TO: Chair and Members
Planning Committee
WARD(S) AFFECTED: CITY WIDE

COMMITEE DATE: June 18, 2013

SUBJECT/REPORT NO:
Keeping of Pigeons in Urban Areas (PED13107) (City Wide)
(Outstanding Business List Item)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development
Department

PREPARED BY:
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RECOMMENDATIONS

(a) That the Responsible Animal Ownership By-law, By-law No.12-031, be amended to permit the keeping of pigeons on rural or agricultural premises only;

(b) That premises where pigeons that are being lawfully kept on other than rural or agricultural premises as of the date of the above amendment be grandfathered;

(c) That the item titled Racing Pigeons be removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

Council, at its January 25, 2012 meeting, approved the new Responsible Animal Ownership By-law, but referred the section dealing with the regulation of pigeons back to the Planning Committee "to consider changing the By-law to allow pigeons within the urban zone."
This Report recommends that the Responsible Animal Ownership By-law be amended to permit the keeping of pigeons on rural or agricultural premises only, but that premises other than rural or agricultural where pigeons are being lawfully kept at the time of the amendment to the By-law be grandfathered.

Alternatives for Consideration – See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND

On November 15, 2011 a Special Planning Committee meeting was held to hear public input on the proposed Responsible Animal Ownership By-law where comments were received regarding pigeons by members of the public and Councillors. The draft by-law had been circulated to various stakeholders, including Racing Pigeon and Pigeon Fanciers’ Associations, and no concerns were received at that time.

At the January 25, 2012 Council meeting, communications were received from the North Road Racing Pigeon Association of Hamilton and the Canadian Racing Pigeon Union Inc. Council approved the new Responsible Animal Ownership By-law, but referred the section dealing with the regulation of pigeons back to the Planning Committee “to consider changing the By-law to allow pigeons within the urban zone”.

Planning Committee on April 16, 2013 approved a delegation request from the Canadian Racing Pigeon Union Inc., but referred them first to staff for consultation.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Public Health Services was consulted in the preparation of this Report, and as directed by the Planning Committee on April 16, 2013, staff consulted with the Canadian Racing Pigeon Union Inc.
ANALYSIS / RATIONALE FOR RECOMMENDATION

Staff feel that there should be consistency in how outdoor birds are treated in the Responsible Animal Ownership By-law, and therefore, delayed reporting on the matter of pigeons until the issue of allowing chickens in urban areas was dealt with by Council. On December 4, 2012, in approving Planning Committee Report 12-019, Council approved taking no further action with respect to investigating the keeping of chickens in urban areas.

The Responsible Animal Ownership By-law as presented to Council on January 25, 2012, allowed the keeping of pigeons only on rural or agricultural premises unless a person was lawfully keeping pigeons other than on rural or agricultural premises on the date the By-law was passed.

The By-law presented to Council was amended in response to the issues raised at the November 15, 2011, Special Planning Committee meeting. Such amendments included removing the proposed limit of 40 on the number of pigeons which could be kept.

Council approved the new Responsible Animal Ownership By-law, but referred the section dealing with the regulation of pigeons back to the Planning Committee "to consider changing the By-law to allow pigeons within the urban zone". Therefore, the former Area Municipalities' by-laws respecting pigeons continue to be in force at this time.

In accordance with the Planning Committee direction, staff consulted with the Canadian Racing Pigeon Union Inc. and discussed the information within this Report. They continue to disagree with staff's recommendation as they feel that pigeons should be allowed in urban areas in Hamilton, and intend to appear as a delegation when this Report is dealt with at Committee.

Concerns from the Canadian Racing Pigeon Union Inc. and other pigeon racing associations and enthusiasts are the possible negative impacts to the hobby if the keeping of pigeons is not allowed in urban areas in Hamilton.

Staff is recommending that pigeons be allowed only on rural or agricultural premises for the following reasons:

- By-law consistency - the six former area municipalities had differing restrictions in their by-laws for pigeons. The former City of Hamilton and Stoney Creek allowed them in urban areas with restrictions while the others did not;

- nuisance issues related to noise and droppings for properties in close proximity;

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- Public Health advises that while the risk can be mitigated by regular and proper maintenance, there are potential health hazards if pigeon droppings are left to accumulate; and,

- Council recently decided to not pursue an investigation into allowing chickens in urban areas. Staff recommend that outdoor birds be treated consistently in the By-law.

**ALTERNATIVES FOR CONSIDERATION**

Council could decide to allow the keeping of pigeons in urban areas with appropriate restrictions/regulations.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:**

**Strategic Priority #3**
Leadership & Governance

*WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.*

**APPENDICES / SCHEDULES**

N/A

BY/dt