

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0011

**FOR THE CONSIDERATION OF
COUNCIL**

February 15, 2023

SUBJECT: PIGEONS IN RESIDENTIAL AREAS

1. RECOMMENDATIONS:

1. That Council receive Report No. DS-2023-0011 prepared by the Planning Policy Division, Development Services Department dated February 15, 2023 on Pigeons in Residential Areas.
2. That Council authorize a public consultation process concerning the permissibility of Pigeons in Residential Areas as set out in Report No. DS-2023-0011.
3. That Staff be directed to report on the results of the public consultation process and provide updated options and recommendations concerning the possible permissibility of Pigeons in Residential Areas.

2. PURPOSE:

The purpose of this report is to respond to the referral by Council of a deputation by Henry Radder dated September 14, 2022 requesting that the Town's Animal Control By-law be amended to permit residents to raise pigeons as a hobby and a sport, and to address the issues and options associated with permitting limited numbers of pigeons to reside in residential areas in Georgina.

3. BACKGROUND:

3.1 Deputation

On September 14, 2022 Council received a deputation from Henry Radder requesting an exemption to Animal Control By-law 2003-0072, to permit pigeon-keeping. Mr. Radder requested that the Town create a by-law to permit residents to raise pigeons as a hobby and a sport in residential areas as By-law 2003-0072 only permits pigeon keeping in the Rural (RU) zone. Mr. Radder provided examples of how pigeons have historically been used in hobby, sport and even postal services compatibly with residential areas.

Mr. Radder, a resident of Udora, has previously maintained a loft and pigeons on his property. After receiving a notice of violation from Municipal By-law Enforcement

concerning the keeping of pigeons on his property, Mr. Radder has since removed the birds (approximately 40) to a location out of Georgina.

At the September 14, 2022 meeting, Council adopted a resolution as follows:

“RESOLUTION NO. C- 2022-0318

That Council receive the delegation provided by Henry Radder requesting the exotic animal by-law be amended to permit residents to raise pigeons as a hobby and a sport and refer the request to the Chief Administrative Officer's office for discussion concerning the open by-law file on this issue.”

The matter has since been referred by the Chief Administrative Officer to the Development Services Department for review in consultation with the Manager of Municipal Law Enforcement. The Chief Administrative Officer, in turn, referred the matter to Development Services to prepare an information report for Council's consideration.

By-law 2003-0072 is formerly referred to as “BEING A BY-LAW TO REGULATE AND PROHIBIT THE KEEPING OF ANIMALS OTHER THAN DOGS” but has been otherwise referred to as the Exotic Animal By-law. By-law 2003-0072 is now more commonly identified as the “Animal Control By-law” and is referred to as such in this report.

3.2 Previous Requests

On August 23, 2010, a deputation was received from Paula Giaprakis requesting to keep pigeons in residential areas. During that meeting Resolution C-2010-0289 was passed as follows:

“That the deputation made by Paula Giaprakis requesting to keep pigeons in a residential area be received and referred to staff to review the keeping of birds and different fowl in residential areas and for staff to work with the resident to address any immediate concerns that may have been the reason for the complaint.”

On March 7, 2011, Report DAS-2011-0013 was considered by Council respecting “Keeping of pigeons and fowl on residential property contrary to regulatory and zoning by-laws”, and Council passed Resolution C-2010-0289:

1. That Report No. DAS-2011-0013 be received for information; and
2. That staff continue to enforce Zoning By-law No. 500 and Animal Control By-law No. 2003-0072 as enacted.

3.3 Urban Hens

In August 2016, Council received a petition from a member of the public seeking support for permitting residents to keep hens on residentially zoned properties in the Town and requested staff to investigate the potential for the Town to permit such an initiative.

On August 14, 2019, Council received Report No. DS-2019-01041, in which Staff presented the benefits and issues, as well as options associated with permitting limited hen husbandry in urban areas in Georgina. At the meeting, Council directed Staff to conduct a public consultation process concerning the permissibility of urban hens.

Further, on November 27, 2019, Council received Report No. DS-2019-01402, in which staff updated Council on the results of the public consultation program. At the meeting, Council approved the recommendation to pass a by-law to enact a 24-month Pilot Project that essentially would permit applications to a maximum of three licenses per ward, a 100-metre separation distance between licensed properties and that all participants be required to attend a mandatory educational session.

On January 15, 2019 Council passed By-law 2020-0004 (LI-3) being a by-law to license, govern and regulate the Urban Hens Pilot Project. By-law 2020-0004 (LI-3) took effect on April 1, 2020 and ran for a 24 month trial period, which expired on April 1, 2022.

On March 30, 2022 Council considered Report No. LS-2022-0004 on the results of the Urban Hens Pilot project and passed By-law Number 2022-0020 (LI-3). The By-law allows residents within Residential or Rural zones (Rural zone – having less than 0.4 hectares in lot area) to obtain a licence to keep hens if they meet the requirements of the by-law.

3.4 Pigeons General Information

Domestic pigeons are a species of pigeon that live in close proximity to humans, and are commonly found in urban areas. Racing, or homing pigeons, are a type of domestic pigeon bred specifically as pets. In the past, pigeons were typically used to deliver mail and currently many are bred to be used in racing competitions.

3.5 Racing Pigeon Clubs

In Canada, there are many clubs and organizations related to the sport of racing pigeons. The Canadian Racing Pigeon Union (CRPU) oversees many local clubs, and provides information on competitions, retrieval of lost or injured birds, and a list of Canadian racing pigeon clubs. Nearby racing clubs include “Up North Combine”, which organizes races, membership, and by-laws (which must adhere to the CRPU Rules and By-laws). Typical requirements for members include general membership

requirements, racing rules, a code of ethics and a code of conduct. The CRPU was contacted as part of this research.

3.6 Potential Concerns

Public Health

Pigeons are associated with several diseases, including Histoplasmosis and Cryptococcosis, both of which are related to pigeon droppings, as mentioned by the Government of Canada. Health Canada has identified that pigeon droppings may pose a health hazard to the general public (See Attachment 1). Other potential risks include parasitic infections and general bacterial infections. Consequently, care must be taken to ensure pigeons are kept in sanitary conditions, and that their droppings are disposed of frequently and appropriately.

Lost Birds

As pigeons are released during both competitions and training, steps must be taken to ensure pigeons do not remain at large. In order to track down any pigeons that go missing while racing, many racing pigeon clubs require that pigeons are outfitted with metal bands with identifying information. Furthermore, the Canadian Racing Pigeon Union has an online form for reporting lost pigeons, so that owners track down errant birds (See [CRPU Beginners Guide](#)).

Predators

As pigeon lofts or coops are typically outdoors, they, their food or their droppings could attract a variety of predators, such as weasels, foxes, rats or raccoons, as mentioned in the beginners guide provided by the CRPU (See [CRPU Beginners Guide](#)).

4. ANALYSIS:

4.1 PROVINCIAL POLICY FRAMEWORK

Pursuant to Section 3(5) of the Planning Act, a decision of the Council of a municipality, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement and shall conform with, or not conflict with, the Provincial Plans that are in effect. This is relevant to the extent that any initiative by the Town to regulate racing pigeons involves the exercise of any planning authority such as changes to existing zoning by-law provisions.

4.1.1 PROVINCIAL POLICY STATEMENT 2020

The Provincial Policy Statement (PPS) does not contain detailed policies specifically related to urban agriculture and animal husbandry.

4.2 A PLACE TO GROW - GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE 2019 (GROWTH PLAN)

The Growth Plan is a document that provides a high level guide for planning within the Greater Golden Horseshoe. In particular, the plan focuses on how to accommodate population growth while ensuring that finite resources are protected and used effectively. The Growth Plan does not contain directive policies relevant to the keeping of pigeons in residential areas.

4.3 ONTARIO MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS (OMAFRA)

Specific guidelines on the separation of livestock facilities (barns, stables, chicken coops, manure piles etc.) are provided in the OMAFRA document Minimum Separation Distance (MDS) guidelines. The MDS guidelines were primarily introduced to assist in the reduction of land use conflicts between livestock facilities and sensitive new development (e.g. residences, schools, places of assembly etc.). The MDS does not apply to livestock facilities occupying an area of less than 10 square metres (108 square feet), or in settlement areas. Furthermore, as these pigeons are not being raised for food they are not considered livestock, and OMAFRA has no specific policies related to them.

4.4 YORK REGION OFFICIAL PLAN 2022 (YROP)

Section 2.3 Supporting Complete Communities

Building complete communities involves providing a full range of uses that increase greater human interaction and create a sense of community, while offering a variety of housing, transportation, accessible human services, and employment options.

4.5 YORK REGION PUBLIC HEALTH DEPARTMENT

The York Region Health Department provided comments (See Attachment 2) and indicated that contact with pigeons and their excreta (droppings) are associated with a few public health risks, including *Histoplasmosis*, *Cryptococcosis* and *Psittacosis*. However, the risk to human health is considered low and the greatest risk is to the caregiver of the bird(s) and can be mitigated with proper sanitation and animal health. These health risks are very similar to considerations related to other backyard fowl, such as hens. A duty to report reportable diseases of public health significance and zoonotic diseases to the Medical Officer of Health under the Health Protection and Promotion Act ensures a prompt investigation by public health to detect outbreaks, prevent further transmission and to prompt interventions.

Should the Town proceed with a by-law, York Region Public Health recommends it contains provisions to ensure sanitary conditions are maintained, including proper maintenance of pigeon housing/facilities. It would also be important that by-law provisions are in compliance with any zoning requirements or other restrictions, and

considerations should be given to the number of pigeons allowed (as larger numbers may increase likelihood of nuisance issues). Lastly, it would be important to ensure the public is provided with information on handling and disposing of pigeon waste and informed of relevant reporting requirements to Public Health.

In addition, York Region requests that in the event that the Town moves forward with the creation of the by-law, they would welcome the opportunity to comment on the draft before it is presented to Council for approval.

4.6 TOWN OF GEORGINA OFFICIAL PLAN

Section 2.2.11 of the Town of Georgina Official Plan (Guiding Principles and Objectives) establishes that the Healthy and Complete Communities Guiding Principle is “to improve the health and well-being of the people who live, work and play in Georgina, through the development of strong, livable, safe, accessible and resilient urban and rural communities and the provision of a variety of opportunities for housing, employment, learning, social activity, culture and recreation, and active transportation while protecting the natural environment”.

Permitting pigeons in residential neighbourhoods would give residents access to new opportunities for employment, social activity, culture and recreation, through the potential formation of pigeon clubs and pigeon races.

4.7 ZONING BY-LAW 500

Section 5.24 of Zoning By-law 500 specifies that “No person shall use any land, building or structure in a Transitional or Rural zone on a lot of less than 0.4 hectares, or in a Residential zone, for the keeping or raising of animals, poultry, reptiles or insects except as allowed by specific municipal by-laws which set forth regulations of keeping of the same.”

The effect of this by-law provision is to restrict the keeping or raising of pigeons in settlement areas, except a few areas that retain a Rural (RU) zoning and where lot sizes permit. It further places the emphasis for the regulations concerning the keeping of animals in the Town’s Animal Control By-law which is passed under the Municipal Act, allowing exemptions as permitted by the By-law.

4.8 TOWN OF GEORGINA ANIMAL CONTROL BY-LAW 2003-0072

The Town of Georgina Animal Control By-law 2003-0072 (See Attachment 3) specifies that “no person, other than a veterinarian or pet shop, shall keep or permit to be kept, more than three (3) animals not prohibited in SCHEDULE ‘A’ except the offspring up to twelve (12) weeks from date of birth”.

On that basis, pigeons are not identified as a “prohibited animal” on Schedule ‘A’ of By-law 2003-0072 and accordingly there are no effective restrictions on the keeping

of pigeons on rural zoned properties and a restriction of a maximum of three birds on all other zoned properties.

The effect of By-law 2003-0072 is to prohibit the keeping of more than 3 pigeons on most properties within settlement areas in Georgina (i.e. Keswick, Sutton - Jackson's Point, Virginia and Pefferlaw).

Municipal By-law Enforcement staff respond to and administer approximately 1-2 complaints concerning racing pigeons in violation of By-law 2003-0072 on an annual basis, and additionally have a similar number of inquiries from residents who wish to keep pigeons.

4.9 BY-LAW NUMBER 2003-0073 (REG-1)

This By-law regulates animals being at large within the Town. Currently the Town prohibits animals, other than cats and dogs, from being at large (See Attachment 4). This By-law would have to be modified to permit pigeon racing, which involves releasing pigeons from their lofts should it be the will of Council to permit this activity.

4.10 EXPERIENCE IN OTHER MUNICIPALITIES

A survey of the practices of other municipalities was conducted to better understand the manner in which pigeons have been addressed. A total of 18 municipalities were reviewed, with an emphasis placed on municipalities within York Region specifically and southern Ontario more generally. Municipalities reviewed include all of those in York Region, London, Kingston, Brampton, Caledon, Milton, Cambridge, Toronto, Oshawa and Innisfil. Approximately half of these municipalities permitted pigeons in residential areas (See Attachment 5).

Within York Region, Vaughan, Markham, Richmond Hill and East Gwillimbury permit pigeons in residential areas, while King prohibits them entirely. Whitchurch-Stouffville permits them in certain non-residential zones. Aurora's Animal Control By-Law only references dogs and cats, and does not explicitly permit or prohibit pigeons. Newmarket's Animal Control By-law is similar, but does permit "only birds that are in compliance with all Provincial and Federal regulations". Staff have reached out to the Town of Newmarket to determine if pigeons would fall under these permitted birds, but have not yet received a response.

The following is a summary of the key findings of the review related to municipalities that permit pigeons in residential areas:

- Many municipalities restrict the number of pigeons permitted on a lot to between 40 and 60 pigeons, with some municipalities having seasonal variations
- Many municipalities require that owners belong to a racing club or register their racing pigeons with a club

- Many municipalities require owners place owner-identifying leg bands on their pigeons
- Many municipalities have loft setback requirements, typically requiring at least a 3-metre separation from the property boundary, with some requiring an additional setback from buildings on neighbouring properties
- Cleanliness requirements were found in nearly all by-laws:
 - This involved mandating the frequency of loft cleanings, the way lofts were cleaned, as well as loft construction
 - Requirements include lime-wash, paint or disinfect the inside walls and ceilings of the pigeon buildings at least twice a year, removing at least twice each week all pigeon refuse, with exceptions for below freezing temperatures, and storing all feed in rodent-proof containers.
- Many municipalities have flight time restrictions, or restrictions on pigeons leaving the premises, with most only permitting 2 flights a day
- Some municipalities have loft location restrictions, with lofts only permitted in the rear yard
- Most municipalities mandate the amount of space required within the loft for pigeons, with a typical requirement of one square metre of space per 10 birds

In addition to a survey of neighbouring municipalities, a site visit to an existing pigeon loft within the Town was conducted.

4.11 PERMITTING RACING PIGEONS IN RESIDENTIAL AREAS- OPTIONS

Going forward, there are a number of options that could be considered for addressing the deputation and the permissibility of pigeon husbandry in Georgina. A number of these are presented below:

Option 1 - Do Nothing

Under this option, no action would be taken and the deputation would be received. The relevant by-laws would not be amended to address the permissibility of pigeons in residential areas. The keeping of greater than 3 pigeons in areas other than Rural (RU) zones would not be permitted. Municipal Law Enforcement staff would continue to respond to complaints pursuant to the current regulations.

Option 2 - Pilot Program

Under this option, a pilot program would be initiated that could be authorized by a new by-law passed under the Municipal Act or through amendments to the existing Animal Control By-law 2003-0072 and Animals at Large By-law 2003-0073. The program could run for a defined period of time (i.e. 24-36 months) for a limited number of residents and be based on specific criteria and standards. The program could be designed such that a restricted number of licenses could be issued to allow a limited number of racing pigeons in residential areas subject to regulations.

Option 3 – Proceed immediately - Amend Animal Control By-law 2003-0072 and Animals at Large By-law 2003-0073

Under this option, amendments would be advanced to allow for the raising of pigeons in residential or urban areas subject to a number of criteria and regulations as set out in the By-law.

Irrespective of what option is chosen, it is recommended that some degree of public consultation is undertaken to obtain feedback from members of the public.

5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses GOAL 1: "Grow Our Economy" and GOAL 2: "Promote a High Quality of Life" of the Town's Strategic Plan. It supports the direction to make the decision making authority on land use planning matters more accountable, effective and efficient therefore strengthening our economy and increasing the quality of life for our residents.

6. FINANCIAL AND BUDGETARY IMPACT:

Not Applicable

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

Henry Radder, the originator of the deputation, was notified of this report as were other individuals currently on record with the Town as having an interest in the matter. There are no statutory notification or consultation requirements associated with this report.

Public consultation is fundamental to the development of any program addressing the permissibility of pigeons in residential areas. If Council adopts the recommendations contained in this report, Staff will embark upon a public consultation program which may include hosting a public information centre, providing information of the Town's website or seeking input through an on-line questionnaire.

A report summarizing the results of the public consultation program with recommendations on this matter would be provided after the public consultation process was completed.

8. CONCLUSION:

This report responds to the direction of Council to review and report back on the deputation submitted by Henry Radder concerning a relaxation of existing regulations to allow for the keeping of pigeons in residential areas. Various municipalities in Ontario have allowed a limited number of pigeons in residential areas subject to regulations.

This report presents three options for addressing this matter in Georgina. Before moving forward, this report recommends that the Town undertake a public consultation program to better understand the issues and attitudes of residents concerning a relaxation of existing regulations to permit a limited number of pigeons to be kept in residential areas.

The Manager of Municipal Law Enforcement has been consulted in the preparation of this report and is in agreement with the recommendations in Section 1.

APPROVALS

Prepared By: Brittany Dobrindt
Planner I

Reviewed By: Alan Drozd, MCIP, RPP
Manager of Planning Policy

Recommended By: Denis Beaulieu, MCIP, RPP
Director of Development Services

Approved By: Ryan Cronsberry
Chief Administrative Officer

Attachments:

Attachment 1: Government of Canada Pigeon Information
Attachment 2: York Region Public Health Comments
Attachment 3: By-law 2003-0072
Attachment 4: By-law 2003-0073
Attachment 5: Jurisdictional Scan