



City of Richmond

Report to Council

to Community Safety - Apr 14, 2004

To: Community Safety Committee

Date: March 25, 2004

From: Don Pearson
Manager, Community Blaws

File: 8060-20-7692

Re: Animal, Bird & Beekeeping Regulation – Bylaw Amendment

Staff Recommendation

That Amendment Bylaw No. 7692 which amends Animal, Bird & Beekeeping Regulation Bylaw No. 7137 to regulate the nuisance caused by the feeding of pigeons or other birds be introduced and given first, second, and third readings.

Don Pearson
Manager, Community Bylaws

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| Law..... | Y <input type="checkbox"/> N <input checked="" type="checkbox"/> | |

Staff Report

Origin

Some property owners experience difficulties when neighbours feed wild birds on a very large scale. Attracting a large number of birds to a specific location causes bird waste to be deposited on surrounding buildings, creates noise issues and potential health problems. This is not believed to be a significant problem within the City. However, there has been one complaint that has been ongoing for several years that we have been unable to satisfactorily resolve as there is currently no bylaw which regulates the feeding of birds. Given there is no bylaw regulating this activity there may well be other similar complaints that we have not been made aware of.

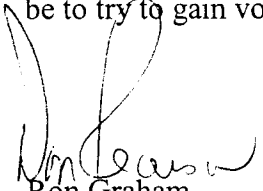
Analysis

The *Local Government Act* contained a specific provision giving municipalities the authority to require owners or occupiers of buildings to prevent pigeons or other birds from perching, roosting or nesting on the buildings and to regulate the feeding of pigeons or other birds by persons other than their owners. Upon repeal of large sections of the *Local Government Act*, this authority was carried over into the general spheres of authority under the *Community Charter*. The City has the authority to regulate regarding nuisances under section 8(3)(h) and regarding animals under section 8(3)(k) of the *Community Charter*. However, any bylaw which regulates with respect to 'wildlife' must receive provincial approval. The definition of 'wildlife' is very broad and includes pigeons and other common birds. Consequently, the proposed bylaw amendment will have to be approved by the Minister of Water, Land and Air Protection.

The proposed amendment to the Animal, Bird & Beekeeping Regulation prohibits the feeding of pigeons or other birds in such a manner as to constitute a nuisance or disturb or interfere with the quiet, peace, or enjoyment of another person's property. In this way, only those who feed birds in a way that impacts negatively on their neighbours will be affected. The ordinary use of commonly used residential birdfeeders would be unaffected by this bylaw amendment. The intention is to provide an enforcement tool for those people who feed wild birds on a much larger scale and as a result interfere with lifestyle of the surrounding residents.

Conclusion

The proposed change to the bylaw will provide an enforcement tool for staff in dealing with complaints of this nature. As with most of our bylaw enforcement, the practice will continue to be to try to gain voluntary compliance with prosecution only as a last resort.



Ron Graham
Bylaw Liaison Officer



**Animal, Bird & Beekeeping Regulation Bylaw No. 7137,
Amendment Bylaw No. 7692**

The Council of the City of Richmond enacts as follows:

1. Section 2.4 of the bylaw is amended by adding the following as subsection 2.4.1.2:
 - 2.4.1.2 A person must not feed **pigeons** or other birds in such a manner as to constitute a nuisance or disturb or interfere with the quiet, peace, or enjoyment of another person's property.
2. This Bylaw is cited as "**Animal, Bird & Beekeeping Regulation Bylaw No. 7137, Amendment Bylaw No. 7692**".

FIRST READING

SECOND READING

THIRD READING

APPROVED BY THE MINISTER

ADOPTED

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| CITY OF RICHMOND |
| APPROVED for content by originating dept. |
| APPROVED for legality by Solicitor |

MAYOR

CITY CLERK