

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2005-37

PIGEONS: (R.1.2.16) A by-law to prohibit the feeding and attracting of pigeons on private property within the City of Sault Ste. Marie.

WHEREAS feeding and attracting pigeons may create a nuisance by causing pigeons to foul or roost on neighbouring properties without the consent of the owners or occupiers of the neighbouring properties;

AND WHEREAS the *Municipal Act* 2001, ss. 11(9) authorizes the municipal council to pass by-laws regulating animals;

AND WHEREAS Council of the Corporation of the City of Sault Ste. Marie wishes to promote the use and enjoyment of properties free from unwanted pigeons;

NOW THEREFORE THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to Section 11(9) of the *Municipal Act*, 2001, S.O. 2001, c. 25 and amendments thereto, **ENACTS** as follows:

1. **DEFINITIONS**

- (a) "City" means The Corporation of the City of Sault Ste. Marie.
- (b) "Feed" or "feeding" means providing regular or intermittent supplies of food or allowing or placing or maintaining the supply of food on a regular or intermittent basis which food is accessible by pigeons.
- (c) "Other property" means property that is located 75 metres or less from the property line of private property where feed is being consumed by pigeons or 75 metres or less from the property line where feeding or otherwise attracting of pigeons is occurring.
- (d) "Public nuisance" is deemed to include:
 - (i) Pigeons roosting, landing, or nesting on private property;
 - (ii) Pigeons defecating on private property or persons; and
 - (iii) Pigeons causing any interference with the quiet enjoyment of private property.
- (e) "Private property" means property owned by an individual, corporation or other legal entity but does not include property owned or occupied by the Government of Canada, the Province of Ontario, the municipality or a local board thereof.

2. **ADMINISTRATION**

This by-law shall be administered and enforced by the Building Division of the City.

3. **PROHIBITION**

No person shall feed or otherwise attract pigeons or allow, cause or permit the feeding of pigeons on private property such that the pigeons cause a public nuisance on other property.

4. Notwithstanding section 3, this by-law shall not apply to any person who is a member in good standing with the Canadian Racing Pigeon Union. **[AMENDED BY BY-LAW 2005-60]**

5. **PENALTY**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a penalty in accordance with the provisions of the Provincial Offences Act, as amended.

6. **EFFECTIVE DATE**

This by-law takes effect on the date of its final passing.

Read THREE times and PASSED in open Council this 7th day of March, 2005.

"Debbie Amaroso"

ACTING MAYOR – DEBBIE AMAROSO

"Donna Irving"

CLERK – DONNA P. IRVING