



## REPORT N° AMÉ-19-57-R

<b>Date</b>	07/08/2019
<b>Submitted by</b>	Marie-Eve Bélanger
<b>Subject</b>	Process to authorize urban hens
<b>File N°</b>	n/a

1) **NATURE/GOAL :**

The nature of this report is to provide options for Council's consideration in regards to the potential of regulating urban hens.

2) **DIRECTIVE/PREVIOUS POLICY :**

On May 22nd, 2019, Council approved Resolution No. 2019-104 mandating the administration to analyse the process that would regulate urban hens.

3) **DEPARTMENT'S RECOMMENDATION :**

WHEREAS Council has requested the Administration to prepare a report to outline the process to allow the installation of chicken coops in the urban residential zones;

THAT the Committee of the Whole recommends that Council further request the Infrastructure and Planning Department and the Protective Services to amend the Zoning By-law accordingly and to prepare an Urban Hen By-law.

**OR**

THAT Report No. AMÉ-19-57-R be received as information without taking further actions in regards to this matter.

ATTENDU QUE le conseil a mandaté l'administration à préparer un rapport pour expliquer le processus pour permettre des poules urbaines dans les zones résidentielles;

QUE le comité plénier recommande au conseil de mandater le département d'infrastructure et d'aménagement du territoire ainsi que le Service de la protection à modifier le Règlement de zonage par conséquent et à créer un règlement sur les poules urbaines.

**OU**

QUE le rapport no. AMÉ-19-57-R soit reçu à titre d'information sans passer à l'action relativement à ce dossier.

#### 4) **BACKGROUND :**

Urban chickens, backyard hens, urban agriculture and hencoops are some of the different terms used by municipalities for the keeping of female chickens in the rear yard.

Urban chickens have become increasingly popular with homeowners below are some of the advantages to owning chickens.

- they provide on average one egg per day per hen,
- Chickens eat insects and especially ticks,
- they will eat weeds in your yard and garden,
- they can also eat table scraps which divert waste from landfills.

While there are many advantages to owning chickens, there are also disadvantages below are some of the disadvantages of owning chickens.

- The noise is a major concern especially in high-density areas,
- the cost of raising a few chickens,
- chickens attract predators, even in urban areas,
- they require a sturdy enclosure,
- coops must be cleaned regularly,
- the smell is another major concern if coops are not cleaned regularly,
- regulating and enforcing compliance to an Urban Hen By-law.

These disadvantages and issues associated with them are considered in more detail in the Discussion section of this report.

#### 5) **DISCUSSION :**

There is a growing trend of residents in urban areas requesting to raise their own livestock and food products. Urban hens are the most common type of animal farming being requested in urban areas.

##### ***Regulatory tools***

There are two documents that are available for the City to regulate urban hens:

- 1- The Zoning By-law under the authority of the *Planning Act*, which allows the City to regulate the use of land. The Zoning by-law can be used to provide regulations on matters such as setbacks and the size of a chicken coop.
- 2- A by-law adopted under the authority of the *Municipal Act*, which allows the City to regulate the keeping of animals. Regulations can be passed to permit the keeping of hens, subject to criteria such as the location and size of the coop, the number of hens, maintenance, and the storage of manure. The City could require a permit for urban hens to allow for tracking, inspections and to help offset the cost of enforcement.

The approach used to regulate urban hens varies throughout municipalities. Some deal with it solely with a by-law passed under the *Municipal Act*, while other municipalities opt to use both the zoning by-law and a by-law passed under the *Municipal Act*.

Currently, it is only permitted to have chickens as part of a hobby farm or an agricultural use in either a rural zone or an agricultural zone under the current Zoning By-law.

### ***Minimum Distance Separation***

The Minimum Distance Separation (MDS) is a Provincial requirement intended to reduce land use conflicts related to odour complaints between an agricultural use and a new development. MDS does not apply to livestock facilities occupying an area of less than 10m<sup>2</sup>. In addition, the MDS guideline provides direction for urban agriculture in a settlement area. As such, MDS setback are not required where municipalities permit urban agriculture, as MDS was not designed to be used in an urban setting. However, it is noted that since other issues could be considered when raising livestock in a settlement area, municipalities may choose to establish local approaches to govern them.

### ***Potential issues***

The following are some potential issues that could arise from permitting urban hens:

- a. **Staff attending to complaints, staff training, enforcement and public awareness:** There will likely be residents that are not supportive of the chickens and inevitably will complain to the City. Staff will need to respond to complaints. The City will need to educate the public and respond to inquiries on how to mitigate health risks. A yearly licensing fee could be introduced to help cover these costs.
- b. **Public health:** Chickens can be a source of diseases such as salmonella and the avian flu. Children and adults over 65 and people with weakened immune system have a greater chance of contracting these illnesses. An article is attached to this report in regards to public health.
- c. **Animal health:** These animals require health management and veterinary care. Basic hygiene is pertinent when caring for animals. They also need proper shelter, food, water and adequate space to stay healthy. This includes care and a landowner devoted to taking care of chickens and a coop during winter months. They must also be taken care of while on vacation.
- d. **Manure Disposal:** Manure must be disposed of in a safe and environmentally responsible way. This will be a challenge as

we may lack enforcement capability to proactively deal with this.

- e. **Predators:** Predators are a known risk with allowing urban chickens. Attracting predators and pests such as raccoons, flies, stray dogs, foxes, coyotes, etc, may be an issue. This could cause secondary safety risks in the community.
- f. **Diminishing production and disposal of animals:** Chickens start laying eggs after around 5 months, however production slows at the age of two, providing a short span in which chicken produce eggs. Homeowners may be reluctant to keep a chicken that does not produce eggs and therefore may be abandoned.

In a recent article on backyard hens, that was published online by Radio-Canada on May 2<sup>nd</sup>, 2019, further demonstrates the challenges that can arise from allowing backyard hens. The study found that the SPCA of Montréal has received over 40 hens in 2018. The reason that was given to the SPCA from the owners is that it was harder than they thought. The CAO of the Montreal SPCA indicated that studies confirmed that it cost approximately 2 dollars per egg to produce, which is more expensive than to buy the eggs in store. She also indicated that a hen will rarely produce eggs after 2 years of age and that the majority of owners do not continue caring for their chickens.

### **Options:**

Listed below are two potential options for considering urban hens:

#### ***Option 1- Do nothing***

The City's by-laws remain the same where chickens are only permitted in the rural and agricultural areas.

#### ***Option 2: Update Zoning By-law and create Urban Hen By-law or Animal Control By-law***

Initiate a formal planning process under the Planning Act to update the City's Zoning by-law and create an Urban Hen By-law. Above is a list of requirements that we propose if Council wishes to pursue with permitting urban chickens.

#### **Proposed Zoning By-law Amendment:**

- Only permitted on lots used as single detached dwellings with a minimum frontage of 12 metres.
- Setbacks of at least 2.5 metres from the rear property line and from the interior side lot line. Setbacks of 3.5 metres from the exterior side lot line.
- Must be located at least 15 metres from any lot on which a church, a business or a school is located.
- No chicken coops are permitted in the front yard.

- If the coop is built within an accessory structure, only the portion used to house the hens will need to respect those setbacks.
- Chicken coops will not be considered an accessory structure as per Section 4.1 of the Zoning By-law 2016-10.

The following are provisions that could be incorporated into the Urban Hens By-law:

- Hens permitted only (no rooster)
- Four hens maximum of a minimum age of four months
- Hen owner must reside on the Lot where the hens are kept.
- Hens must be kept in a locked coop from 9:00 pm to 6:00 am.
- Property must be fenced.
- Fully enclosed coop that is constructed and maintained to:
  - o Provide protection from weather and is properly ventilated
  - o Isolate from rodents and predators
  - o Provide a hen box sufficient to accommodate all hens
  - o Provide a floor resistant to mold and moisture
  - o Provide an accessible dust bath area
  - o Provide each hen with at least 0.37 m<sup>2</sup> (4 sq. ft.) of coop floor area.
  - o A maximum height of 2 metres from the highest point of the coop to finished grade. Maximum floor area of 9.2 m<sup>2</sup>.
  - o Provide at least one perch for each hen that is at least 20 centimetres long.
- All dead chickens must be disposed of immediately and in any event, within 24 hours, at a livestock disposal facility, through services of a veterinarian or through a facility approved by the Ministry of Agriculture.
- The sale of eggs, manure or other products derived from the keeping of the hens is prohibited
- No person shall slaughter or euthanize a hen on any residential lot.

### **Enforcement:**

Some municipalities opt to license chicken coop to offset the cost of enforcement. Council will need to consider if licensing is an option for them. It is recommended that if permitted, enforcement be based on a complaint basis only. However, adding additional responsibilities could put a strain on the department and may require more officers.

## **6) CONSULTATION:**

Council may wish to conduct a survey to obtain public input. In addition, since a Zoning Amendment By-law is recommended, a public consultation would be undertaken to gather comments from the public at that time.

7) **RECOMMENDATIONS OR COMMENTS FROM COMMITTEE/ OTHER DEPARTMENTS :**

By-law Enforcement Division comments :

The City of Clarence-Rockland Enforcement Division is already working at or near capacity. Adding additional enforcement tasks to their workload may put significant strain on their capacity to deal with day-to-day tasks. Additional training would also be required for all Enforcement Officers in regards to requirements, as well as animal handling, should animals become at large in urban areas. Because of the nature of having a small enforcement team, there are significant limitations on enforcement capabilities for this or any other new program.

8) **FINANCIAL IMPACT (expenses/material/etc.):**

Council may wish to license the chicken coops to offset the cost of enforcement.

9) **LEGAL IMPLICATIONS :**

n/a

10) **RISK MANAGEMENT :**

n/a

11) **STRATEGIC IMPLICATIONS :**

n/a

12) **SUPPORTING DOCUMENTS:**

n/a