

# CORPORATION OF THE TOWN OF GANANOQUE

## BYLAW NO. 2011-74

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Being a by-law to prevent public nuisances when birds spoil and roost on property without the occupiers or owners consent caused when persons feed or attract birds to their private property but fail to limit or control them from neighbouring properties, and through regulation and prohibition Council wishes to promote the use and enjoyment of property in a healthy and sanitary manner free from unwanted pests.

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WHEREAS the Municipal Act R.S.O. 2001, c. M.25, Section 11, authorizes the Councils of municipalities to pass by-law with respect to animals;

AND WHEREAS Section 128 of the Municipal Act, permits by-law for prohibiting and regulating public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS the Council of The Corporation of the Town of Gananoque deems it necessary to pass such a by-law.

NOW THEREFORE the Council for The Corporation of the Town of Gananoque enacts as follows:

### 1. Definitions

- 1.1. Feed or Feeding shall mean the regular and intermittent supply of food, or allowing the placing or maintenance of supply of food on a regular or intermittent bases, which food is accessible to or accessed by pigeons/geese;
- 1.2. Municipal Law Enforcement Officer shall mean a person appointed by Council for the purpose of enforcing the by-laws of the Municipality;
- 1.3. Police Officer means a person so appointed by the Police Services Board or the Ontario Police Commission and includes a Special Constable appointed pursuant to the Police Services Act;
- 1.4. Public Nuisance shall mean in the absence of evidence to the contrary is deemed to include;
  - 1.4.1. Pigeons/Geese that defecate on property, things or persons located there;
  - 1.4.2. Pigeons/Geese roosting, landing or nesting on property; or
  - 1.4.3. Pigeons/Geese which cause any interference with the normal use or enjoyment of a property; and
- 1.5. Their property shall mean in regards to a person, means property which the person owns, occupies or has control over, but does not include property owned or occupied by the governments of Canada, Ontario, a municipality or local board thereof.

### 2. Prohibition

- 2.1. No person shall on their property fee or otherwise attract pigeons/geese or allow, cause or permit the feeding or attraction of pigeons/geese, such that the pigeons/geese cause a public nuisance on other property.

**3. Enforcement**

3.1. It shall be the duty of the Police Officers and the Municipal Law Enforcement Officers to enforce the provisions of this By-law.

3.2. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction of his or her first offence is liable under this by-law to pay the set fine as provided for the Provincial Offences Act.

**4. Short title**

4.1. This By-law shall be referred to as the "Pigeon/Geese by-law".

**5. By-law Appealed**

5.1. Any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.

**6. Effective Date**

6.1. This by-law shall be in force and take effect upon passing of the by-law.

READ A FIRST, SECOND, AND THIRD TIME: passed, signed and sealed with the corporate seal this 16<sup>th</sup> day of August, 2011.



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Mayor, Erika Demchuk



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Clerk, Bonnie Dingwall

SCHEDULE A TO BY-LAW 2011-74

Short Form Wording	Set Fine
Did on the property cause or permit the feeding or attraction of Pigeons/Geese to be public nuisance.	\$120.00