHEREAS the Council of the Corporation of the Town of New Tecumseth deems it expedient to provide for the removal of dog excrement on public or private property within the Town of New Tecumseth;

NOW THEREFORE the Council of the Corporation of the Town of New Tecumseth does hereby enact as follows:

1. THAT for the purposes of this by-law the following definitions apply:

- a) "**Blind Person**" shall mean a person that possesses vision of less than 6/60 on a Snellen Acuity Test in his or her better eye after the best possible correction or has a field vision of acuity of less than 20 degrees;
- b) "**Handicapped Person**" shall mean a person who is permanently confined to or restricted to the use of a mobility aid such as a wheelchair, crutches or braces;
- c) "**Private Property**" shall mean property other than the property of the owner or property of the person having care, custody or control of the dog;

2. THAT every person who owns, controls or harbours a dog shall remove forthwith any excrement left by such dog on public or private lands in the Town of New Tecumseth;

3. THAT in any prosecution pursuant to a violation of section 2 of this by-law, proof that the defendant is either a blind person or a handicapped person shall constitute a defence to such prosecution.

4. **PENALTY**

4.1 That 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

5.1 Notwithstanding 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. SEVERABILITY

6.1 Should 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.

7. THAT this by-law shall be cited as the "Dog Excrement Removal By-Law".

8. THAT this by-law shall come into force and take effect immediately on the date of its final passing.

9. THAT By-Law 93-28 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF DECEMBER, 1993.

MAYOR

CLERK