

**THE CORPORATION OF THE  
TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

**BY-LAW NUMBER 2001-103**

**BEING A BY-LAW TO REGULATE THE REMOVAL OF  
DOG FECES ON PUBLIC AND PRIVATE PROPERTY IN  
THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD.**

**WHEREAS** The Municipal Act, R.S.O. 1990, as amended, Section 102 provides that every Council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in this Act as may be deemed expedient and are not contrary to law, and for governing the proceedings of the Council, the conduct of its members and the calling of meetings;

**AND WHEREAS** The Municipal Act, R.S.O. 1990, as amended, Section 210(8) provides that municipalities may pass bylaws for requiring, within any defined areas of the municipality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found;

**AND WHEREAS** The Municipal Act, R.S.O. 1990, as amended, Section 210(8) provides that municipalities may pass bylaws 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** it is deemed expedient and in the best interest of public health, safety and welfare to pass a by-law requiring any person who owns, controls or harbours a dog to remove forthwith excrement left by the dog on public property or on private property in other than the property of the owner of a dog the Township of Smith-Ennismore-Lakefield.

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD BY THE COUNCIL THEREOF ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this by-law:
  - (a) "control" means the person in charge of a dog at the time it drops its feces;
  - (b) "Dog" means a male or female dog;
  - (c) "Guide Dog" means a dog trained and used actively to aid blind and handicapped persons;
  - (d) "Highway" means a common or public highway and includes a street, boulevard, sidewalk and a bridge forming part of a highway, or on, over or across which a highway passes;
  - (e) "Owner" of a dog includes a person who possesses or harbours a dog and "owns" and "owned" have a corresponding meaning;
  - (f) "Physical Control"
    - (a) on a leash of a length that does not exceed 3 m;
    - (b) confinement in:

- (i) a container, or
  - (ii) an enclosure.
- (g) "Township" means the Corporation of the Township of Smith-Ennismore-Lakefield.
2. No person who owns or controls a dog shall permit a dog to be brought to a public property unless it is under physical control at all times.
  3. Any person who owns or controls a dog shall remove forthwith any feces left by such dog on a highway or on any public property or on any private property other than the property of the owner of such dog in the Township of Smith-Ennismore-Lakefield.
  4. Failure to promptly remove any feces shall be deemed to be a breach of this by-law.

### **EXEMPTIONS**

5. The provisions of this by-law do not apply to a blind or handicapped person accompanied by a guide dog.

### **PENALTIES**

6. Anyone who breaches a section of this by-law is guilty of an offence and subject to a penalty provided for under the Provincial Offences Act.
7. Any proceedings under this Bylaw with respect to private property must be initiated by the complainant property owner and may be assisted by the Bylaw Enforcement Officer and will be processed under the Provincial Offences Act.
8. When a person has been convicted of an offence under this by-law, the Provincial Offences Court or any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

### **GENERAL**

9. The short title for this By-law shall be "Stoop and Scoop By-law".
10. That Township of Douro-Dummer Bylaw 1998-55, as amended, as it relates to the annexed area described in Schedule A of the Ministers order dated February 10, 2000, is hereby repealed.
11. That Bylaw 90-71 of the former Village of Lakefield be hereby repealed.
12. This By-law shall come into full force and effect on the day of passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11<sup>th</sup> DAY OF SEPTEMBER, 2001.**

*Original Signed*

*Original Signed*

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REEVE

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CLERK

Corporate Seal