

DATE: FEBRUARY 20, 2018

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

FROM: MARY REALI, DEPUTY CITY MANAGER, COMMUNITY SERVICES
GUS MICHAELS, DIRECTOR, BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES

RE: ITEM 7, REPORT No. 6, COMMITTEE OF THE WHOLE, FEBRUARY 6, 2018
ANIMAL CONTROL AND LICENSING BY-LAWS – TECHNICAL AMENDMENTS

Purpose

Further to the direction of the February 6, 2018 Committee of the Whole regarding technical amendments to the City's Animal Control By-law No.53-2002 for keeping of racing pigeons, this communication is to inform Council and amend staff's recommendations, by amending Attachment 1 of the February 6, 2018 Committee of the Whole, Item No.7, Report 6 – Animal Control and Licensing By-law – Technical Amendments.

Recommendation

- 1) THAT City Council approve the proposed revised amendments to the Animal Control By-law and the Licensing By-law in accordance with Attachment 1 of this report; and
- 2) That City Council authorize staff to amend, in a form satisfactory to the City Solicitor, the Animal Control By-law No. 53-2002, as amended, and the Licensing By-law No. 315-2005, and to take any other necessary actions to give effect to the recommendations herein.

Background

The issue relating to keeping and housing of pigeon's arose in 2012 through a public complaint. On May 8, 2012 Council directed staff prepare a report addressing potential solutions regarding the negative impact with keeping and harbouring of pigeons in residential neighbourhoods. The primary concern related to conditions that can be caused on neighbouring properties and the conditions by which pigeons were being kept. Staff undertook a review of the circumstances and considered options to address and mitigate against such conditions.

At its meeting of June 25, 2013, City Council adopted staff's recommendations [Item 24, Report No. 32, of the Committee of the Whole) and directed that the pigeon provisions contained within Part 10 of the Animal Control By-law 53-2005 be amended to introduce licensing regime for keeping of racing pigeons and that lofts (coops) be setback 3 meters from a property line and 10 meters from any dwelling unit, other than that of the owner.

The Animal Control By-law was subsequently amended in 2014 by By-law No. 52-2014, introducing a ban on the keeping of non-racing or fancier pigeons, new licensing regulations and establishing minimum set back requirements as prescribed in Part 10. Subsection (9) of the Animal Control By-law.

It is important to note that the licensing requirements as prescribed within Part 10 of the amending Animal Control By-law provides the authority to the Chief Licensing Officer to refuse to issue a license, suspend or revoke a license where he/she is of the opinion that issuance or holding of a license would be:

- contrary to public interest in respect of the health and safety of any person or animal,
- a nuisance affecting any land or person in Vaughan or,
- where any false information is provided, and
- where an applicant does not meet all requirements of this By-law or any other City By-law.

Since the passing of By-law No. 52-2014, Vaughan Animal Services, a division within By-law & Compliance, Licensing & Permit Services, has not received any complaints.

In addition, the City's Property Standards By-law No. 231-2011 prescribes minimum conditions by which all properties must be maintained and can be applied to address sub-standard conditions, where necessary.

At its meeting of February 6, 2018, Committee of the Whole was provided a staff report with a recommendation to eliminate the 10-meter restriction noting that through on-going consultations with stakeholders it was determined that set-back requirements had proven to be prohibitive to those people who have kept and harboured racing pigeons for many years and have not been subject to complaints. Committee deferred this matter for further consideration by City Council.

Analysis and Options:

In preparation for Council, staff undertook a further review of records relating to pigeons and identified a minimum of six locations where racing pigeons are kept by members of the Pine Valley Racing Pigeon Club, a member in good standing with The Canadian Racing Pigeon Union Inc. These locations have been in existence for many years, as far back as 1966 to most recently in 2003. All such locations have not been subject to any public complaints as the high valued pigeons are managed, kept and maintained in a manner that has not created any nuisance for neighbouring properties. Unfortunately, these are also the same locations that are unable to meet the set-back requirements and are therefore unable to comply and obtain the required licence. As such compliance would equate to removal of the pigeons and their coops.

Staff also considered a balance between the interests of pigeon racers with those of the greater public and in doing so believe that both interests can be served with an amendment to the Animal Control By-law that would permit those racing pigeon owners who were in existence prior to the passing of the 2014 amending by-law to keep their existing coops, while also maintaining the appropriate setback requirements as prescribed within the by-law for any future locations.

It is therefore staff's recommendation that the Animal Control By-law be amended to reflect that a location established prior to the passing of By-law No. 52-2014, be exempt from the set-back requirements as prescribed in Part 10, Subsection (9) of the Animal Control By-law No. 53-2002, as amended, subject to meeting the criteria as outlined in Attachment 1.

It is important to note, although relief to the set-back requirements in subsection (9), subject to the outlined criteria is being recommended, the licensing provisions within have sufficient authority to address any future unwanted conditions that keeping of racing pigeons may cause, up to and including the authority for revocation of a licence to keep and harbour the pigeons.

It is clearly in a licensee's best interest to ensure compliance accordingly. Staff are confident that this is a reasonable compromise that will meet the greater public interests of all stakeholders involved.

Conclusion

Having completed a further review of this matter, staff are confident that recommending an amendment to the Animal Control By-law to reflect that a location that was identified by Vaughan Animal Services and established prior to passing of By-law No. 52-2014 on the 8th day of April 2014, be exempt from the set-back requirements subject to conditions, as prescribed in Part 10, Subsection (9) of the Animal Control By-law No. 53-2002, as prescribed in the revised Attachment 1, would satisfy the spirit and intent of the by-law, while not indirectly penalizing responsible racing pigeon owners.

Staff further believe that in the City's Property Standards By-law No. 231-2011, coupled with the licensing provisions within the Animal Control By-law, provide sufficient authority to address any future unwanted conditions that keeping of racing pigeons may cause, up to and including the authority for revocation of a licence.

Upon Council's approval, staff will prepare the appropriate amending by-law in accordance with Attachment 1 and in a manner acceptable to the City Solicitor.

Attachments

1. Revised amendments to the Animal Control By-law No. 53-2002 and Licensing By-law No. 315-2005 (Consolidated).

Respectfully Submitted,



Mary Reali
Deputy City Manager, Community Services



Gus Michaels
Director & Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services

Amendments to
Animal Control By-law No. 53-2002, as amended,
and Licensing By-law No. 315-2005 (Consolidated)

1. Amend By-law No. 53-2002 as follows:

- (a) In Part 5 subsections (1) and (3), replace all instances of “dog or cat” with “animal”.
- (b) Part 10 subsection (9) of the Animal Control By-law is hereby deleted and replaced with the following:
Notwithstanding Part 10, Subsection (9), a pigeon coop identified as being in existence by Vaughan Animal Services for the purpose of keeping and housing racing pigeons prior to the 8th day of April 2014, is hereby exempt from the set-back requirements as outlined in Subsection (9), subject to the following criteria:
 - i) that the coop not be expanded or moved from its current location on the property;
 - ii) that any expansion or relocation comply with Subsection (9); and
 - iii) that the coop meet all other criteria set out in this By-law.
- (c) Part 11 subsection (3) (i) of the Animal Control By-law is hereby deleted and replaced with the following:
“animals kept by the Reptilia Reptile Zoo & Education Facility that have been approved by the Director.”
- (d) Part 11 of the Animal Control By-law is hereby amended by adding the following subsection in numerical sequence:
“(5) For purposes of Subsection (3) (i):
 - (a) the Director shall keep a List of Animals Permitted to be Kept by the Reptilia Reptile Zoo & Education Facility;
 - (b) the Director shall have authority to add or delete animals from the list in subsection (5) (a); and
 - (c) the Reptilia Reptile Zoo & Education Facility shall provide reasonable access to its facilities for purposes of ensuring compliance.”

2. Amend By-law No. 315-2005 as follows:

- (a) Part 19.2 subsection (1) is hereby deleted and replaced with the following:
“No Kennel, Pet Grooming Establishments or Pet Shops shall be located within any part of any dwelling unit or attached to any dwelling unit or part thereof.”
- (b) Part 19.2 subsection (2) is hereby deleted and replaced with the following:
“No part of any building or structure enclosing Kennels, Pet Grooming Establishments or Pet Shops shall be used for human habitation.”