

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2013-205

Pigeon Control By-Law

WHEREAS Section 128 of the Municipal Act, 2001 S.O 2001 c.25 (the "**Act**") provides that Council may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or causes public nuisances; and

WHEREAS Section 10(2) of the Act provides that a council may pass by-laws respecting animals; and

WHEREAS Section 11.1 of the Act defines and "animal" as being "any member of the animal kingdom, other than a human"; and

WHEREAS Council of the Corporation of the City of Cornwall has determined that it is in the public interest regulate the keeping of pigeons and to control pigeon populations within the municipal boundaries of the City of Cornwall,

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this By-law:

1.1 "**City of Cornwall**" means the Corporation of the City of Cornwall.

1.2 "**Dwelling**" means a building occupied or capable of being occupied as the home or the residence of one or more persons.

1.3 "**Flight**" means a supervised and temporary release of one or several Pigeons from their Pigeon Enclosure.

1.4 "**Keep**" "**Kept**" or "**Keeping**" when used with respect to Pigeons, means to keep, harbour, breed or maintain Pigeons.

1.5 "**Lot**" means a parcel of land capable of being independently conveyed;

1.6 "**person**" includes an individual, association, firm, partnership, corporation, trust, organization, trustee and agent;

1.7 **"Pigeon"** means any member of the Columba genus, including birds commonly referred to as common pigeons, racing pigeons, fancy pigeons, utility pigeons and flying or sporting pigeons.

1.8 **"Pigeon Keeper"** means any person who, at any time or from time to time, keeps, harbours, breeds or is in control of ten (10) or more Pigeons;

1.9 **"Pigeon Keeping Association"** means a recognized pigeon association which is affiliated with a national pigeon association

2. PIGEON KEEPING IN COMPLIANCE WITH THIS BY-LAW

No person shall Keep Pigeons except in accordance with this By-law.

3. RESTRICTIONS

3.1. No person shall Keep more than eighty (80) Pigeons on any Lot at any given time.

3.2. No person shall Keep Pigeons within or under a Dwelling or within any structure which is physically attached to a Dwelling.

4. PIGEON KEEPING ASSOCIATIONS

Every Pigeon Keeper shall be a member of a Pigeon Keeping Association.

5. PIGEON IDENTIFICATION AND REGISTRATION

5.1. Every Pigeon Keeper shall ensure that every Pigeon within his or her care or control is:

- a. Identified with a metal or plastic leg band; and,
- b. Registered with a Pigeon Keeping Association.

6. PIGEON ENCLOSURES AND MAINTAINENANCE

6.1. Pigeon Keepers shall, at all times, Keep Pigeons within a Pigeon Enclosure constructed and maintained in accordance with Subsection 6.2.

6.2. Every Pigeon Enclosure shall:

- a. Comply with all provisions of the Zoning By-law of the City of Cornwall, as amended from time to time, applicable to accessory structures including provisions regulating the size and height of accessory structures;
- b. Provide a minimum of one metre (1m) of loft space for every ten (10) Pigeons;
- c. Provide a minimum of thirty centimetres (30cm) of space under the floor of the Pigeon Enclosure for cleaning purposes;
- d. Notwithstanding Subsection 6.2.a, be a minimum of three metres (3m) from any boundary line of any Lot; and,
- e. Notwithstanding Subsection 6.2.a and 6.2.d, be a minimum of ten metres (10m) from any school, church, public hall, retail store or Dwelling on another Lot.

6.3. Every Pigeon Keeper shall:

- a. maintain any Pigeon Enclosure(s) in a state of good repair through regular painting or installation of permanent siding;
- b. maintain all equipment associated with the Keeping of Pigeons under cover;
- c. lime wash, paint or disinfect the inside walls and ceilings of all Pigeon Enclosures;
- d. remove and dispose of, at least twice each week, in a sanitary manner that will not create a public nuisance or health hazard, all Pigeon droppings and refuse within or adjacent to any Pigeon Enclosure or on any Lot where Pigeons are Kept; and
- e. store all Pigeon feed in weatherproof, rodent-proof containers.

7. PIGEON FOOD SOURCES

7.1. No person shall throw or place or permit to be thrown or placed any type of food in a yard for the purpose of feeding Pigeons.

7.2. Notwithstanding Subsection 7.1, any person may place up to three (3) bird feeders on any Lot for the purpose of dispensing commercially available bird food such as seed and nectars provided that Sections 7.3 and 7.4 of this By-law are complied with

7.3. Bird feeders placed on any Lot in accordance with Subsection 7.2 shall be:

- a. suspended a minimum of one hundred and twenty centimetres (120cm) (approximately 4 feet) above the ground; and,
- b. kept clean by being regularly disinfected.

7.4. The ground beneath any bird feeder shall be maintained and raked to remove bird

food and bird droppings.

7.5. Bird feeding activity shall not be a nuisance to or interfere with the normal use and enjoyment of neighboring properties and premises.

8. DISEASED PIGEONS

No person shall Keep any Pigeon afflicted with an infectious or contagious disease, unless under conditions approved by the Medical Officer of Health.

9. PIGEON LIBERATION

9.1. Notwithstanding Section 6.1 of this By-law, Pigeon Keepers may undertake Flights in accordance with the following restrictions:

- a. A total of two (2) Flights daily may be undertaken and only :
 - i. before 9:00 a.m. or after 5:00 p.m. between April 1st and September 30th in any one year; and,
 - ii. before 10:00 a.m. or after 3:00 p.m. between October 1st and March 31st in the following year.
- b. Each Flight permitted under Section 9.1.a shall:
 - i. include no more than thirty (30) Pigeons; and
 - ii. be supervised by the Pigeon Keeper or by a competent person on the Pigeon Keeper's behalf.

9.2. Nothing in this Section 9 shall be construed to limit Flights scheduled by a Pigeon Keeping Association.

10. EXEMPTIONS

10.1. Nothing in this By-law shall be deemed to prevent a farm, meeting the definition of an "agricultural operation" under the *Farming and Food Production and Protection Act*, 1998, S. O. 1998, C. 1 from carrying out normal farming practice as defined by that Act.

10.2. Nothing in this By-law shall be deemed to prohibit the keeping of domesticated birds, other than Pigeons, entirely within a Dwelling.

11. ADMINISTRATION

Every Pigeon Keeper shall, within two (2) calendar months following the date this By-law Amendment is adopted by the City of Cornwall, and annually thereafter, provide to the By-law Division of the City of Cornwall:

- a. proof of membership in a Pigeon Keeping Association;
- b. confirmation of the number of Pigeons that he or she is Keeping;
- c. a sketch or similar record of the number, dimensions and locations of every Pigeon Enclosure which the Pigeon Keeper owns, maintains and/or causes to be maintained;
- d. proof that every Pigeon Kept by the Pigeon Keeper is identified and registered in accordance with Section 5 of this By-law.

12. ENTRY

12.1. A Municipal Law Enforcement Officer may enter upon any land, building or property to ascertain whether the provisions of this By-law are complied with and to enforce and carry into effect the provisions of this By-law.

12.2. Notwithstanding Section 12.1, prior to entering a Dwelling which is actually used as a Dwelling, a Municipal Law Enforcement Officer shall first obtain the consent of the occupier or shall obtain an order or warrant from a judge or justice of the peace of the provincial court.

13. OFFENCES

13.1. Every person who contravenes any of the provisions of this By-law is guilty of an offence.

13.2. Every person who hinders or obstructs, or attempts to hinder or obstruct, a by-law officer, or any person acting under the direction of the City of Cornwall, in the enforcement or attempted enforcement of this By-law is guilty of an offence.

14. PENALTIES

14.1. Every person who contravenes any provision of this By-Law or fails to comply with an order made under this By-law is guilty of an offence and upon conviction is liable:

- (a) on a first conviction, to a fine of not more than \$ 5,000; and
- (b) on a subsequent conviction, to a fine not more than \$ 10,000

14.2. Upon registering a conviction for the contravention of any provision of this By-law, in addition to any other remedy and to any penalty imposed by the By-law, the court in which

the conviction has been entered and any court of competent jurisdiction thereafter may make an order directing compliance with the By-law and prohibiting the continuation or repetition of the offence by the person convicted.

15. ULTRA VIRES

Should any sections of this By-law be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

16. EFFECTIVE DATE

16.1. This By-law shall come into force and effect on the 28 day of Oct., 2013.

Read, signed and sealed in Open Council this 28th day of October, 2013.



MANON L. POIRIER
DEPUTY CITY CLERK



BOB KILGER
MAYOR

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2016-175

A By-Law to amend the Pigeon Control By-Law # 2013-205 to prohibit domestic pigeon keeping in the CBD and COM 70 Zones including by all currently existing pigeon keepers

Whereas Section 128 of the Municipal Act, 2001 S.O. 2001 c. 25 (the "Act") provides that Council may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or causes public nuisances; and

Whereas Section 10(2) of the Act provides that a council may pass by-laws respecting animals; and

Whereas Section 11.1 of the Act defines an "animal" as being "any member of the animal kingdom, other than a human"; and

Whereas Council of the Corporation of the City of Cornwall has determined that it is in the public interest to amend Pigeon Control By-Law # 2013-205 to regulate the keeping of birds within the municipal boundaries of the City of Cornwall; and

Whereas the geographic areas identified as the Central Business District (CBD) Zone and the Commercial 70 (COM 70) Zone in the Corporation of the City of Cornwall's Zoning By-Law #751-1969 (as amended from time to time) are characterized by a concentration of commercial uses including restaurants, retail stores, food stores and high density residential uses and the keeping of pigeons in these areas produces a disproportionate level of nuisance and gives rise to health and safety concerns; and

Whereas Council is desirous of amending Pigeon Control By-Law # 2013-205 to prohibit the keeping of pigeons in the above-referenced areas; and

Whereas it is the intention of Council that this prohibition should apply to pre-existing Pigeon Enclosures and prohibit any and all Pigeon Keeping activities within the prescribed areas.

Now therefore be it resolved that The Council of the Corporation of the City of Cornwall enacts as follows:

A. That the Pigeon Control By-Law be amended to include the following provisions:

3. "Restrictions"

Add item 3.3 which is to read "No person shall Keep Pigeons within the geographic areas labelled as the Central Business District (CBD) Zone and the Commercial 70 (COM 70) Zone and illustrated on "Schedule 'B', Downtown CBD Area" and "Schedule 'C' Commercial 70 area" in the Corporation of the City of Cornwall's Zoning By-Law #751-1969, as may be amended from time to time."

10. "Exemptions"

Add item 10.3 which is to read "For greater certainty, no person is exempt from compliance with the provisions of this By-Law solely because he/she Kept Pigeons on or before the date this By-Law or any amendment hereto came into effect."

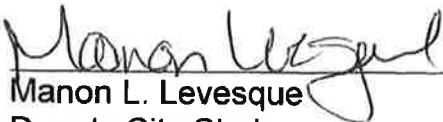
17. "Transition"

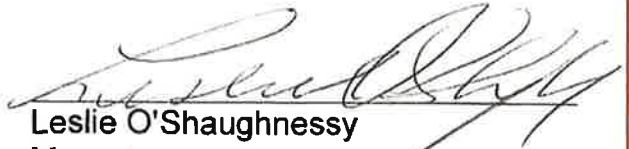
Add item 17, "Transition", which is to read "Notwithstanding sections 3.3 and 10.3 of this By-Law, any person who Kept Pigeons as of October 24, 2016 shall have until April 1, 2017 to bring him/herself into compliance with section 3.3 of this By-law."

B. Transition

This By-Law, being an amendment to the Pigeon Control By-Law # 2013-205, shall come into effect on the 24th day of October, 2016.

Read, signed and sealed in Open Council this 24th day of October, 2016.


Manon L. Levesque
Deputy City Clerk


Leslie O'Shaughnessy
Mayor