

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

BY-LAW NO. 2023-23

Being a By-Law to prohibit the feeding and attracting of pigeons within
the Corporation of the Township of Chapleau

BEING a By-Law No. 2023-23 to regulate nuisance pigeons in the Township of Chapleau

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

THEREFORE, the Municipal Council of The Corporation of the Township of Chapleau enacts as follows:

PART 1 DEFINITIONS

1.1 DEFINITIONS

In this by-law:

“Township” shall mean the Corporation of the Township of Chapleau,

“By-Law Enforcement Officer” means a person appointed by Council.

“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,

“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.

“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;
- and

“property or public property” in regards to a person, means the throwing, dropping, placing or otherwise depositing feed or feeding pigeons or attract pigeons to any property, or any Township

property including but not limited to parks, vacant or other lands owned by the Township, a highway, roadway sidewalk, pedestrian way, or boulevard.

“property” includes yards, vacant lots, or any part of a lot that is not beneath a building,

PART 2 GENERAL PROHIBITIONS

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

2.2 Notwithstanding section 2.1, this by-law shall not apply to any person who is a member in good standing with the Canadian Racing Pigeon Union.

PART 3 ENFORCEMENT

3.1 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

3.2 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.

3.3 Where anything required or directed to be done in accordance with this by-law is not done, a Municipal Law 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 \$100.00, 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.

PART 4 EFFECTIVE DATE

This by-law takes effect on this date July 1, 2023.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 24th day of April 2023.



MAYOR



CAO