

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013

Item 25, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 4, 2013.

25

ANIMAL SERVICES - PIGEONS

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of June 18, 2013, and that staff be requested to report back on the issues raised by Committee, including the policies of other municipalities and recommendations on suitable setbacks; and**
- 2) That the deputation of Ms. Maj-Lis Vettoretti, Fermar Drive, Maple, be received.**

Recommendation

The Commissioner of Legal & Administrative Services & City Solicitor and the Acting Director Enforcement Services recommend that:

1. The pigeon provisions contained in Part 10 of the Animal Control By-law 53-2002 be amended in accordance with the recommendations contained in this Report;
2. Staff review appropriate fees for licensing of pigeons and related appeals and provide appropriate notice to the public and report to Council at a future meeting to amend the Fees and Charges By-law 396-2002.

Contribution to Sustainability

Not applicable.

Economic Impact

Should Council adopt the recommendations in this Report, the City will incur expenses in relation to pigeon license inspections conducted by By-law Enforcement staff, as well as costs for the per diem rate of the Hearings Officer, who will adjudicate appeals in relation to any revocation or denial of a license. However, the City has authority to charge fees to the licensee to defray these costs.

Communications Plan

Staff met with representatives of the Canadian Racing Pigeons Union ("CRPU") on May 8, 2013 to obtain their input regarding potential solutions to complaints regarding pigeons. The CRPU supports the recommendations contained in this Report. The CRPU will be advised of Council's decision regarding this matter.

Purpose

The purpose of this Report is to provide Council with recommendations with respect to residents having pigeons in the City, and to recommend amendments to the Animal Control By-law.

Background - Analysis and Options

On May 8, 2012, Council directed that staff prepare a Report addressing potential solutions to complaints regarding the negative impact of keeping or harbouring pigeons in a residential/urban neighbourhood.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013

Item 25, CW Report No. 23 – Page 2

a) Existing By-law:

Currently, the Animal Control By-law 53-2002 prohibits the keeping or harboring of more than six (6) pigeons on any lands zoned residential or within 400 feet of such lands. Notwithstanding this prohibition, any person who is a member in good standing of the CRPU may keep or harbor up to sixty (60) racing pigeons and up to two (2) droppers on these lands. The number of pigeons can be increased during breeding season, being between March 31 and October 1. Further, the By-law provides that pigeons shall not be kept or harboured in an industrial or commercial zoned property in the City.

The By-law also prescribes regulations with respect to release times, the number of releases per day, the number of pigeons that can be released at any one time, and the conditions for coops. The Cities of Brampton and Mississauga have similar regulations in place.

b) Complaints:

An examination of the number of complaints that staff have received over the years in relation to pigeons provides an important context within which to evaluate any potential amendments. Since 2011, staff have received a total of seven (7) complaints: one (1) in 2011, five (5) in 2012, and one (1) in 2013, all but one of which have been resolved. In comparison to other Animal Control By-law matters, this number is very low.

c) Consultation:

Staff met with members of the CRPU on May 8, 2013 to consult regarding the concerns and potential options for resolution. The CRPU representatives provided information which gives staff further useful context:

- Pigeon Racers spend a significant amount of resources on their hobby/sport, both for the pigeons and the lofts (coops). Accordingly they are viewed as investments, and are cared for as such;
- Pigeons do not pose a health and safety risk to humans;
- After the completion of their flight, pigeons are trained to return directly to the loft to rest and do not linger on other person's property;
- Many pigeon racers utilize an electronic radio system or other form of tracking to ensure that the pigeons are accounted for when they return;
- Pigeons are incapable of defecating in flight; and
- Pigeon racing is a hobby dating back to the year 1818, where the first known pigeon race was held in Belgium.

d) Health Issues:

Staff also considered the health effects of keeping pigeons on humans. The Toronto Board of Health considered this issue and concluded in 2008 that the risk to human health from being exposed to large flocks of pigeons in urban settings was very low. Staff also consulted York Region Board of Health which had no information on this issue.

e) Options:

Further to Council direction, staff have reviewed options to mitigate the impacts of keeping or harbouring pigeons:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013

Item 25, CW Report No. 23 – Page 3

1. *Ban the keeping of pigeons entirely in the City.*

Pros: If there are no pigeons, there will be no complaints from residents.

Cons: This option is, in staff's opinion, a disproportionate response to the problem given that the City has only received 7 complaints in 3 years. This option will also greatly impact individuals who have spent considerable time and funds for the racing pigeon sport and therefore may result in complaints regarding an absolute ban of pigeons. Furthermore, this is not in keeping with the practice of other municipalities.

2. *Restrict the keeping and harbouring of pigeons to areas zoned rural/agricultural.*

Pros: Pigeons will be kept in areas which are more conducive to the keeping of animals, and therefore will generate fewer complaints from residents.

Cons: This option is similarly disproportionate to the problem. Pigeon racers will be required to move their lofts to a different area and at a significant expense. It will also make it less practical for the care and custody of the pigeons, given that the pigeon owner will likely not reside on the agricultural land. Also, it is not in keeping with the practice of other municipalities.

3. *Greater regulation through licensing with respect to racing pigeons, while otherwise banning the keeping of pigeons in the City by non-pigeon racers.*

Pros: Licensing regime for racing pigeons will ensure greater compliance with the existing provisions relating to pigeons, which will lead to fewer complaints. The threat of losing one's license will provide extra incentive for pigeon racers to exercise due diligence. The licensing regime will also enable staff to address problems on a proactive basis, rather than a reactive basis. This option balances the interests of the pigeon racers with those of the complainants, and is similar to the process in place in the City of Brampton.

Cons: An extra layer is added to City administration, without allocation of further resources. However, the City could charge licensing fees to defray administration costs.

4. *Status quo, that is, staff continue to enforce the existing by-law, with no changes.*

Pros: Pigeon racers and other residents can continue to keep pigeons in residential areas unabated. There is no further action required from staff, other than enforcement of the existing by-law provisions.

Cons: Ignores the complaints of residents. The fact that complaints are received suggests that the current regulation may not be adequate.

f) Specific Changes to the Animal Control By-law

Staff are recommending that Council adopt Option 3. Staff believe that this option will assist in addressing complaints in relation to pigeons, while at the same time balancing the interests of pigeon racers. The changes to the By-law will include:

- The keeping of pigeons will be banned in all residential areas, unless a license is obtained from the City for racing pigeons. Current non-racing pigeons will be permitted to be kept until they die or are otherwise disposed of;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013

Item 25, CW Report No. 23 – Page 4

- A condition of the license will be that the applicant be a member of the CPRU, or other similar association;
- The property must be inspected by the City to ensure compliance with zoning and the coop (loft) regulations in the by-law, prior to the issuance of a license;
- More than three (3) verifiable complaints in a year will lead to the license being reviewed and possibly suspended or revoked;
- The licensee will have a right to appeal any revocation or suspension to the Licensing Committee; and
- Racing pigeons will be required to have leg bands for identification.

Relationship to Vaughan Vision 2020/Strategic Plan

This Report is consistent with the priorities previously set by Council.

Regional Implications

Not applicable.

Conclusion

Staff are recommending that the keeping of pigeons by non-pigeon racers be prohibited in all residential areas on a go-forward basis. For pigeon racers, the keeping of pigeons will continue to be permitted, provided that the pigeon racer obtains a license from the City. This licensing requirement will ensure that existing pigeon regulations are adhered to. Such a process has been adopted in the City of Brampton, and balances the interests of complainants and pigeon racers. Members of the CRPU are in support of these recommendations.

Attachments

Not applicable.

Report prepared by:

Christopher G. Bendick
Legal Counsel

Susan Kelly
Animal Services Supervisor

COMMITTEE OF THE WHOLE - MAY 21, 2013

ANIMAL SERVICES - PIGEONS

Recommendation

The Commissioner of Legal & Administrative Services & City Solicitor and the Acting Director Enforcement Services recommend that:

1. The pigeon provisions contained in Part 10 of the Animal Control By-law 53-2002 be amended in accordance with the recommendations contained in this Report;
2. Staff review appropriate fees for licensing of pigeons and related appeals and provide appropriate notice to the public and report to Council at a future meeting to amend the Fees and Charges By-law 396-2002.

Contribution to Sustainability

Not applicable.

Economic Impact

Should Council adopt the recommendations in this Report, the City will incur expenses in relation to pigeon license inspections conducted by By-law Enforcement staff, as well as costs for the per diem rate of the Hearings Officer, who will adjudicate appeals in relation to any revocation or denial of a license. However, the City has authority to charge fees to the licensee to defray these costs.

Communications Plan

Staff met with representatives of the Canadian Racing Pigeons Union ("CRPU") on May 8, 2013 to obtain their input regarding potential solutions to complaints regarding pigeons. The CRPU supports the recommendations contained in this Report. The CRPU will be advised of Council's decision regarding this matter.

Purpose

The purpose of this Report is to provide Council with recommendations with respect to residents having pigeons in the City, and to recommend amendments to the Animal Control By-law.

Background - Analysis and Options

On May 8, 2012, Council directed that staff prepare a Report addressing potential solutions to complaints regarding the negative impact of keeping or harbouring pigeons in a residential/urban neighbourhood.

a) Existing By-law:

Currently, the Animal Control By-law 53-2002 prohibits the keeping or harboring of more than six (6) pigeons on any lands zoned residential or within 400 feet of such lands. Notwithstanding this prohibition, any person who is a member in good standing of the CRPU may keep or harbor up to sixty (60) racing pigeons and up to two (2) droppers on these lands. The number of pigeons can be increased during breeding season, being between March 31 and October 1. Further, the By-law provides that pigeons shall not be kept or harboured in an industrial or commercial zoned property in the City.

The By-law also prescribes regulations with respect to release times, the number of releases per day, the number of pigeons that can be released at any one time, and the conditions for coops. The Cities of Brampton and Mississauga have similar regulations in place.

b) Complaints:

An examination of the number of complaints that staff have received over the years in relation to pigeons provides an important context within which to evaluate any potential amendments. Since 2011, staff have received a total of seven (7) complaints: one (1) in 2011, five (5) in 2012, and one (1) in 2013, all but one of which have been resolved. In comparison to other Animal Control By-law matters, this number is very low.

c) Consultation:

Staff met with members of the CRPU on May 8, 2013 to consult regarding the concerns and potential options for resolution. The CRPU representatives provided information which gives staff further useful context:

- Pigeon Racers spend a significant amount of resources on their hobby/sport, both for the pigeons and the lofts (coops). Accordingly they are viewed as investments, and are cared for as such;
- Pigeons do not pose a health and safety risk to humans;
- After the completion of their flight, pigeons are trained to return directly to the loft to rest and do not linger on other person's property;
- Many pigeon racers utilize an electronic radio system or other form of tracking to ensure that the pigeons are accounted for when they return;
- Pigeons are incapable of defecating in flight; and
- Pigeon racing is a hobby dating back to the year 1818, where the first known pigeon race was held in Belgium.

d) Health Issues:

Staff also considered the health effects of keeping pigeons on humans. The Toronto Board of Health considered this issue and concluded in 2008 that the risk to human health from being exposed to large flocks of pigeons in urban settings was very low. Staff also consulted York Region Board of Health which had no information on this issue.

e) Options:

Further to Council direction, staff have reviewed options to mitigate the impacts of keeping or harbouring pigeons:

1. *Ban the keeping of pigeons entirely in the City.*

Pros: If there are no pigeons, there will be no complaints from residents.

Cons: This option is, in staff's opinion, a disproportionate response to the problem given that the City has only received 7 complaints in 3 years. This option will also greatly impact individuals who have spent considerable time and funds for the racing pigeon sport and therefore may result in complaints

regarding an absolute ban of pigeons. Furthermore, this is not in keeping with the practice of other municipalities.

2. *Restrict the keeping and harbouring of pigeons to areas zoned rural/agricultural.*

Pros: Pigeons will be kept in areas which are more conducive to the keeping of animals, and therefore will generate fewer complaints from residents.

Cons: This option is similarly disproportionate to the problem. Pigeon racers will be required to move their lofts to a different area and at a significant expense. It will also make it less practical for the care and custody of the pigeons, given that the pigeon owner will likely not reside on the agricultural land. Also, it is not in keeping with the practice of other municipalities.

3. *Greater regulation through licensing with respect to racing pigeons, while otherwise banning the keeping of pigeons in the City by non-pigeon racers.*

Pros: Licensing regime for racing pigeons will ensure greater compliance with the existing provisions relating to pigeons, which will lead to fewer complaints. The threat of losing one's license will provide extra incentive for pigeon racers to exercise due diligence. The licensing regime will also enable staff to address problems on a proactive basis, rather than a reactive basis. This option balances the interests of the pigeon racers with those of the complainants, and is similar to the process in place in the City of Brampton.

Cons: An extra layer is added to City administration, without allocation of further resources. However, the City could charge licensing fees to defray administration costs.

4. *Status quo, that is, staff continue to enforce the existing by-law, with no changes.*

Pros: Pigeon racers and other residents can continue to keep pigeons in residential areas unabated. There is no further action required from staff, other than enforcement of the existing by-law provisions.

Cons: Ignores the complaints of residents. The fact that complaints are received suggests that the current regulation may not be adequate.

f) Specific Changes to the Animal Control By-law

Staff are recommending that Council adopt Option 3. Staff believe that this option will assist in addressing complaints in relation to pigeons, while at the same time balancing the interests of pigeon racers. The changes to the By-law will include:

- The keeping of pigeons will be banned in all residential areas, unless a license is obtained from the City for racing pigeons. Current non-racing pigeons will be permitted to be kept until they die or are otherwise disposed of;
- A condition of the license will be that the applicant be a member of the CPRU, or other similar association;
- The property must be inspected by the City to ensure compliance with zoning and the coop (loft) regulations in the by-law, prior to the issuance of a license;
- More than three (3) verifiable complaints in a year will lead to the license being reviewed and possibly suspended or revoked;

- The licensee will have a right to appeal any revocation or suspension to the Licensing Committee; and
- Racing pigeons will be required to have leg bands for identification.

Relationship to Vaughan Vision 2020/Strategic Plan

This Report is consistent with the priorities previously set by Council.

Regional Implications

Not applicable.

Conclusion

Staff are recommending that the keeping of pigeons by non-pigeon racers be prohibited in all residential areas on a go-forward basis. For pigeon racers, the keeping of pigeons will continue to be permitted, provided that the pigeon racer obtains a license from the City. This licensing requirement will ensure that existing pigeon regulations are adhered to. Such a process has been adopted in the City of Brampton, and balances the interests of complainants and pigeon racers. Members of the CRPU are in support of these recommendations.

Attachments

Not applicable.

Report prepared by:

Christopher G. Bendick
Legal Counsel

Susan Kelly
Animal Services Supervisor

Respectfully submitted,

MaryLee Farrugia
Commissioner of Legal & Administrative
Services & City Solicitor

Rick Girard
Acting Director Enforcement Services