

The Corporation of the Town of Tecumseh

By-Law Number 2025-012

Being a by-law to amend By-Law 2021-50 being a by-law to prohibit and regulate open air fires within in the Town of Tecumseh for Administrative Monetary Penalties

Whereas Council deems it necessary to regulate by By-Law the setting of fire within the Town of Tecumseh for the protection of persons and property in accordance with the authority set out in subsection 10(2)8. of the Municipal Act, 2001, S.O. 2001, c. 25;

And whereas Subsection 7.1(1) (b) of the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended, provides that a Council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

And whereas Subsection 7.1(4) of the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted under this section are being complied with;

And whereas Subsection 7.1(5) of the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended, provides that the exercise of powers by an officer appointed under this section shall be carried out in accordance with Part XIV of the Municipal Act, 2001, S.O. 2001, c. 25 as amended (“Act”) other than clause 431 (a) of that Act

And whereas in accordance with Section 425 of the Act, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

And whereas in accordance with Section 429 of the Act, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act.

And whereas Section 444 of the Act states if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And whereas Section 426(1) of the Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under this Act or a by-law passed under this Act and that any person who contravenes subsection (1) is guilty of an offence;

And whereas Section 426(4) of the Act states that any person who contravenes subsection (1) is guilty of an offence;

And whereas Section 446(1) of the Act states that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

And whereas Section 446(3) of the Act states that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. That By-Law 2021-50 be amended by adding in its entirety with the following:

Administrative Penalties

- 1.1 Instead of laying a charge under the Provincial Offences Act for any breach of any provision of this By-law, an Officer, may issue an Administrative Penalty to the Person who has contravened this By-law provided the authority for the Town to issue Administrative penalties has been granted by municipal by-law.
- 1.2 An Officer has the discretion to either proceed by way of an Administrative Penalty (if prescribed) or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person for the same contravention.
- 1.3 The amount of the Administrative Penalty for a contravention of a provision of this By-Law is fixed as set out in an Administrative Penalty By-law of the Town, as amended from time to time, or any successor by-law.
- 1.4 If an Officer issues a penalty notice under AMPS, the property Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in By-Law 2024-048 as amended.
- 1.5 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the Administrative Penalty By-Law of the Town, as amended from time to time, or any successor by-law.
- 1.6 An Administrative Penalty imposed on a Person pursuant to this By-law this is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the

Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

Collection of Unpaid Fines

- 2.1 Where a fine is in default, the Town may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 2.2 The Town may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

Offences

- 3.1 No Person shall fail to comply with any condition or term of any Order issued under this By-Law. If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be continuing offence for each day or part of a day that the contravention remains uncorrected.

Validity and Severability

- 4.1 If there is a conflict between the provisions of this By-Law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

Read a first, second, third time and finally passed this 28th day of January, 2025.

Gary McNamara, Mayor

Robert Auger, Clerk