



Committee of the Whole Report

Report Number: ML2021-001
Meeting Date: March 9, 2021
Title: Backyard Chickens
Description: Consideration to allow backyard chickens on certain residential properties
Author and Title: Aaron Sloan, Manager

Recommendation(s):

That Report ML2021-001, **Backyard Chickens**, be received;

That staff be directed to develop and amend the animal control by-law to remove Chickens as a prohibited animal and to provide additional amendments to allow for Backyard Chickens in certain residential areas for a 2-year trial pilot project, as outlined in Option 2;

That staff amend the Fees by-law to include a licensing fee for coop registration and inspection; and

That the necessary By-Laws be brought forward to Council for consideration in Q2 2021.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Committee of the Whole (COW) Meeting on November 19, 2019, Council received a deputation from Kim Van Demark and Ronnda Singer-Robinson to propose an amendment to the current by-law to regulate animals in the City of Kawartha Lakes to allow for the keeping of backyard chickens.

Council adopted the following resolution:

That the deputation of Kim Van Demark and Ronnda Singer-Robinson regarding By-law Revisions to Allow for Backyard Chickens, be received;

That the correspondence and petition submitted in support of a by-law amendment to allow for backyard chickens, be received; and

That the matter be referred to staff to bring forward options to allow backyard chickens by the end of Q3 2020.

Carried

This report addresses Council direction.

History:

The discussion to allow backyard chickens in residential areas has been brought to Council in the past for consideration and for a few years, residents in the Town of Lindsay were permitted 3 backyard chickens. The regulation was later repealed and replaced with an early version of the current animal control by-law.

Rationale:

Historically, dating back to the 1800s, backyard chickens have been the backbone of many family properties by providing limited chickens, fresh eggs, meat and education to younger family members. This was the precursor to modern poultry production and specialized farming, but many families continued to have backyard chickens in urban and rural areas. With modernization, such as refrigeration and large food production, backyard chickens lost popularity.

Today, backyard or urban chickens (poultry) and urban farming such as community gardens have grown in popularity. With standards for care and conditions, backyard chickens provide a safe source of food that is self-sustaining, local, organic and cost-effective. The COVID-19 pandemic has also created greater food insecurity and has

exposed vulnerabilities in the food system, such as temporary egg shortages in the supermarkets and increased meat cost.

Some of the benefits in allowing backyard chickens in residential areas may include:

- Residents can grow and raise healthy food.
- Chickens provide pest control of bugs such as flies, slugs, ticks and grasshoppers.
- Chickens will reduce landfill waste by eating food scraps.
- Chickens provide organic fertilizer for gardens.
- Chickens provide opportunity socially and through education to establish connections with others who seek to understand what is needed to raise the animals in a residential setting.

Backyard Chickens also pose a risk and have potential negative impacts:

- Zoonotic disease transfers to humans living in close proximity.
- Greater potential to exposure to wild bird populations increasing the risk of avian disease transfers to society-sustaining agricultural flocks.
- Manure and deadstock disposal challenges.
- Odour and noise conflicts with nearby urban neighbours.

Municipalities in Ontario regulate Backyard Chickens by using regulations created under the Municipal Act for issues of animal control and licensing, and the Planning Act such as a zoning by-law.

For this report, other municipalities were examined. Standards for backyard chicken coops and production can be modelled after practices that already allow backyard chickens to reduce impact to surrounding neighbours and to the reasonable enjoyment of their own properties. In many areas, municipalities are moving to allow backyard chickens in residential zones with certain restrictions either as a permanent change or as a pilot project.

Existing Restrictions on Backyard Chickens:

By-law 2017-039 prohibits chickens on properties that are zoned and primarily used for residential purposes as defined in the applicable Zoning By-law. Keeping of livestock and other agricultural animals including chickens, is directed to agriculturally zoned properties. However, in some cases, due to undersize provisions, a property may be zoned Agricultural, but in accordance with the applicable Zoning By-law will not qualify

for agricultural uses, including keeping of chickens. Depending on the Zoning By-law, the following restrictions may apply:

- Agriculturally Zoned lots under 1ha, generally, revert to provisions in Rural Residential Zones. In Rural Residential Zones, agricultural uses are not permitted.
- Some Zoning By-laws prohibit agricultural uses on agriculturally zoned lots that are under 2 ha.
- All livestock barns and manure storages are subject to minimum distance separation (MDS) formulae.

Therefore, an Agricultural lot must be either over 1 ha or over 2 ha, depending on the Zoning By-law, to be permitted chickens.

Municipal Law Enforcement and Licensing Complaints

The Municipal Law Enforcement and Licensing Division (MLEL) receive and respond to animal complaints. The issues reported regarding chickens are alleging violation of the Zoning, Animal Control (running at large or prohibited) or Noise by-laws.

Year	Chicken Complaints	All Other Animal (Non-Dog) Complaints	All By-Law Complaints
2017	6	7	1958
2018	4	30	2264
2019	3	27	2093
2020	9	48	2108

At COW2020-05 on September 1, 2020, Council received a PowerPoint presentation which provided an overview on the issue of permitting backyard chickens in the City of Kawartha Lakes. Staff advised that a two (2) week survey would be conducted to gather public input on the issue and will be consulting with outside agencies (i.e. Haliburton-Kawartha-Pine Ridge Health Unit, etc.).

Public Survey

Starting September 17, 2020 staff conducted a Backyard Chickens Survey using Jump In Kawartha Lakes website.

The survey page was viewed 1236 times and staff received 536 completed survey responses. The majority of the survey participants were in the following two age groups: 25-44 and 45-64. Over 80% of the survey participants responded in favour of backyard chickens in residential areas, however of those surveyed even within the supportive responses concerns were noted. The complete survey results are attached as Appendix A.

Consultations

Staff contacted the Haliburton Kawartha Pine Ridge District Health Unit (HKPRDHU) to discuss Backyard Chickens and the direction of Council. The HKPRDHU advised that they would like staff and Council to consider the following:

- 4 Chicken/hen limit,
- license coops,
- notification and written correspondence of no objections from adjoining neighbours,
- approved disposal of manure before application is approved,
- no roosters,
- establishing minimum lot size,
- prohibit the sale of ungraded eggs (eggs only for owner's consumption),
- requirement to have birds slaughtered at a licensed meat slaughter facility,
- the municipality conduct routine inspections of the coops during the pilot project to confirm compliance, and
- follow up on complaints from the public.

Learning how to care for backyard chickens that are raised for meat and/or eggs is critical to the health and well-being of the birds. The health risks to owners of backyard chickens may include some risk of Avian Influenza and Salmonellosis. It is important that owners educate themselves to spot and prevent the spread of any disease.

Risks can be reduced by following some basic processes:

- Regular handwashing with soap and water
- Use of dedicated clothing and footwear
- Refrain from snuggling live poultry – touching with mouth or eating and drinking in the area of the poultry
- Remove wet manure, bedding and dispose

- Sanitize equipment
- Seek veterinarian help in case of illness
- Store feed in rodent proof containers
- Prevent contact with wild birds
- Do not bring poultry into the house
- Ensure proper disposal of dead poultry
- No home slaughter

On November 26, 2020, Staff attended the Agricultural Development Advisory Committee (ADAC) meeting to make a verbal presentation to discuss this report and the direction of Council and receive feedback regarding an option to allow backyard chickens in residential areas of the municipality. The presentation and speaking notes are attached as Appendix C.

The ADAC received the verbal report and discussion occurred. The ADAC members are concerned that the by-law amendment would serve to regulate agricultural properties and farming practices. Staff advised the ADAC members that the current Animal Control By-law offers a number of exemptions for agricultural properties and permitting backyard chickens will be limited to residential properties. Large agricultural poultry operations will not to be regulated by this by-law. The ADAC expressed some concerns regarding health and safety with a mind to cross contamination of nearby agricultural flocks, requiring an active veterinary-client relationship for the health of the birds, and that the National Poultry Code of Practice should be applied as closely as possible within the backyard setting. The pilot program could require completion of available education and training programs for applicants seeking approval for backyard chickens. They suggest that there be a backyard chicken limit of 4 hens and no roosters, and that coop standards be implemented such that the chickens are not permitted to be free-range and that runs be covered to prevent contact with wild birds. Distance from the chicken coop to residences should be considered. Source water protection is a concern for properties within well-head protection zones and surface-water intake areas, so both manure management and disposal as well as deadstock disposal must be managed on a timely and routine basis and any compliance requirements be met. It was noted that the Canadian Food Inspection Agency considers therapy chickens, ducks, etc. to be high risk and are not supportive of this use, and as such by-law amendments should not result in permitting poultry as pets. Restricting the use of the meat and eggs to personal use by only the residents of the property is imperative as there is no intent to allow for a business or barter system to be developed with the products. Staff

confirmed that these items including minimum distance separation (MDS) are items that are being considered in the animal by-law amendment. The information is attached as Appendix "B" and covers topics such as animal health, hygiene procedures, biosecurity, predators, food safety, coop design and manure management.

The ADAC made the following resolution in support of permitted a backyard chicken program.

Moved by Adam Shea and seconded by Will MacArthur,

That ADAC supports amending the appropriate by-laws to permit the keeping of backyard chickens within a 3-year trial program and that the MLEL consider the addition input provided by ADAC in crafting the pilot program.

Staff advised the ADAC members that the draft by-law amendments would be shared with the committee.

Deadstock disposal – How would the owner of a backyard chicken coop dispose of deceased chickens?

While backyard chickens if permitted will not be considered an agricultural use or livestock in our by-law, it is important to consider the agricultural industry to give context to our municipal process when established. In the agricultural industry, deadstock is regulated by O. Reg. 106/09 Disposal of Dead Farm Animals under the Nutrient Management Act, 2002, S.O. 2002, c. 4. This regulation allows farmers to dispose of deadstock in a few specific ways. For example, the regulation establishes a time period for disposal, transportation criteria and/or permits that deadstock can be buried on the property of the farm.

Staff consulted internally with the municipal Regulatory Compliance Officer and the Ministry of the Environment, Conservation and Parks (MECP), and determined that the carcasses of backyard chickens may be accepted at the municipal landfills for disposal. The criteria for this service is that the chickens must be raised in a residential setting for eggs or meat for personal use. Therefore, the requirements of the deadstock regulation O. Reg. 106/09 would not apply.

If approved by Council, chicken carcasses would be considered domestic waste and the exemptions to "individual collection systems" would apply instead. Staff will not be

permitting backyard chicken carcasses to be placed out with other residential garbage for curbside pickup. Residents, will be required to transport the chicken carcasses to a nearby landfill for disposal.

Consideration should also be given to requiring each licenced coop to apply for a Premise ID within the provincial registry so as to allow for quick identification of poultry locations across Ontario should a related disease outbreak occur requiring notification, monitoring and other possible measures by the Canadian Food Inspection Agency.

What other municipalities are doing

Staff have gathered information about how other municipalities are regulating backyard chickens. The following list of items are established in their regulations:

- Chicken limits;
- Prohibition of roosters;
- Minimum chicken age;
- Chickens must be enclosed in a coop with a run;
- Minimum run, coop dimensions and nesting area;
- Licensing, registration of coops;
- Minimum lot coverage including setbacks from the property lines and prohibition of placement in the front yard of a property;
- Standards for cleanliness, odours and vermin;
- Procedures for slaughtering or disposal of deceased chickens;
- Prohibition of meat and egg sales;
- Application process – includes permission from property owner in the case of a tenant,
- Veterinary and health requirements; and,
- Restrictions in source water protection areas.

The following Ontario municipalities have permitted backyard chickens as either a permanent program or a pilot project.

Municipality	Details
City of Kingston	Permanent program – 6 hen limit
City of Kitchener	Permanent program 2016 – 4 hen limit

Municipality	Details
City of Guelph	Permanent program 10 hen limit
City of Niagara Falls	Permanent program 10 hen limit
Township of Clearview	Permanent program 2015 - 4 hen limit
Municipality of Powassan	Permanent program 2020 – 5 hen limit
Newmarket	Pilot project 2015 and extended 2017 – current program, 3 hen limit
City of Toronto	Pilot project – March 2018 to March 2021, 4 hen limit
City of Orillia	Pilot project – June 2017- June 5 2023, 4 hen limit
Town of Georgina	Pilot project – spring 2020 – duration 24 months, 4 hen limit
Township of Springwater	Pilot program 2020 (3 years), 4 hen limit

The following Ontario Municipalities near the City of Kawartha Lakes prohibit backyard chickens.

Municipalities that Prohibit Backyard Chickens		
Town of Ajax	City of Peterborough	Township of Brock
Town of Whitby	City of Oshawa	Township of Scugog
Town of Bracebridge	City of Belleville	Municipality of Clarington
Town of Gravenhurst		

Regulatory Tools

Majority of municipalities administer permissions of backyard chickens through Municipal Act By-laws (i.e. Animal Control By-laws), but there are a select few that further reinforce and reiterate the performance standards in the Zoning By-laws.

Kawartha Lakes Planning Staff are of the opinion that the By-law 2017-039 is the most appropriate vehicle for permitting and regulating backyard chickens in the City. Backyard chickens would be accessory to a residential use. The Kawartha Lakes Zoning By-laws currently regulate residential accessory buildings, structures and uses; and identify source water protection areas and the associated prohibited activities. Zoning

provisions, therefore, provide a foundation for a more targeted tool, such as By-law 2017-039.

Should Staff be directed to permit backyard chickens, Planning Division will provide guidance to MLE on land use planning related matters, such as appropriate coop and run sizes, and their siting.

Conclusion

The survey results and consultations appear to indicate public desire to allow backyard chickens with regulation to control the activity and nuisance related issues. Staff propose the following three options for Committee's consideration:

Option One – status quo

By-law 2017-039 being a by-law to regulate animals in the City of Kawartha Lakes continues to prohibit chickens (gallinaceous birds) except in areas zoned for the agricultural use. Complaints are received by the Municipal Law Enforcement and Licensing Division and responded to for investigation and enforcement of the area Zoning By-law and the By-law to Regulate Animals as a prohibited animal.

Option Two – 2-year trial program

Inclusive of regulations as seen in Option 3, including permit fees, this option will create a program that will be limited to a 2-year time period, limited number of permitted coops to 50 during the trial program, designate specific lot size and geographical locations, and to study the impact of the program on City resources, any ensuing complaints, issues or feedback from the community. Interested residents will be required to submit an application and declaration. This option will see a follow-up report to Council at the conclusion of the trial period, with recommendations and/or options. Any created by-law amendments (Animals and Fees By-laws) will need to be repealed or can be set to expire if Council decides to discontinue the program.

Option Three – Permanent program

Amendment to the By-law 2017-039 to Regulate Animals by removing Chickens as a prohibited animal for backyard use, adding definitions and provisions to regulate and license backyard coops to ensure that the coop locations are tracked and appropriate based on specific lot size, MDS and geographical location. Coop size will be regulated

with limitation to ensure that the coop has a lockable door, is roofed, has an enclosed run and has nesting boxes. The by-law amendment will also prohibit coop locations in certain areas to protect source water and well head areas, prohibit the sale or give-away of meat and eggs, ensure the use of a licenced slaughter facility, limit number of hens to 4 at any time, provide for a minimum hen age, prohibit roosters, prohibit noise, require approved plans for manure management, health of animals and deadstock disposal, and provide for an inspection of the coop prior to the use and issuance of the license. The licensing of coops will be similar, to how dog kennels are licenced, requiring a yearly inspection. Interested residents will be required to submit an application and declaration.

Option 3 will also include an amendment of the fees by-law to allow for the establishment and collection of a yearly licensing fee for each coop.

Staff recommend Option 2.

Other Alternatives Considered:

Staff considered that backyard chicken coops could be permitted with the regulations as suggested in Option 3, with the removal of licensing and inspection. This alternative is not recommended because issues or concerns would result in a reactive approach in enforcement action. The initial license and inspection is a touch point opportunity to provide education and communication with the applicant regarding the by-law and program as a start up.

Alignment to Strategic Priorities

The four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

The recommendations in this report align directly with the Corporation's mission to deliver the highest standard of municipal services while creating a healthy and sustainable future for all Kawartha Lakes residents and businesses. Kawartha Lakes is a rural community with small towns and villages that naturally attract people with strong connections to agriculture and practices that provide safe sources of food that are self-sustaining, local, organic and cost-effective. In the spirit of collaboration with

stakeholders and Making it Better, Council and staff have approached this issue in a way that aligns with the Guiding Principles, which are:

- Fiscally Responsible
- Open and Transparent
- Partner and Collaborate
- Service Excellence

The principles are considered to be the foundation of the work that is done by the municipality.

Financial/Operation Impacts:

Option 2 and 3 will result in additional workload for existing staff and training related to the keeping of backyard chickens. If Council chooses, an option that amends the by-law to regulate animals and the fees by-law, the overall impact will be studied and budget impacts will be presented, as a business case to Council as part of a future budget.

Municipal Law Enforcement Officer - Council has received information in the past that indicated; with current staffing levels, the eight MLE Officers and one Licensing Enforcement Officer are able to investigate approximately 1600 complaints per year, before service levels are impacted. MLE Officers are responsible for by-law related complaints. MLE Officers currently investigate over 2000 complaints per year; by-laws are being created with increasing complexity, with multi-departmental expertise required. Staff investigative workload in the MLEL department are currently at/over-capacity, so this regulation may increase wait times for other complaint responses. Currently, investigations see approximately 1-4 week delay depending on priority.

Licensing – registration and licensing of chicken coops will see a small amount of revenue created that will offset the costs associated with coop inspection, tracking and enforcement. If Council chooses to license chicken coops the municipal fees bylaw will require an amendment to include the new fee. The fee calculated must find balance between enforcement/inspection costs and not be so prohibitive to discourage citizens from building a coop and raising backyard chickens, staff is suggesting \$50.00 per coop, if Council chooses option 2 there will be a limit to 50 coops = \$2500.00.

Licensing - registration will create a database that can be accessed for tracking and enforcement purposes. The database will offset and potentially reduce the investigation process time for complaints. The database will be available internally to staff in Planning, Building and Fire, and may be used for tracking of poultry locations in case of an animal disease outbreak.

Public Awareness and Education – The Communications, Advertising and Marketing division will be engaged to create an online and print-ready education program to ensure residents who wish to keep chickens are aware of the permanent change and/or pilot project. It will include an online application and applicable fees payment process linked to Municipal Law Enforcement records. For general awareness, existing communication channels such as media outreach, digital and print placement will be leveraged within the existing Communications, Advertising and Marketing budget.

Consultations:

- Planner and Manager, DS-Planning Division
- Regulatory Compliance Officer, PW-Environmental-Waste Management
- Economic Development Officer - Agriculture, DS-Economic Development
- Communications Officer, Communications Advertising and Marketing
- Agricultural Development Advisory Committee
- Haliburton Kawartha Pine Ridge Health Unit, Manager

Attachments:

Appendix A – Survey results



Backyard Chickens
Survey_Detailed Analysis



Backyard Chickens
Survey_Comments_Collection



Backyard Chicken
Survey - Gender.jpg



Backyard Chicken
Survey - Location.jpg

Appendix B – OMAFRA



Prevent and Detect
Disease.pdf



Small Flock Poultry
- Raising Healthy Birds



Biosecurity
recommendations for

Appendix C - Agricultural Development Advisory Committee



ADAC
Presentation.pdf

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