

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 24, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

24 **ANIMAL SERVICES – PIGEONS**
(Referred)

The Committee of the Whole recommends:

- 1) That the pigeon provisions contained in Part 10 of Animal Control By-law 53-2002 be amended as follows:**
 - 1. That the provisions be in accordance with Option 3 contained in this report; and**
 - 2. That lofts (coops) be setback 10 meters from any dwelling unit;**
- 2) That staff provide a report by September 2014 with respect to complaints received to determine if changes to the provisions have resolved the residents' issues;**
- 3) That 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;**
- 4) That the following deputations and Communication be received:**
 - 1. Ms. Maj-Lis Vettoretti, Fermar Drive, Maple, and Communication C6, dated June 17, 2013;**
 - 2. Mr. Mike van der Jagt, Canadian Racing Pigeon Union, Tillson Avenue, Tillsonburg;**
 - 3. Mr. Dario Vettoretti, Fermar Drive, Maple;**
 - 4. Mr. Cory Ouwendyk, Pine Valley Racing Pigeon Club, Willis Road, Woodbridge; and**
 - 5. Mr. Carlo Del Frate, Woodstream Boulevard, Woodbridge;**
- 5) That the following Communications be received:**
 - C2 Mr. Steve Walsh, Canadian Racing Pigeon Union, Tillson Avenue, Tillsonburg, dated June 11, 2013; and**
 - C3 Commissioner of Legal and Administrative Services & City Solicitor, dated June 13, 2013; and**
- 6) That the report of the Commissioner of Legal & Administrative Services & City Solicitor and the Acting Director of Enforcement Services, dated May 21, 2013, be received.**

Recommendation

Council, at its meeting of June 4, 2013, adopted the following recommendation (Item 25, Committee of the Whole, Report No. 23):

Committee of the Whole recommendation of May 21, 2013:

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.**

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Item 24, CW Report No. 32 – Page 2

Report of the Commissioner of Legal & Administrative Services & City Solicitor and the Acting Director of Enforcement Services, dated May 21, 2013

Recommendation

The Commissioner of Legal & Administrative Services & City Solicitor and the Acting Director of 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.

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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

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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;

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- 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.

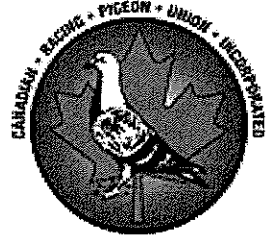
Attachments

Not applicable.

Report prepared by:

Christopher G. Bendick
Legal Counsel

The Canadian Racing Pigeon Union Inc.



June 11, 2013

To: Mayor Maurizio Bevilacqua
Deputy Mayor and Regional Councillor Gino Rosati
Regional Councillor Michael Di Biase
Regional Councillor Deb Schulte
Ward 1 Councillor Marilyn Iafrate
Ward 2 Councillor Tony Carella
Ward 3 Councillor Rosanna DeFrancesca
Ward 5 Councillor Sandra Yeung Racco
Ward 6 Councillor Allan Shefman

Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

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| c 2 |
| Communication |
| cw: June 18/13 |
| Item: 24 |

Re: City of Vaughan – Racing Pigeon Bylaw Review

By way of introduction, my name is Steve Walsh and I am a member of the Board of Directors of the Canadian Racing Pigeon Union (CRPU). We are a national organization that represents the interests of the pigeon racing sport in Canada. We report to an International Organization, the Federation Colombophile International (FCI) which sets the rules/standards for the sport of racing pigeons worldwide.

In Canada, the CRPU and local clubs work with all levels of government to promote the sport of pigeon racing. To race pigeons in Canada, you must be a member of a local club and the CRPU. Every pigeon is registered with the CRPU.

In the City of Vaughan there are three racing pigeon clubs, the Pine Valley RPC, the Far North RPC and the York Region RPC.

Pigeon racing is a fascinating, educational hobby which the entire family can participate in and enjoy. Our racing pigeons are viewed as family pets and just as new dog ownership is not prohibited by animal by-laws, nor should the ownership of racing pigeons be prohibited.

Racing pigeons is one of the oldest sports known to man. Their history can be traced back well over five thousand years. They are direct descendents of the rock dove (Columbia Livia) one of the world's oldest domesticated birds. They are not the feral pigeons you may relate to, those flying around your city. Those are not our pigeons.

Attached are brief biographies of three famous racing pigeons, please read them. Other facts you may not know are:

- The stock markets of the world used racing pigeons until 1966 to get the news of the days trading from one city to another.
- Today racing pigeons are used in humanitarian efforts to fly blood out of the deepest jungles in Africa to be tested for the aids virus.
- That Her Majesty Queen Elizabeth II along side her love for horses and corgi dogs races pigeons from the Royal Lofts at Sandringham.
- That racing pigeons have been known to fly 700 miles in a single day.
- That many major world armies still retain their racing pigeon flocks.

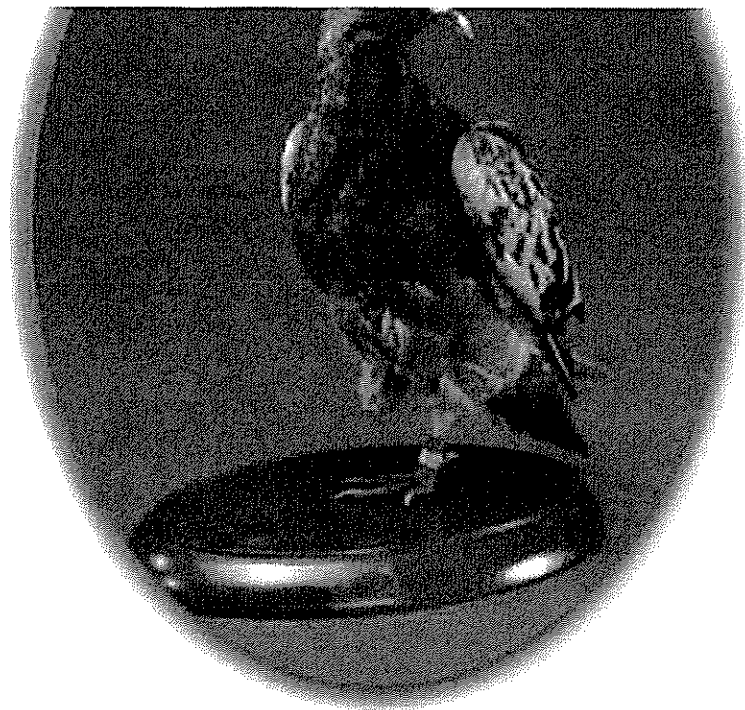
The CRPU wants to work with the City of Vaughan. I have met with your Legal Counsel, Christopher G. Bendick and the Supervisor of Animal Services, Susan Kelly and had direct input into the Staff Report they have prepared for Council. We fully support the approach of annual loft registration fees.

This matter comes before Council on Tuesday June 18th. We ask that you support the report filed by "staff" to govern the sport of racing pigeons in the City of Vaughan.

Respectfully,

Steve Walsh
Secretary
Canadian Racing Pigeon Union

NURP, 615, Black Check Cock



WAR RECORD
of a racing pigeon owned by
UNITED STATES ARMY

Recipient of
HALL OF FAME AWARD
for meritorious service during
WORLD WAR I

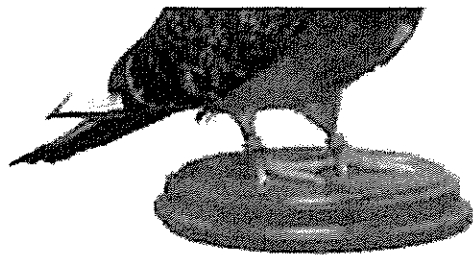
Delivered twelve official messages under fire. On October 2, 1918, this bird accompanied a re-enforced battalion of the 77th Division consisting of six companies of the 306th Infantry, one company of the 307th Infantry, and two machine gun companies of the 305th Infantry, commanded by Major Charles S. Whittlesey. This unit reached its objective late in the afternoon of that day, consolidating its position during the night of October 2-3. On the morning of October 3, it was discovered that units on both flanks had failed to maintain contact, leaving the battalion exposed to enemy counter attacks. Strong counter attacks during October 3rd, completely isolated the battalion from its supporting troops; repeated efforts to regain contact were unsuccessful. On October 5, the battalion; its strength greatly reduced by casualties, without food, water or ammunition, was in a hopeless situation. The commander himself wounded, decided to make a final effort to avoid surrender by establishing communication with the Division. One pigeon, "Cher Ami" remained; at 2:35 P.M. he was liberated, bearing a message giving the location of the battalion, followed by a desperate appeal for help. Twenty-five minutes later, "Cher Ami" little more than a blood stained fluff of feathers dropped on the roof of the loft at Rampont, one leg was shot away and a hole torn through the breastbone by the same bullet. But the message holder still hung to the torn ligaments of the shattered leg. A few hours later the 194 survivors of the "Lost Battalion" were safe behind the American lines - but "Cher Ami" had made his last flight. "Cher Ami" died in Fort Monmouth, New Jersey on June 13, 1919.

Smithsonian Institution, Washington D.C.



service with the British Armed Forces during the Second World War to carry crucial intelligence. The pigeon carried out more than ninety missions during the war, and received the Dickin Medal (the animal equivalent of the Victoria Cross) for three particularly notable missions in 1942. The

medal was later sold at an auction for £9,200. Commando, a red chequer bird, was bred in Haywards Heath, Sussex in the United Kingdom by Sid Moon. Moon was a pigeon fancier who had served with the Army Pigeon Service during the First World War. With the outbreak of the Second World War, Moon offered the service of his pigeons to the war effort in 1939. Commando was one of the pigeons taken into military service. He was noted for three particular missions carried out in 1942—one in June, another in August, and the third in September—in which he carried crucial intelligence to Britain from agents in France. This vital information included the location of German troops, industrial sites and injured British soldiers.



G.I. JOE

"G.I. JOE" is the most outstanding military pigeon in history and is credited with saving the lives of at least 1000 British allies during World War II.

The British 56th Brigade was scheduled to attack the city of Colvi Vecchia, Italy, at 10 a.m., October 18, 1943. The U.S. Air Support Command was scheduled to bomb the city to soften the entrance for the British Brigade. The Germans retreated leaving only a small rear guard and as a result the British troops entered the city with little resistance and occupied it ahead of schedule.

All attempts to cancel the bombings of the city, made by radio and other means of communication, had failed. Little "G.I. JOE" was released with the important message to cancel the bombing. He flew 20 miles back to the U.S. Air Support Command base in 20 minutes and arrived just as our planes were warming up to take off. If he had arrived a few minutes later, it might have been a different story.

Gen. Mark Clark, Commanding the U.S. Fifth Army, estimated that "G.I. JOE" saved the lives of at least 1000 of our British allies.

In November 1946, "G.I. JOE" was shipped from Fort Monmouth, N.J. to London, England, where he was cited and awarded the Dickin Medal for gallantry by the Lord Mayor of London. "G.I. JOE" is the only bird or animal in the United States to receive this high award.

"G.I. JOE," a dark checker pied white flight cock, was hatched March 24, 1943, at the Pigeon Section in Algiers, Algeria, North Africa. Later he was taken to the Tunisian front, then to Bizerte, and from there to the Italian front. After World War II, "G.I. JOE" was housed in the Churchill Loft, U.S. Army's "Hall of Fame" at Ft. Monmouth, N.J., along with 24 other pigeon heroes.

In March of 1957, the remaining pigeon heroes were placed with different zoological gardens throughout the U.S.A. "G.I. JOE" was placed with the Detroit Zoological Gardens where he died June 3, 1961, at the age of 18. "G.I. JOE" was returned, mounted, and placed in the Historical Center, Meyer Hall, at Fort Monmouth, N.J.

Otto Meyer, U.S. Army (Ret'd.)
(Former Commander of the U.S. Army Pigeon Service)



"Old Surge" Harry Lucas holding the famous G.I. Joe

DATE: June 13, 2013

TO: Honourable Mayor and Members of Council

FROM: MaryLee Farrugia
Commissioner of Legal & Administrative Services/City Solicitor

RE: Animal Services - Pigeons
Item 25, Committee of the Whole Meeting May 21, 2013

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| c <u>3</u> |
| Communication |
| cw: <u>June 18/13</u> |
| Item: <u>24</u> |

On May 21, 2013, Committee of the Whole deferred Item 25 of Report 23 titled "Animal Services-Pigeons" to the June 18, 2013 Committee of the Whole meeting, for staff to report back on the issues raised by Committee, including the policies of other municipalities and recommendations on suitable setbacks. In addition to examining setbacks, staff have also examined in further detail complaints received.

- **Further information Regarding Pigeon Complaints**

Animal Services staff have received a total of 12 complaints (instead of 7 as previously reported) since 2010 in relation to pigeons. Staff have also determined that there are 11 CRPU members residing in Vaughan and have obtained their addresses. For privacy reasons, the specific addresses of either the members or complainants are not provided in this memorandum. Attached as Schedule "A" is a map of the City which outlines the approximate location of these complaints. Six (6) of these complaints are in Ward 1, four (4) in Ward 2, one (1) in Ward 3, and one (1) in Ward 5. Of these 12 complaints, 7 complaints were against members of the CPRU, or members of the Canadian Pigeon Fanciers' Association. The majority of the complaints are related to the placement or condition of the lofts (coops), but there was also one complaint in relation to flight times, and another with respect to pigeon defecation. Of these 7 complaints against the members, only 3 violations were observed by Enforcement Staff. These violations are now resolved through full compliance with the Animal Control By-law.

Three of the 12 complaints were against non-CPRU members and all have been resolved. In one case, a shed was in such a state of disrepair that wild pigeons began to inhabit the shed. The other two cases were against the same individual, and related to the placement of the lofts (coops). Should Council adopt staff's recommendation in the May 21, 2013 Report, the keeping of pigeons by non-CPRU members will be prohibited. The remaining two of the 12 complaints were not verifiable by Enforcement staff.

- **Setback Information from other Municipalities**

Attached as Schedule "B" is a chart outlining the setback requirements for the Cities of Brampton, Hamilton, Mississauga, London, and Markham. All of these municipalities require that pigeon lofts (coops) be setback a minimum distance from the property line. In this respect, Vaughan's setback requirement of 4.5 meters exceeds all other municipalities, with the exception of Mississauga, which has a minimum setback of 6.1 meters from the property line.

However, in addition to the property line setback, Brampton, Hamilton, and Markham also have a minimum setback from a dwelling unit. This ranges from 6.1 meters to 12 meters.

Mississauga does not have a minimum setback requirement from a dwelling unit for a pigeon loft (coops). In light of this information, Staff are recommending that the Animal Control By-law be amended to require that lofts (coops) be setback 7 meters from any dwelling unit. Staff believe that a setback in the lower range is appropriate, given the 4.5 meter setback from the property line already required by the by-law.

for 
MaryLee Farrugia
Commissioner of Legal &
Administrative Services/City Solicitor

Attachment: Schedule A
 Schedule B

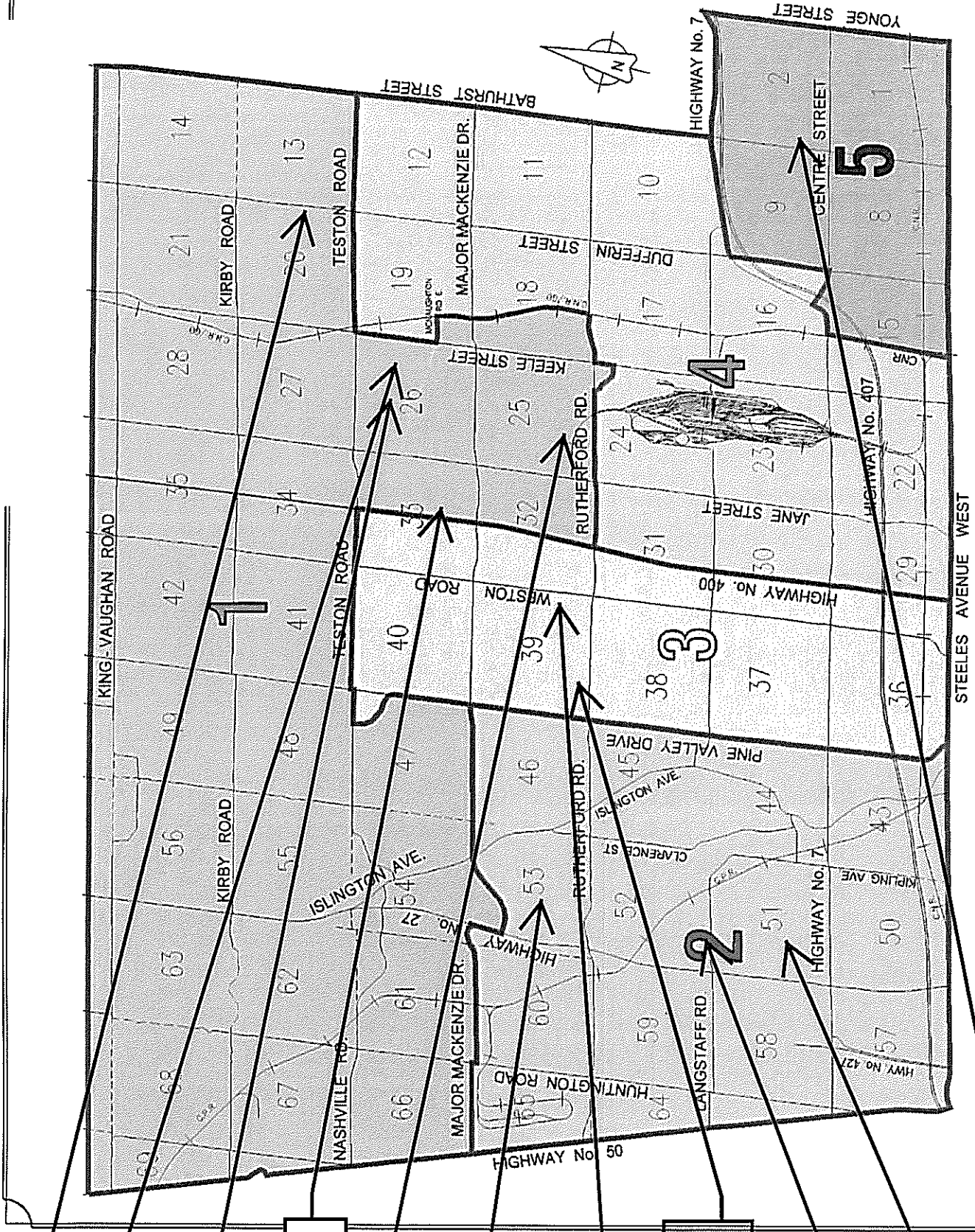
Copy to: Barbara Cribbett
 Interim City Manager

 Rick Girard
 Acting Director of Enforcement

 Susan Kelly
 Animal Services Supervisor

SCHEDULE 'A'

- Dufferin St.
(Member)
No. 1
- Blackthorn Dr.
No. 2
- Fermar Dr.
(Member)
No. 3
- Queen Isabella Cres.
No. 4
- Hawker Rd.
No. 5
- Toscana Rd.
(Member)
No. 6
- Neuchatel Ave.
(Member)
No. 7
- Saint Nicholas Cres.
(Member)
No. 8
- Condotti Dr..
(Member)
No. 9
- Arran Cres. X 2
No. 10
- Chilmar Cres.
(Member)
No. 11



SCHEDULE "B"

SETBACK REQUIREMENTS FOR PIGEON COOPS

| Municipality | Vaughan | Brampton | Hamilton | Mississauga | London | Markham |
|----------------------------|----------------|------------------|---------------------------------------|--------------------|--------------------------|----------------------|
| Setback from property line | 4.5m | 3m | 3m | 6.1 | 3m | 3m |
| Other Setbacks | None | 8m from dwelling | Rear Yard 10m from other dwellings | None | 12m from other dwellings | 7m from any dwelling |

Magnifico, Rose

Subject: FW: June 18 CW meeting - item 24 - recommendation
Attachments: Bylaw summary.pdf; City of Hamilton - New Animal By-law for the City of Hamilton.pdf;
COMMITTEE OF THE WHOLE - June 18 2013 - Item 24 - recommendation.pdf

From: Maj-Lis Vettoretti [<mailto:dmvett@rogers.com>]
Sent: Monday, June 17, 2013 10:17 PM
To: Clerks@vaughan.ca
Subject: June 18 CW meeting - item 24 - recommendation

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|-----------------------|
| c 6 |
| Communication |
| CW: <u>June 18/13</u> |
| Item: <u>24</u> |

Attention: City Clerk,

I was advised by Councillor Iafrate's office that I may submit a recommendation to be included in the agenda for the Committee of the Whole meeting, on June 18th.

Please see the attached with respect to item 24 on the Agenda - Animal Services - Pigeons (referred)

I have attached 3 documents:

- my recommendation
- bylaw summary
- City of Hamilton New Animal By-law info

Please confirm receipt.

Regards,

Maj-Lis Vettoretti
Fermar Dr.
Maple ON

COMMITTEE OF THE WHOLE – JUNE 18, 2013

Agenda Item 24 – Animal Services – Pigeons (referred)

Recommendation

Deputant from May 21, 2013 Committee of the Whole meeting, Ms. Maj-Lis Vettoretti, Fermark Drive, Maple recommends the following regarding suitable setbacks for pigeon coops:

1. The current setback of 4.5 metres from any side or rear lot line be maintained, as described in Part 10 (9) of the Animal Control By-law 53-2002
2. In addition, a provision for coops to be located a minimum of 10 metres from any school, church, public hall, store, dwelling or premises used for human habitation, other than premises occupied exclusively by the owner or keeper of pigeons. [For clarity, the distance will be measured from the property line of a lot containing an occupied residential home]
3. The definition of premises be added to mean the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated.

The basis of the recommendation is as follows:

1. Experience of living beside a property containing a pigeon coop and the nuisances of smell, noise, excrement of birds and trespassing/loitering of birds as well as possible health hazards.
2. Review of several Southern Ontario City by-laws – summary attached
3. Consideration given to City of Hamilton's by-law for the following reasons:
 - Recently enacted on February 8, 2012
 - In depth project undertaken to create one harmonized by-law replacing ten previous by-laws across the entire amalgamated city
 - Extensive public consultation was undertaken
 - Best practices across Canada were considered
 - See attached FAQ from the City of Hamilton website

Summary of By-Laws by City
With respect to keeping pigeons
set backs for pigeon coops

| City | Date of bylaw | set back side | set back rear | other |
|-------------|---------------|------------------|------------------|---|
| Vaughan | 11-Feb-02 | 4.5 metres | 4.5 metres | none |
| Hamilton | 8-Feb-12 | 3 metres | 3 metres | 10 metres from any premises containing...dwelling used for human habitation premises includes land appurtenant to the building |
| London | 16-Jul-07 | 3 metres | 3 metres | 12 metres from premises used for human habitation premises includes the entire lot on which a single dwelling unit is situated |
| Kitchener | June, 2008 | | | 12.2 metres from any dwelling unit pigeons prohibited on any lot within the City-exemption for pigeons kept continuously from |
| Cambridge | 16-Feb-05 | 3 metres | 3 metres | 15 metres from any dwelling no person shall keep pigeons unless registered by and were in existence prior to Oct 31, 19 |
| Waterloo | 2009 | 3 metres | 3 metres | 15 metres from any dwelling not permitted in residential area unless in existence on date of by-law enactment |
| Mississauga | 10-Mar-04 | 6.1 metres | 6.1 metres | none |
| Markham | 13-Jun-06 | 3 metres | 3 metres | 7 metres from any dwelling |
| Brampton | 22-Nov-93 | none | none | annual licensing |



City of Hamilton - Planning & Economic Development

New Animal By-law for the City of Hamilton

What?

After extensive public consultation the City of Hamilton has developed an updated Animal By-law for Hamilton. There were ten By-laws across the City that regulated the keeping and control of animals. Although the new By-law (titled the Responsible Animal Ownership By-law) has new provisions, much of what was in the old By-laws have remained the same. The purpose of this By-law is to ensure the health and safety of residents, protect property and prevent public nuisances. Some examples of what remains the same include:

- Licensing dogs;
- Prohibiting animals 'at large';
- Requiring owners to clean up after their animals;
- Designating potentially dangerous and dangerous dogs (and requiring muzzles); and
- Prohibiting exotic animals.

A few of the new provisions to the By-law include:

- Clarification of what is permitted in rural versus urban areas;
- 'Owned' cats that roam or are 'at large' will be regulated in the same way as dogs, with the exception that cats will not need to be licensed;
- Pet limits have been limited to 4 domestic animals per dwelling in urban areas;
- Urban chickens are not permitted; and
- Regulations have been added regarding where and how an animal may be housed to ensure its health and safety.

Public consultation was conducted during 2009 and 2010 with members of the public, animal rescue groups, pet store owners, animal-related organizations, vet clinics and environmental groups who all provided input and feedback to proposed changes to the current By-law.

You can review the complete report and recommendations provided in the right hand column on this webpage.

Why?

To:

- create one "harmonized" Animal Control By-law that replaced the ten previously existing by-laws regulating the keeping and control of animals across the entire amalgamated City;
- increase the health and safety of residents and animals;
- update and change some old or out-dated regulations; and
- balance the needs and differing situations between regulations for the rural and urban areas.

When?

By-law 12-031 was enacted by City Council on February 8th, 2012.

For comments or questions regarding the revised By-law, contact Animal Services at:

Contact Information

Hours of Operation

Monday - Friday: 8:30am - 4:30pm

Saturday - Sunday:
10:00am - 2:00pm

Closed on Holidays

Phone: 905-574-3433

Dispatch Services

Monday - Friday: 8:30am - 6:00pm

Emergencies Only

Monday - Friday: 6:00pm - 8:30am

Weekends and Holidays

Fax: 905-574-8877

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Things You Need to Know

- [Report to the Planning Committee PED09303\(b\)](#)
- [Report to the Planning Committee PED09303\(c\)](#)
- [By-law 12-031](#)

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ANIMAL SERVICES BY-LAW FAQs

Has the public been able to provide input?

Extensive public consultation was conducted during 2009 and 2010 with members of the public, animal rescue groups, pet store owners, animal-related organizations, vet clinics and environmental groups who all provided input and feedback to proposed changes to the current By-laws. The City received feedback from approximately 400 groups and individuals through:

- Public meetings,
- Focus groups,
- Written submissions (letters, email), and
- Delegations (presentations).

Why did we need to make changes to the previous By-laws?

The City of Hamilton had ten (10) by-laws that regulated the keeping and control of animals. Changing/revising the By-law allowed us to:

- create one "harmonized" Animal Control By-law that replaced the ten existing by-laws regulating the keeping and control of animals across the entire amalgamated City;
- increase the health and safety of residents and animals;
- update and change some old or out-dated regulations;
- improve and enhance our relationships with rescue organizations; and
- balance the needs and differing situations between regulations for the rural and urban areas.

Have we looked at what other cities are doing with their Animal By-laws?

Yes, we have looked at a number of best practices across Canada. For example, we have reviewed Calgary's model as they are recognized as a leader and have seen a number of positive results. Recommendations for Hamilton's By-law also take into account opportunities for customization in our distinct community.

Does the new By-law recommend that cats must be licensed?

No, there is no recommendation to licence cats at this time. We will continue to encourage cat owners to microchip and register their cat(s) to increase the likelihood that they return home if they get lost.

Will the By-law suggest that the City proactively pick up cats that are roaming around?

No, Animal Services will continue to respond to calls regarding injured or deceased cats. Animal Services staff will respond to complaints about cats 'at large'. What will change is that cats will be treated in a similar way to dogs and they will not be allowed to leave your property and wander around your neighbourhood unless your neighbours are ok with this. This new By-law emphasizes the importance of responsible pet/animal ownership.

Under the new By-law if a complaint is received about my cat wandering around would I immediately receive a ticket?

No, enforcement of this would follow similar process like other By-law complaints where the owner would first receive a warning informing them that there are concerns about their cat(s) 'at large' and would ask them to ensure that their cat(s) remains on their property. If the concern is not addressed then staff could follow up with more progressive measures such as issuing a ticket etc.

COMMITTEE OF THE WHOLE – JUNE 18, 2013

ANIMAL SERVICES – PIGEONS

(Referred)

Council, at its meeting of June 4, 2013, adopted the following recommendation (Item 25, Committee of the Whole, Report No. 23):

Committee of the Whole recommendation of May 21, 2013:

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.**

Report of the Commissioner of Legal & Administrative Services & City Solicitor and the Acting Director of Enforcement Services, dated May 21, 2013

Recommendation

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

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