

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: WAYNE CHAPUT, BY-LAW ENFORCEMENT OFFICER

TITLE: FEEDING & ATTRACTING OF PIGEONS BY-LAW

21-22Draft By-law

_____Item

_____ Policy Recommendation

Mayor D. Backer and Members of Council:

The Town of Mattawa have received many complaints regarding pigeons over the past year.

Pigeons are destroying rooftops, property, and our beautiful downtown area with their feces. The biggest problem that contributes to this is people feeding them.

At the regular Council meeting on August 9, 2021 a draft By-law to Prohibit the feeding and attracting of pigeons was presented to Council. The By-law was sent to the Ministry of the Attorney General (Ontario) for their review and comments and was received back with no changes required.

Attached is a By-law to prohibit the feeding and attracting of pigeons within the Town of Mattawa on private and municipal property.

For these reasons the following is recommended:

Recommendation:

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa adopt By-Law No.21-22 which is a By-law to prohibit the feeding and attracting of pigeons within the Town of Mattawa on private and municipal property.

Respectfully submitted,

Councillor L. Mick

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NO. 21-22

A BY-LAW TO PROHIBIT THE FEEDING AND ATTRACTING OF PIGEONS WITHIN THE TOWN OF MATTAWA

WHEREAS Council deems it necessary to prevent public nuisances when pigeons spoil or roost on property without the occupiers or owners' consent, caused when persons feed or attract pigeons, and through regulation and prohibition Council wishes to promote the use and enjoyment of property in a healthy and sanitary manner free from unwanted pigeon pests;

AND WHEREAS Section 10 of the *Municipal Act, 2001* provides that a single tier municipality may pass by-laws providing for any service or thing that the municipality considers necessary or desirable for the public,

AND WHEREAS Section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 435(1.1) provides that, the power to enter shall be exercised by an employee or agent of the municipality, who may be accompanied by any person under his or her direction;

AND WHEREAS Section 446(2) of the *Municipal Act, 2001* provides that for the purposes of Section 446(1) the municipality may enter upon land at any reasonable time, and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MATTAWA ENACTS AS FOLLOWS:

1 INTERPRETATION

- 1.1 "By-law"** means this by-law to prohibit the feeding and attracting of pigeons.
- 1.2 "Enforcement Officer"** means a municipal law enforcement officer, police officer or other person designated for the enforcement of this by-law.
- 1.3 "Feeding or Feed"** includes the regular or intermittent supply of food or allowing the placing or maintenance of a supply of food on a regular or intermittent basis, which food is accessible to or accessed by pigeons.
- 1.4 "Person"** means a natural person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators, or other legal representative of a person to whom the context can apply according to the law.
- 1.5 "Property or Public Property"** in regard to a person, means the throwing, dropping, placing or otherwise depositing feed or feeding pigeons or attract pigeons to any property, or any Town property including but not limited to parks, vacant or other lands owned by the Town, a highway, roadway sidewalk, pedestrian way, or boulevard. It includes yards, vacant lots, or any part of a lot that is not beneath a building,

- 1.6 **“Public Nuisance”** in the absence of evidence to the contrary is deemed to include,
(a) pigeons that defecate on property, things or persons located there;
(b) pigeons roosting, landing or nesting on property; or
(c) pigeons that cause any interference with the normal use or enjoyment of a property.
- 1.7 **“Town”** shall mean the Corporation of the Town of Mattawa.

2. GENERAL PROVISIONS

- 2.1 No person shall on any property or on Town property create a public nuisance by throwing, dropping, placing or otherwise depositing feed or feeding pigeons or attract pigeons to any property, or any Town property.

3. ENFORCEMENT

- 3.1 This By-Law shall be enforced by an officer appointed by the Town of Mattawa for the purposes of enforcing this By-Law.

4. OFFENCES AND PENALTIES

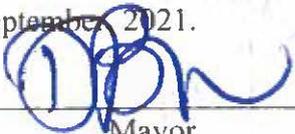
- 4.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine (the amount as set out in Schedule “A” of this By-law) as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.2 Each day on which a person contravenes any provision of this bylaw shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the Municipal Act, S.O. 2001, c. 25.
- 4.3 The court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 4.4 Where anything required or directed to be done in accordance with this by-law is not done, an Enforcement Officer may, upon such notice as they deem suitable, do such thing at the expense of the person required to do it and in doing so may charge an administration fee of 15% of such expense with a minimum fee of \$250.00, and both the expense and fee may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

5. ENACTMENT

- 5.1 This by-law shall come into force and take effect on the date of passing.

READ A FIRST and SECOND time, this 13th day of September, 2021.

READ A THIRD time and FINALLY PASSED this 13th day of September, 2021.



Mayor



Clerk

Schedule "A"
to By-Law 21-22

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES

PART 1 – PROVINCIAL OFFENCES ACT

A By-Law to Prohibit the feeding and attracting of pigeons within the Town of Mattawa.

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set fine
1	Feeding Pigeons	2.1	\$250
2	Attracting pigeons as a public nuisance	2.1	\$250
3			
4			
5			
6			
7			
8			
9			

NOTE: The general penalty provision for the offenses listed above is Section 4 of By-law No. 21-22, a certified copy of which has been filed.