



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 18-2009

A By-law to amend Animal Control By-law 261-93, as amended to provide for the licensing of pigeon owners, and to amend User Fee By-law 380-2003, to establish an annual fee for the licensing of pigeon owners, and to amend Brampton Appeal Tribunal By-law 48-2008 to provide for appeals regarding the licensing of pigeon owners.

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**WHEREAS** a lower tier municipality has power under Section 11(3)9 of the *Municipal Act* to pass by-laws respecting animals;

**AND WHEREAS** Council has harmonized location requirements for pigeon coops by placing equivalent requirements in the Zoning By-law;

**AND WHEREAS** pursuant to Recommendation CW556-2007, approved by City Council on December 12, 2007, Council authorized an amendment to the Animal Control By-law 261-93, as amended, to provide for the licensing of pigeon owners, to provide for an annual fee for the license and to provide that any decisions of the License Issuer may be appealed to the Brampton Appeal Tribunal;

**NOW THEREFORE** the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

1. Section 1 (Definitions) of Animal Control By-law 261-93 is replaced by the following:

"animal" means all live non-human species; and shall include birds, reptiles, fish, arachnids, and invertebrates, but does not include a dog;

"animal control officer" means a person appointed as such by a by-law of the City or any other person directed by the Commissioner of Community Services to enforce this by-law and includes the poundkeeper;

"animal quarter" or "animal quarters" mean a place where animals are kept and includes a doghouse, hutch, pen, run, coop, pigeon coop or structure;

"dwelling unit" shall mean one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities, with a private entrance from outside the unit itself.

"license" means a pigeon owner's license;

"License Issuer" means the City Clerk and includes his or her designates;

"lot" means a lot in a registered plan of subdivision or a built-up urban area;

"owner" of an animal includes a person who possesses or harbours an animal, and the words "own" and "owned" have a corresponding meaning;

"poundkeeper" means the person appointed as such by Council;

"pigeon coop" means an accessory building or structure for the keeping of pigeons;

"pigeon owner" means a person who keeps pigeons;

"Tribunal" means the Brampton Appeal Tribunal.

2. Section 11(1) of Animal Control By-law 261-93 is replaced by the following:

"11. (1) Except as permitted by Sections 11(2), and 14, no person shall keep, or permit to be kept, more than two:

pigeons,  
rabbits,  
domestic fowl, or  
game fowl

on a lot."

3. Sections 13 and 14 of Animal Control By-law 261-93 are replaced by the following:

"13. No person shall keep, or permit to be kept, any rabbit, pigeon, game fowl, or domestic fowl, except in accordance with the following rules:

- (1) For dwelling units on a lot, each animal shall be kept in an animal quarter and not in the dwelling unit except for up to two (2) rabbits.
- (2) Except for pigeon coops as provided for in section 14, each animal quarter shall be at least eight (8) metres (25 feet) from any dwelling, school, store or shop, and at least two (2) metres (six feet) from each boundary of the property on which it is located.
- (3) Each animal quarter shall be constructed so as to prevent the escape of the animals kept therein.
- (4) The appearance of each animal quarter shall be properly maintained, by regular painting, or shall be finished with permanent siding, and in all cases shall comply with the requirements of the Zoning By-law.
- (5) All equipment and material shall be kept within a building or structure, or under cover.
- (6) All equipment and materials shall be screened from the view of the general public, and, where it is necessary to do so, a hedge or other such vegetation shall be planted, or a solid fence erected, to act as a screen.
- (7) All refuse resulting from the keeping of the animals shall be contained in air tight containers in such a manner as to

prevent odours and shall be disposed of in a manner that will not create a public nuisance or health hazard.

- (8) All food for the animals shall be kept in rodent proof containers.

14. In addition to other requirements of this by-law and the Zoning By-law, the following are the rules for pigeon owners:

- (1) No person shall keep more than two pigeons on a lot unless a license is obtained from the License Issuer.

(2) For the purposes of this section:

- a) The licensing period shall be from May 1st of a calendar year to April 30th of the following calendar year, effective May 1, 2009.
- b) The applicant shall complete a license application, file any information as may be required by the License Issuer and pay the required fee as set out in the User Fee By-law prior to a license being issued.
- c) The coop shall be located, constructed and maintained in compliance with this by-law, the Zoning By-law and any other applicable legislation.
- d) A license shall be issued to an owner whose application meets all the requirements of this By-law except if the License Issuer is of the opinion that:
- i) the issuance or the holding of a license would be contrary to the public interest in respect of
    - (1) the health and safety of any person or animal; or
    - (2) a nuisance affecting any land or person in Brampton;
  - ii) any application or other document provided to the License Issuer by or on behalf of the applicant contains a false statement, or provides false information;
  - iii) the applicant does not meet all the requirements of this By-law or any other City By-law.
- e) Where the License Issuer has refused to issue a license, the applicant may appeal to the Brampton Appeal Tribunal in accordance procedures established by Licensing By-law 1-2002
- f) When it considers an appeal under this By-law, the Tribunal shall not make any decision or finding that impacts an application for a minor variance.
- g) Any person holding a license under this section shall produce the license upon the request of the License Issuer or animal control officer.

- (3) It is an offence to keep or permit to be kept three or more pigeons on a lot without a valid license and for the purposes of this by-law, the owner of the lot shall be deemed to be the owner of a pigeon found in or returning to a pigeon coop on the lot.

- (4) Notwithstanding Sections 14(1) and 14(3), a veterinarian who is keeping pigeons for treatment or other purposes directly related to his or her practice of veterinary medicine is not subject to pigeon owner licensing requirements, maximum numbers of pigeons, flight restrictions or banding requirements.
  - (5) A maximum of 60 pigeons may be kept on a lot during racing season, which is from April 1 to October 31.
  - (6) At other times (non-racing season), the maximum allowed is 40 pigeons on a lot.
  - (7) All pigeons must be banded with an identifying leg band issued by one of the following:  
  
Central Peel Racing Club  
Canadian Fancy Pigeon Association  
Canadian Racing Pigeon Union  
Canadian Union of Racing Clubs or  
Brampton and Peel County Poultry, Pigeon and Pet Stock Association.
  - (8) All pigeons must be kept within the pigeon coop except during the permitted daily flight periods.
  - (9) Each pigeon may be released for no more than two flights per day.
  - (10) Only one-half of the number of pigeons kept on the lot may be released for flight at any one time.
  - (11) Pigeons may be released for flight during the following day flight periods:
    - (a) from April 1 to September 30 in each calendar year, only before 7:30 a.m. and after 6:00 p.m.; and
    - (b) from October 1 to March 31 in each calendar year, only before 10:00 a.m. and after 3:00 p.m.
  - (12) The release of pigeons for flights shall be under the supervision of the pigeon owner, or some other competent person.
  - (13) Notwithstanding Sections 14(6), 14(7), 14(8) and 14(9), a pigeon in a race may be at flight up to one day beyond the expected duration of the race, if weather or other conditions beyond control of the owner have caused the pigeon to be overdue.
  - (14) Every pigeon owner shall permit entry on the lot for the purpose of enforcing this or any other City by-law and it is an offence to obstruct any City employee in the execution of his or her duties under this by-law.
4. Schedule B of Animal Control By-law 261-93 is repealed.
  5. Schedule C of User Fee By-law 380-2003 is amended by adding the following:

|                        |         |
|------------------------|---------|
| Pigeon Owner's License | \$30.00 |
|------------------------|---------|

6. Section 1 (Definitions) of Brampton Appeal Tribunal By-law 48-2008 is amended by adding the following:

"Animal Control By-law" means Animal Control By-law 261-93, as amended;

7. Section 7 of Brampton Appeal Tribunal By-law 48-2008 is amended by adding subsection (3):

(3) appeals from the decision of the License Issuer pertaining to pigeons. The types of decisions that carry a right of appeal to the Tribunal are set out in the Animal Control By-law.

8. Brampton Appeal Tribunal By-law 48-2008 is amended by adding Section 14.1:

**ANIMAL CONTROL BY-LAW APPEALS**

14.1 After the hearing of an appeal from the decision of the License Issuer pertaining to pigeons, the Tribunal may make any decision License Issuer could have made, including any of the following, separately or in combination:

- (1) grant a licence, with or without conditions;
- (2) refuse an application for a license;
- (3) refuse to reinstate a license;
- (4) revoke a license;
- (5) suspend a license; or
- (6) alter, cancel or impose a term or condition of a license.

9. Section 1 (definitions) of Schedule 1 to Brampton Appeal Tribunal By-law 48-2008 is amended by adding the following:

"Animal Control By-law" means Animal Control By-law 261-93, as amended;

10. Section 28 of Schedule 1 to Brampton Appeal Tribunal By-law 48-2008 is replaced by the following:

28. The Tribunal will have a standard standing hearing date each month, on a basis to be determined by the Tribunal. If no appeals are submitted by 3:30 p.m. on the day that is two weeks prior to the standing hearing date, the meeting for that month is cancelled and notification via email or telephone is sent to the following:

- (1) the Tribunal members;
- (2) the City Solicitor;
- (3) counsel to the Tribunal;
- (4) in the case of hearings under the Licensing By-law, the appropriate License Issuer;
- (5) in the case of hearings under the Dog By-law, the poundkeeper;
- (6) in the case of hearings under the Animal Control By-law, the License Issuer, and
- (7) the Manager of Prosecutions;

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11. Section 30 of Schedule 1 to Brampton Appeal Tribunal By-law 48-2008 is replaced by the following:

30. The Tribunal Coordinator shall prepare an agenda package for each appeal consisting of:

- (1) the schedule of all appeals to be heard on that day;
- (2) the notice of each hearing;
- (3) in the case of a licensing appeal, the decision of the License Issuer;
- (4) in the case of a dog designation, the decision of the poundkeeper;
- (5) in the case of an appeal regarding pigeons, the decision of the License Issuer;
- (6) the letter of appeal;
- (7) any related information such as reports or correspondence, if any;
- (8) an extract of the relevant portion of the by-law in question.

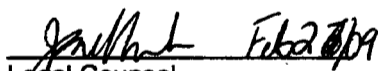
The agenda package is sent to all persons set out in Rule 28 and to the person who has filed the appeal.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 11<sup>th</sup> DAY OF MARCH, 2009.

  
Susan Fennell, Mayor

  
Peter Fay, City Clerk

Approved as to Form and Content

  
Legal Counsel