

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-15

**A By-law to provide for the removal of excrement
left by dogs in the Town of Amherstburg**

WHEREAS paragraph 9 of Section 210 of the Municipal Act R.S.O. 1990, as amended provides that by-laws may be passed by the Councils of local municipalities for requiring any 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 classes of physically handicapped persons as may be set out in the by-law.

AND WHEREAS, it is deemed desirable to provide for the removal of dog excrement by the person who owns or harbours a dog;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

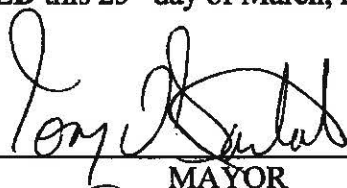
1. **FOR** the purpose of this by-law,
 - (a) "blind person" means a person who because of blindness is dependent on a guide dog or a white cane;
 - (b) "handicapped person" means a person who is permanently confined to a wheelchair or restricted to the permanent use of crutches or braces;
 - (c) "harbour" shall include having care or control of a dog.
2. **THAT** each person who owns or harbours a dog shall remove forthwith excrement left by such dog on municipally owned property within the Town of Amherstburg which shall include but not be limited to the Public Road Allowances, Walkways and Trails, Sidewalks and Municipal Parks.
3. **THAT** the provisions of Section 2 do not apply to a blind person or handicapped person as defined in Section 1 of this by-law.
4. **THAT** every person 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 One Thousand (\$1,000.00) Dollars exclusive of costs and every such fine is recoverable under the Provincial Offenses Act.
5. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.

READ a first and second time, and **FINALLY PASSED** this 25th day of March, 2002.

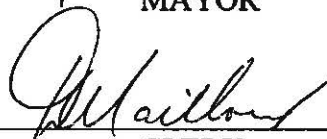
1st Reading: March 25, 2002

2nd Reading: March 25, 2002

3rd Reading: March 25, 2002



MAYOR



CLERK

MOUSSEAU DELUCA
MCPHERSON PRINCE LLP
 BARRISTERS & SOLICITORS

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 WALTER H. PRINCE, Q.C., OF COUNSEL

VIA FAX: 736-5403

August 25, 2003
 Our File No.: 24029

Town of Amherstburg
 P.O. Box 159
 271 Sandwich Street South
 Amherstburg, ON N9V 2Z3

Attention: David Mailloux

Dear Sir:

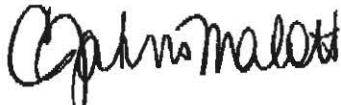
Re: **Removal of Excrement Left By Dogs - By-Law No. 2002-15**

I am pleased to enclose correspondence from Regional Senior Justice Alexander M. Graham dated August 12, 2003 with attached Order.

The set fines now have been approved and you may proceed to enforce by way of ticket.

As this matter is now concluded we will be closing our file. It has been a pleasure being of assistance in this matter. Should you require anything further, please do not hesitate to contact me.

Yours very truly,
 MOUSSEAU DELUCA MCPHERSON PRINCE, LLP



CHRISTINE JAHNS MALOTT
 CJM/sb

Enclosure

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



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

COURT HOUSE
15TH FLOOR, UNIT "C"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3

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

August 12, 2003

Ms. Christine Malott
Mousseau, DeLuca, McPherson, Prince
500-251 Goyeau Street
Windsor ON N9A 6V2

Dear Ms. Malott:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2002-15 of The Town of Amherstburg**

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,

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
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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. 2002-15 of The Town of Amherstburg, attached hereto is the set fine including costs, for those offences. This Order is to take effect August 12, 2003.

Dated at London this 12th day of August, 2003.



Alexander M. Graham
Regional Senior Justice
West Region

SET FINE SCHEDULE

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-15

**A By-law to provide for the removal of excrement
left by dogs in the Town of Amherstburg**

PART 1 Provincial Offences Act

ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION	SET FINE (includes costs)
1	Fail to remove dog excrement	s. 2	\$50.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.