

**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 – Pigeons – Livestock - Keeping**

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## **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. As directed by Council, this report will provide options as it relates specifically to pigeons.

## **BACKGROUND**

At the November 16<sup>th</sup>, 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 - Livestock - Keeping. Woodstock City Council referred the request to amend Municipal Code Chapter 0232 to staff for a report.

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

At the September 5<sup>th</sup> Regular Council Meeting, Staff presented a draft “Livestock By-law” #9707-24 which was proposed to replace Municipal Code Chapter 0232. Council deferred the by-law, directing staff to conduct research related to the keeping of pigeons.

## **COMMENTS**

A jurisdictional scan was conducted to gather information on the keeping of pigeons. By-laws in the following municipalities were reviewed:

- City of Waterloo
- City of Cambridge
- City of London
- City of Windsor
- Town of Whitchurch-Stouffville

- Various GTA Municipalities
- City of Ottawa
- City of Stratford

Research drew attention to three main factors - i.e., number of birds, recognition of adverse impacts related to keeping backyard livestock (including potential for communicable disease), and zoning of properties where pigeons are permitted to be kept.

Correspondence was also received from the Township of South-West Oxford requesting that the City of Woodstock implement restrictions for backyard fowl, which include a requirement for fowl to be contained in a full enclosure in order to prevent the risk of disease spreading.

### **Adverse Impacts/Communicable Disease**

Almost all the municipalities, which were in scope of the review recognized the potential for adverse impacts associated with the keeping of livestock including pigeons. These include issues related to sanitary conditions and smell, noise, storage of feed (which can be an attractant for vermin) and presence of possible diseases. The proposed Livestock By-law does contain strong regulations and language intended to address those issues and concerns across all categories, species and types of livestock.

The recognition of the potential for the presence of communicable disease in backyard livestock is concerning and should be a potential consideration when considering the maximum numbers of livestock permitted.

### **Reference to Zoning**

Several municipal by-laws that were reviewed contained specific reference to zoning and the fact that pigeons were only able to be kept on properties zoned agricultural or rural residential. It is possible that those municipalities, which prohibit the keeping of pigeons and other fowl on residentially zoned properties, have done so to mitigate the negative impacts on adjacent properties which are typically smaller in parcel size.

It is notable that the proposed Livestock By-law does not contain any limitations related to zoning, but it does include set back requirements that are intended to limit the keeping of fowl to locations where setbacks would be sufficient to negate adverse impacts to neighbouring properties.

### **Number Birds**

All municipal by-laws that were reviewed, had varying numbers of pigeons that were permitted to be kept. The range spanned from 40 to 120 and varied given the time year. It is unclear how individual municipalities arrived at the determination of the acceptable number. The numbers varying based on the time of year appeared to allow for the propagation of pigeons and other fowl.

The number of acceptable pigeons listed in the proposed by-law (10), is specifically intended to negate any adverse impacts on neighbouring properties. Lower numbers would make an outbreak of disease easier to contain.

Several municipal by-laws referred to membership in the Canadian Racing Pigeon Union contained requirements for the pigeons to be banded. Those municipalities further prohibited the keeping of pigeons, which were not affiliated with any pigeon racing union.

### **Fairness and Equity in Regulation**

Staff were directed to research the issue of fowl/livestock regulation and to prepare amendments to the by-law that increase regulation and provide staff the ability to address growing community concerns.

In contemplation of any proposed policy changes, fairness and equity should be at the forefront of any policy considerations.

The potential adverse impacts associated with the keeping of fowl and other livestock in residential backyards within the limits of the City of Woodstock exist across categories/species of livestock. These include smell, noise, sanitary conditions, and the potential to attract pests including coyotes and rats.

Those issues require broad sweeping changes to regulations across all categories of livestock including pigeons.

### **Options**

Based on the research conducted, staff have put forward options related to the potential replacement of Municipal Code Chapter 0232 for Councils consideration.

#### **Option 1 – Enactment of the Livestock By-law as proposed (Staff Recommendation)**

This option involves passing the proposed Livestock By-law #9707-24 as drafted. The subject by-law would be enforced on a complaint basis only, when adverse impacts related to the keeping of livestock have been communicated by way of a complaint.

If a complaint was received, By-law Enforcement Officers would attend, confirm that the property/livestock enclosure is not in compliance with the by-law, and would work with landowners to develop reasonable time frames for compliance. By-law Enforcement Officers would undertake enforcement with a strong emphasis on education and voluntary compliance.

This option would mean that properties where livestock are currently housed could be put in a position of non-compliance if the by-law is approved by Council. The proposed by-law would provide a strong incentive for residents that are keeping livestock, to negate the adverse impacts associated with keeping livestock in order to alleviate potential complaints.

If adopted, By-law Enforcement Officers would be able to respond to complaints and would be able to resolve issues of non-compliance more quickly.

Staff submit that this is the option that is the most fair and equitable as it applies to all categories, classifications or species of livestock, which may be kept on residential properties within Woodstock.

#### **Option 2 – Direct staff to prepare a draft by-law which contains exemptions for pigeons**

This option involves City Council directing staff to incorporate species specific exemptions for the keeping of backyard pigeons. Such exemptions could include exemptions from maximum

numbers, setbacks and other regulations contained in the draft by-law. If this option were to be adopted, staff recommend language requiring proof of membership in a racing pigeon union and banding as is the case with other municipalities.

Such exemptions will negatively impact By-law Enforcement Staff's ability to adequately respond to complaints where adjacent landowners experience negative impacts related to the keeping of pigeons.

Such exemptions could include licensing, requirements for annual inspection and licensing fees. Additional staff resources could be necessary in order to administer licensing related to pigeons.

**Option 3 – Direct staff to incorporate language in the draft by-law to requiring compliance by a specific future date**

This option involves City Council directing staff to incorporate language requiring properties that are in contravention of the proposed by-law to come into compliance by a predetermined future date. This approach has been used in other municipal by-laws that were reviewed.

If this option were to be adopted, staff recommend concise language to be utilized across all livestock classifications, species and types in the interest of fairness.

If this option were to be adopted by Council, it would negatively affect By-law Enforcement Staff's ability to address the issues, which gave rise to amending the by-law, at least in the short term.

This option would allow residents who would be put in a position of non-compliance the ability to come into compliance within a prescribed timeframe.

**RECOMMENDATION**

That Woodstock City Council refer the draft Livestock By-law #9707-24 which replaces Municipal Code Chapter 0232 - Fowl - Pigeons, to the by-law portion 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 associated with Municipal Code Chapter 0232 - Livestock.

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

*Approved by: Harold de Haan, City Engineer*

*Approved by: David Creery, Chief Administrative Officer*

**CITY OF WOODSTOCK**

**SET FINE SCHEDULE**

**PART 1 – PROVINCIAL OFFENCES ACT**

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

<b>Item</b>	<b>COLUMN 1</b> <b>Short Form Wording</b>	<b>COLUMN 2</b> <b>Provision</b> <b>Creating or</b> <b>Defining Offence</b>	<b>COLUMN 3</b> <b>Set Fine</b>
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.