

To: David Creery, Chief Administrative Officer

From: Stephen Miller, Manager of By-law Enforcement
Lorraine Neal, Deputy Chief Building Official

Re: Replacement of Municipal Code Chapter 0232 - Fowl

AIM

To provide Woodstock City Council with an updated By-law that more adequately regulates the keeping of Fowl and other livestock in the City of Woodstock.

BACKGROUND

At the November 16th, 2023, Regular Council Meeting, Woodstock City Council received correspondence from Woodstock residents with regards to the keeping of fowl on residential properties. The authors of the correspondence sought to ban or regulate the number of fowl allowed on residential properties, citing it as the cause for an increase in rodents on neighbouring properties. By-law Enforcement Officers responded but were limited in action that could be taken due to the regulations contained in the Municipal Code Chapter 0232 Fowl - Pigeons. Woodstock City Council referred the request to amend Municipal Code Chapter 0232 Fowl – Pigeons to staff for a report.

At the March 7th, 2024, Regular Council Meeting, Woodstock City Council directed staff to prepare updates to Municipal Code Chapter 0232 Fowl – Pigeons and improve requirements for distance and location of coops, sanitary condition of coops, and limit the number of birds permitted.

COMMENTS

A jurisdictional scan was conducted to gather information on fowl-keeping by-laws. This research drew attention to three main factors - i.e., distance and location of coop, sanitary condition of coop, and number of birds permitted.

On July 8, 2024 a new Manager of By-law Enforcement started work with the City of Woodstock. The By-law Manager assumed responsibility for the review of Chapter 0232 of the Municipal Code. Upon review, the Manager of By-law Enforcement determined that it was necessary to repeal and replace the existing Chapter with a more up to date Chapter, which adequately addresses the location of enclosures, sanitary condition of enclosures, and the number of animals kept on property within the City of Woodstock.

The attached proposed Livestock By-law includes verbiage which addresses the following:

- Clear Definitions which aid By-law Enforcement Officers in their application of the regulations
- An offence creating provision for Livestock running at large
- Requirements for Livestock to be contained in an enclosure
- Division of Livestock by classification with appropriate regulations for enclosures based on the classification

- A prohibition related to Livestock enclosures being located in the front or interior side yard
- A size limitation related to Avian and Small Livestock Enclosures
- A maximum height provision related to Avian and Small Livestock Enclosures
- A required setback from the property line for all Livestock Enclosures of 10 feet
- A requirement for an Avian Livestock Enclosure to be set back 75 feet from any residential structure
- A provision prohibiting roosters from being contained in an Avian Livestock enclosure
- An allowance of a single Avian or Small Livestock Enclosure per property
- A regulation that Avian Livestock Enclosures contain openings no greater than 19 mm or ¾ Inches. This is intended as a mechanism of pest control.
- A prohibition for Avian and Small Livestock Enclosures to contain no more than 10 Avian or Small Livestock

The attached By-law is intended to implement stronger restrictions related to the keeping of Livestock in the City of Woodstock and to minimize potential adverse impacts on neighbouring properties. The proposed By-law will allow By-law Enforcement Officers to address concerns of complainants, while allowing citizens to keep Livestock that are within the scope of the By-law, subject to compliance with the regulations related to the keeping of those animals.

The goal of By-law Enforcement is voluntary compliance with Municipal By-laws. This is achieved through education, and working with residents to understand what is required. This By-law would be enforced on a complaint basis, with appropriate notice being given, in order for property owners to achieve voluntary compliance with the regulations.

Residents that are not in compliance with the proposed regulations would be required to work towards compliance within an established timeframe. Timeframes for compliance would be determined on a case-by-case basis.

RECOMMENDATION

That Woodstock City Council refer the report regarding 'Replacement of Municipal Code Chapter 0232 – Fowl' to the by-law section of the agenda;

And further that City Council authorizes staff to make the necessary application to the Ministry of the Attorney General to seek approval for the proposed short form wording and set fines changes associated with Municipal Code Chapter 0232 – Livestock.

Authored by: Stephen Miller, Manager of By-law Enforcement

Lorraine Neal, Deputy Chief Building Official

Approved by: David Creery, M.B.A., P. Eng., Chief Administrative Officer

CITY OF WOODSTOCK

SET FINE SCHEDULE

PART 1 – PROVINCIAL OFFENCES ACT

By-law No. 9707-24 (Livestock By-law)

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Permit livestock to run at large	232.3.1	\$ 300.00
2	Fail to enclose livestock in an enclosure	232.3.3	\$ 300.00
3	Fail to comply with the regulations for an Avian Livestock Enclosure	232.4.1	\$ 200.00
4	Fail to comply with the regulations for a Small Livestock Enclosure	232.4.2	\$ 200.00
5	Fail to comply with the regulations for a Farm Livestock Enclosure	232.4.3	\$ 200.00
6	Hinder an Officer in the execution of their duties	232.6.3	\$600.00
7	Obstruct an Officer in the execution of their duties	232.6.3	\$600.00

Note: The general penalty provision for the offences listed above is Section 232.6.1 of By-law No. 9707-24, a certified copy of which has been filed.

Animals

Chapter 0232 Livestock

Keeping of Livestock

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WHEREAS section 9 of the *Municipal Act*, S.O. 2001, c. 25 provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11(3) 9 of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides that a lower -tier municipality may pass by- laws subject to the rules set out in Section 11(4), respecting matters within the sphere of jurisdiction of "Animals";

AND WHEREAS Section 103 (1) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides that a municipality may pass a by- law regulating or prohibiting the being at large or trespassing of animals, the seizure and impounding of animals being at large or trespassing contrary to the by-law, and the sale of impounded animals;

AND WHEREAS section 426 of the *Municipal Act, 2001*, c. 25 provides that no person shall hinder, obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by- law passed under the *Municipal Act, 2001*.

NOW HERETO the Council of The Corporation of the City of Woodstock enacts as follows:

Article 1 – Short Title

232.1.1 Citation

This Chapter may be cited as the “Livestock By-law”.

Article 2 – Interpretation

232.2.1 At Large – Defined

“At Large” shall mean Livestock, not under the physical control of the owner, which are off of the property of the owner and without limiting the generality of the foregoing shall include animals located on any highway, park, or any public or private property.

232.2.2 Avian Livestock - Defined

“Avian Livestock” shall mean non-domestic birds and without limiting the generality of the foregoing, includes chickens, pigeons, ducks and turkeys but shall not include Farm Livestock, Small Livestock, any exotic animals as defined under Chapter 224 Municipal Code, animals governed by the *Fish and Wildlife Conservation Act, 1997, S.O. 1997* or animals governed by the *Migratory Birds Act, 1994. S.C. 1994, c. 22.*

232.2.3 Enclosure Defined - Defined

“Enclosure” shall mean a building, pen, cote, pen, building or other such structure designed or intended for the purposes of containing livestock on a specific property within the limits of the City of Woodstock.

232.2.4 Farm Livestock – Defined

“Farm Livestock” shall mean any non-domestic animal that is over 129 lbs in weight and without limiting the generality of the foregoing includes cattle, sheep, elk, deer, moose, horses, goats, donkeys, swine and shall include the keeping honey bee’s in apiary but shall not include Avian Livestock, Small Livestock, any exotic animals as defined under Chapter 224 Municipal Code, animals governed under Chapter 212 of the City of Woodstock Municipal Code or animals governed by the *Fish and Wildlife Conservation Act, 1997, S.O. 1997.*

232.2.5 Livestock – Defined

“Livestock” shall mean any non-domestic animal, and without limiting the generality of the foregoing includes Avian Livestock, Farm Livestock and Small Game Livestock but shall not include Exotic Animal as governed under Chapter 224 of the City of Woodstock Municipal Code, animals governed under Chapter 212 of the City of Woodstock Municipal Code, animals

governed by the Fish and Wildlife Conservation Act,1997,S.O.1997, c.41 or animals Migratory Birds Act, 1994. S.C. 1994, c. 22.

232.2.6 Pound Keeper – Defined

“Pound Keeper” shall mean a person or corporation and any agent thereof who have been contracted or engaged by the City of Woodstock for the purposes of impoundment of livestock

232.2.7 Sanitary Condition – Defined

“Sanitary Condition” shall mean a condition that does not result in accumulation of fecal matter, odor, insect infestation or rodent attractants and can endanger the health, comfort or convenience or any person or animal.

232.2.8 Small Livestock – Defined

“Small Livestock” shall mean any non-domestic animal under 130 lbs in weight, and without limiting the generality of the foregoing includes rabbits, Guinea pigs, hamsters, ferrets, , chinchilla, nutria, rats, or mice but shall not include Avian Livestock, Farm Livestock, any exotic animals as defined under Chapter 224 Municipal Code, animals governed under Chapter 212 of the City of Woodstock Municipal Code or animals governed by the Fish and Wildlife Conservation Act,1997,S.O.1997.

Article 3 - General Provisions

232.3.1 Livestock Running at Large - Prohibition

No person shall permit livestock to run at large, except in accordance with Section 232.5.2 of this Chapter.

232.3.2 Livestock Running at Large – Impoundment

Any livestock found to be running at large within the limits of the City of Woodstock shall be liable to be impounded and dealt with and disposed of as provided by the Pounds Act, R.S.O. 1990, c. P.17, the provisions of which shall apply to all Livestock.

232.3.3 Livestock Enclosure - Required

Except in accordance with section 232.5.2 of this Chapter, Every person who owns or harbors livestock in the City, shall ensure that such livestock is contained in an enclosure which is in compliance with the provisions of

this by-law and which is equipped sides capable of containing the Livestock.

Article 4 – Livestock Enclosure Regulations

232.4.1 Avian Livestock Enclosures

Notwithstanding any other provision of this Chapter, every person who owns or harbors Avian Livestock shall comply with the following regulations for an Avian Livestock Enclosure:

- a) No person shall permit an Avian Livestock Enclosure to be located within the Front or Interior Side Yard as defined in the City of Woodstock Zoning By-law
- b) No person shall permit an Avian Livestock Enclosure that exceeds 10 square meters (108 square feet) in surface area
- c) No person shall permit an Avian Livestock Enclosure that exceeds 3 meters (9.84 feet) in height
- d) No person shall permit an Avian Livestock Enclosure to be located within 3.048 meters (10 feet) from the property Line
- e) No person shall permit an Avian Livestock Enclosure to be located within 22.86 meters (75 feet) from any residential building
- f) No person shall permit an Avian Livestock Enclosure that is constructed of such material that contains openings no greater than 19 mm or $\frac{3}{4}$ inches.
- g) No person shall permit Roosters to be located in any Avian Livestock Enclosure.
- h) No person shall permit more than ten (10) Avian Livestock to be located in an Avian Livestock Enclosure.
- i) No person shall permit more than one (1) Avian Livestock Enclosure to be located on a single property.
- j) Every person shall ensure that any Avian Livestock Enclosure is equipped with a roof that is capable of preventing the Avian Livestock from escape by flight.
- k) Every person shall maintain an Avian Livestock Enclosure in a clean and sanitary condition.

232.4.2 Small Livestock Enclosures

Notwithstanding any other provision of this Chapter, every person who owns or harbors Small Livestock shall comply with the following regulations for a Small Livestock Enclosure:

- a) No person shall permit a Small Livestock Enclosure to be located within the Front or Interior Side Yard as defined in the City of Woodstock Zoning By-law
- b) No person shall permit a Small Livestock Enclosure that exceeds 10 square meters (108 square feet) in surface area
- c) No person shall permit a Small Livestock Enclosure that exceeds 3 meters (9.84 feet) in height
- d) No person shall permit a Small Livestock Enclosure to be located within 3.048 meters (10 feet) from the property Line
- e) No person shall permit a Small Livestock Enclosure to be located within 6.096 meters (20 feet) from any residential building
- f) No person shall permit a Small Livestock Enclosure that is constructed of such material that contains openings no greater than 19 mm or $\frac{3}{4}$ inches.
- g) No person shall permit more than ten (10) Small Livestock to be located in a Small Livestock Enclosure.
- h) No person shall permit more than one (1) Small Livestock Enclosure to be located on a single property.
- i) Every person shall maintain a Small Livestock Enclosure in a clean and sanitary condition.

232.4.3 Farm Livestock Enclosures

Notwithstanding any other provision of this Chapter, every person who owns or harbors Farm Livestock shall comply with the following regulations for a Farm Livestock Enclosure:

- a) No person shall permit a Farm Livestock Enclosure to be located within the Front or Interior Side Yard as defined in the City of Woodstock Zoning By-law
- b) No person shall permit a Farm Livestock Enclosure to be located within 3.048 meters (10 feet) from the property Line
- c) No person shall permit a Farm Livestock Enclosure to be located

within 60.96 meters (200 feet) from any residential building

- d) Every person shall maintain a Farm Livestock Enclosure in a clean and sanitary condition.

Article 5 – Exceptions

232.5.1 Assessed Farmland Exception

The provisions of this by-law shall not apply to lands premises assessed as farmlands within the City of Woodstock where the building or enclosure that contains the livestock is similarly assessed.

232.5.2 Pigeons and Pigeon Racing Club Exception

Any person who owns pigeons shall keep them enclosed except during a maximum of two flight periods daily, each flight consisting of not more than forty pigeons, and which flight periods shall take place only for the purpose of conditioning, and:

- a) between the hours of 7 a.m. and 11 a.m.;
- b) between the hours of 4 p.m. and 8 p.m.; and
- c) under the supervision of the owner of such pigeons, or some other competent person on his or her behalf;
- d) the provisions of Sections 232.5.2 (a) and (b) shall not apply to members of a racing pigeon club when the members are participating in a *bona fide* flight conducted by an organized racing pigeon club. By-law 7155-94, September 1, 1994; By-law 7068-93, October 21, 1993.

232.5.3 Agricultural Organizations Exception

The provisions of this by-law shall not apply to lands premises owned or occupied by the Woodstock Agricultural Society, Outdoor Farm Show or parks operated by the City of Woodstock.

Article 6 – Enforcement

232.6.1 Penalty Provision

Every person who contravenes any provision of this Chapter is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

232.6.2 Enforcement Responsibility

A Municipal Law Enforcement Officer, Police Officer or Police Cadet shall be responsible for enforcement of this By-law.

232.6.3 Hinderance or Obstruction

No person shall hinder or obstruct or attempt to hinder or obstruct any Officer while exercising a power or authority under this By- law.

232.6.4 Seizure and Impoundment

Where livestock is found to be at large, an Officer may engage the services of a Pound Keeper for the purposes if impoundment, and;

- a) Cause the livestock to impounded at a suitable location in accordance with the Pounds Act, R. S. O. 1990, c. P. 17.
- b) Where livestock has been impounded, costs shall be recoverable in accordance with the Pounds Act, R. S. O. 1990, c. P. 17.
- c) All provisions of the Pounds Act, R.S. O. 1990, c. P. 17 shall apply within the City of Woodstock

Article 7 – Severability

232.7.1 Severability Clause

If a Court of Competent Jurisdiction declares any section of this By-law invalid, the remainder of this By-law shall continue to remain in force and effect unless the Court makes an order to the contrary.

Article 8 – Repeal and Enactment

232.8.1 Repeal

By-law 7155-94 of the Corporation of the City of Woodstock and all amendments thereto are hereby repealed.

232.8.2 Effective Date

This Chapter shall come into force and take effect as of the third and final reading of the enabling By-law.

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