

**OFFICE CONSOLIDATION  
FOR INFORMATION PURPOSES ONLY**

**THE CORPORATION OF THE TOWN OF GANANOQUE  
PIGEONS / GEESE BY-LAW NO. 2011-074**

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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 HEALTH AND SANITARY MANNER FREE FROM UNWANTED PESTS**

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**WHEREAS** the *Municipal Act*, R.S.O. 2001, c. M25, Section 11, authorized the Councils of municipalities to pass by-laws with respect to animals;

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

**AND WHEREAS** on June 18, 2013, the Council of the Corporation of the Town of Gananoque passed By-law No. 2013-047, being a By-law to amend the Pigeon/Geese By-law No. 2011-074, to remove and replace Section 2, Prohibition, and repealed By-law No. 2012-072.

**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 of 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 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 feed or in any manner attract pigeons or geese or allow, cause or permit the feeding or attraction of pigeons or geese where the pigeons and/or geese so attracted are likely to interfere with the reasonable use and enjoyment of private property.
- 2.2. No person shall on property owned or occupied by the governments of Canada, Ontario, a municipality or local board therefore, cause or permit the feeding or attraction of pigeons or geese where the pigeons and/or geese so attracted are likely to interfere with the reasonable use and enjoyment of public property.
- 2.3. No property owner shall permit their property to be used to feed or attract in any manner pigeons or geese where the pigeons and/or geese so attracted are likely to interfere with the reasonable use and enjoyment of private 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 by the *Provincial Offences Act*.

**4. SHORT-TITLE**

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

**5. REPEAL**

- 5.1. Any and all by-laws or portions thereof conflicting with this By-law are hereby repealed.
- 5.2. By-law No. 2012-072, is hereby repealed in its entirety.

**6. EFFECTIVE DATE**

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

**THE CORPORATION OF THE TOWN OF GANANOQUE**

**Part I *Provincial Offences Act***

**BY-LAW NO. 2011-074: Pigeon/Geese By-law**

**Schedule of Set Fines**

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