

**Authority:** Item13, Planning and Economic  
Development Committee  
Report; 04-020 (PD04284)  
CM; November 10, 2004

**Bill No. 280**

**CITY OF HAMILTON**

**BY-LAW NO. 04-280**

To Amend Property Standards By-Law No. 03-117 Respecting:

**PEST CONTROL**

**WHEREAS** By-law No. 03-117 provides for property standards and Council deems it necessary to provide for the amendments dealing with pest control;

**AND WHEREAS** Section 15.1(3) of the Building Code Act, S. O. 1992, c. 23 contains the jurisdiction for municipalities to enact by-laws prescribing standards for the maintenance and occupancy of property;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 13 (a) of Report 04-020 of the Planning and Economic Development Committee at its meeting held on the 10th day of November, 2004, recommended that By-law No. 03-117 be amended as hereinafter provided;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Subsection 2(1) of By-law No. 03-117 is hereby amended, by adding the following definitions, immediately after clause (ee):

“(ff) “pest” means any mouse, rat, bed bug, flea, wasp, hornet or cockroach, but does not include any domesticated mouse or rat; and

(gg) “domesticated mouse or rat” means a mouse or rat kept as a pet by the occupants of one dwelling unit, normally in an enclosed cage or container within the unit, which is cared for and fed by the occupants, which care includes clean up and removal of mouse or rat waste and soiled rodent bedding from the dwelling unit and cage or container, and which animal is kept in compliance with any animal control laws or by-laws.”

2. Clause (s) of Subsection 2(1) of By-law No. 03-117 is hereby further amended by adding the words "and, for the purposes of subsection 34a only, a health inspector" after the words "building inspector" in the fourth line.
3. By-law No. 03-117 is hereby amended adding the following section:  
  
"PEST CONTROL  
34a(1) Every dwelling, multiple dwelling and dwelling unit shall be kept free of infestation by pests.  
  
34a(2) For the purposes of subsection 34a(1) an "infestation" includes the presence of one rat or mouse, and in the case of insects means the presence of more than one such insect, and in the case of wasps or hornets includes the presence of any occupied nest interior or if attached to the exterior of the structure."
4. Paragraph (a) of Clause 3 (Vermin), in Section 707 (Miscellaneous Nuisances) of By-law No. 4798 of the Corporation of the City of Hamilton is hereby repealed.
5. In all other respects, By-laws Nos. 03-117 and former Corporation of the City of Hamilton By-law No. 4798 are hereby confirmed without change.
6. This By-law comes into force and effect on the date of its passing and enactment.

**PASSED AND ENACTED** this 10th day of November, 2004

MAYOR 

  
CLERK