



Committee of the Whole Report

Report Number: ML2024-001
Meeting Date: February 6, 2024
Title: Backyard Chicken Coops Pilot Project
Description: Report to Council regarding the backyard chicken coop two-year pilot project started in 2021.
Author and Title: Aaron Sloan, Manager

Recommendation(s):

That Report ML2024-001, **Backyard Chicken Coops Pilot Project**, be received;

That Section 3.00 of By-Law 2021-072, being a By-Law to Regulate Animals in the City of Kawartha Lakes, be amended, as outlined within Appendix C to Report ML2024-001;

That By-Law 2018-234, being the Consolidated Fees By-Law, be amended to remove the licensing fee for coop registration and inspection;

That the necessary By-Laws be brought forward to Council for consideration; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of March 23, 2021, Council adopted the following resolution:

CW2021-059

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.

At the Council meeting of May 18, 2021, Council adopted the following by-laws:

(Attached as **Appendix A**)

14.1.26 By-Law 2021-072 being a By-Law to Repeal and Replace By-law 2017-039 as amended, being a By-law to Regulate Animals in The City of Kawartha Lakes; and,

14.1.27 By-Law 2021-073 By-Law to Amend By-Law 2018-234, being a By-Law to Establish and Require Payment of Fees for Services (Fees By-Law)

At Committee of the Whole meeting January 16, 2024, Council received a deputation from Christa Blanchard. Ms. Blanchard requested that the backyard chicken coop pilot program be revisited and that the Animal By-law be amended to allow people with smaller properties to be able to participate.

This report serves to provide Council with an update regarding the backyard chicken pilot project and options.

Rationale:

The backyard chicken pilot project has been operational in various stages since May 2021. The pilot project was established following public queries and deputations¹ to Council. At the heart of the issue, the pilot program was established to permit backyard chicken coops on residential properties for a two-year period, where an agricultural use would normally not be permitted.

Over time, urban farming has increased in popularity and while most may consider community and back yard gardens the primary source of urban farming, backyard chicken coops on a small scale are included. Urban farming generally promotes education, food safety, the concept of local organic self sustaining food production as a method to address food insecurity and the ability to provide a personal food source.

The existing Backyard Chicken Coop pilot project is discussed extensively in ML2021-001, previously reported to Council and attached as Appendix B.

Prior to being established as a pilot project staff conducted a survey in September 2021 which resulted in 80% of the over 500 respondents being in favour of pilot project.

Staff consulted with:

- Haliburton Kawartha Pine Ridge District Health Unit (HKPRDHU)
- Agricultural Development Advisory Committee (ADAC)
- 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.

Current

The backyard chicken coop pilot project is set to conclude at the end of 2023. For the duration of the pilot project an upper limit of 50 licenses was set to be issued and inspected. The pilot program has seen lower than anticipated applications and licenses issued. Overall, staff issued 6 licenses since 2021 and currently there are 48 licenses available. All current licenses expired at the end of 2023.

¹ 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.

In anticipation of the conclusion of the pilot project, staff have been consulting internally and externally with agencies, coop owners and others to determine program viability, assess program needs, review the Animal By-law and information and education resources available.

As a result of these conversations staff have determined that there is hesitancy of some to apply for a license, which contributed to 17 un-licensed coop enforcement complaints during the pilot program.

The information gathered from these interactions and during the review, included the suggestion that the pilot project regulation and fees are too limiting, and too onerous to make possessing 4 chickens financially viable. For example, education, coop requirements, the cost of feed, vet care (medicines), processing (harvest of meat) and number of eggs produced may not be sufficient for a coop owner to avoid a trip to the grocery store to purchase groceries (chicken meat and eggs). The cost to purchase processed chicken meat at a grocery store is often lower than cost to produce meat or eggs from the 4 chickens during the pilot project.

Staff are also of the opinion that the pilot project provides location limitations and restrictions that are more complex than citizens want to explore and that include the following:

- Environmental Protection Area (not permitted)
- Conservation Authority Regulated Areas (not permitted)
- Wellhead Protection Area (not permitted)
- Surface Water Intake Protection Area (not permitted)
- Floodplain (not permitted)
- Properties less than 0.5 acres.

Promotion and Education

Since 2021, staff with the guidance and assistance of the Communications team, have developed and implemented an education program. Numerous forms of media such as radio, newspaper and social media have been used to promote the pilot project. The municipal webpages² also include details about the program, provide an electronic application process and online interactive mapping as detailed in the images below.

² <https://www.kawarthlakes.ca/en/living-here/animal-services.aspx>

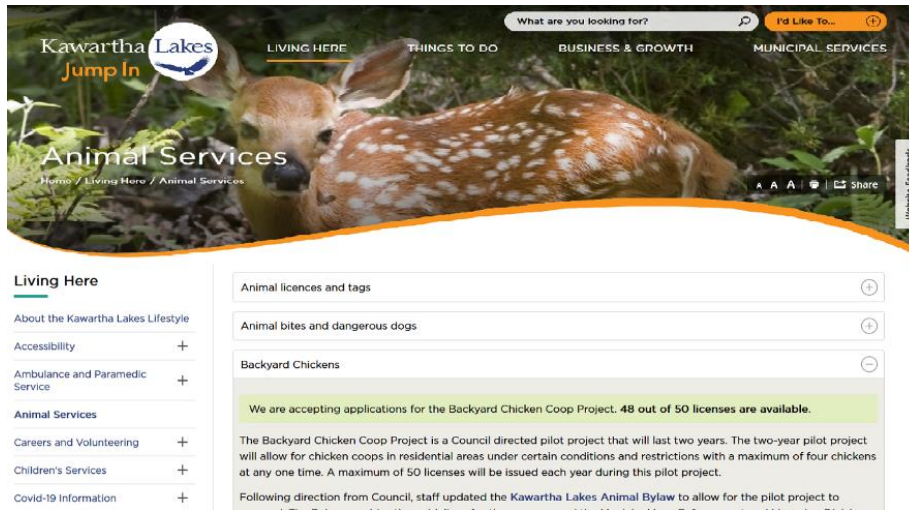


Figure 1 - Screen shot of Animal Services Webpage

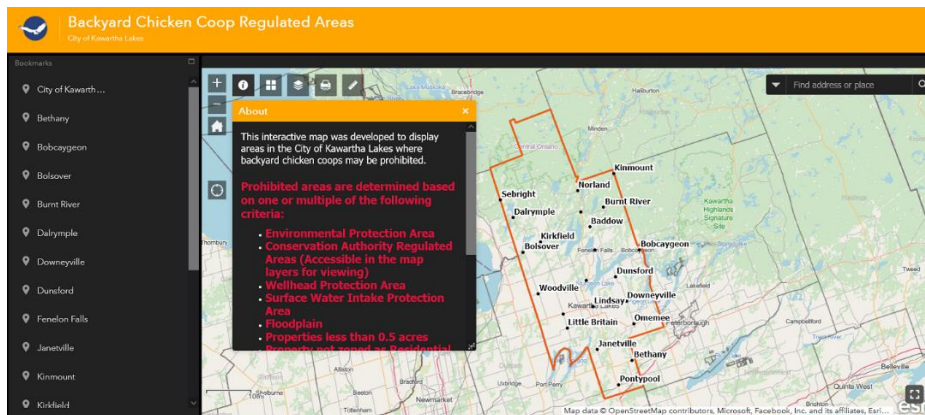


Figure 2 - Screen Capture of the Animal Services Mapping Tool

Additional Resources

In connection to the municipal licensing of backyard chicken coops, staff recommended that license holders register their backyard chicken coops in the **Family Food Grower Program**. Program registration allows effective and efficient communication with registrants in the event of a disease outbreak regarding biosecurity or illness in area flocks including agricultural operations. Staff provided links to access the online education, which is recommended to all Backyard Chicken Coop owners and is offered by the Ontario Ministry of Agriculture, Food and Rural Affairs – Poultry and the Chicken Farmers of Ontario - Family Food Grower Program.

The benefits in allowing backyard chickens in residential areas 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.

Health and Biosecurity

Avian Influenza is a risk for backyard chicken coop owners - The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) offers information that will assist backyard chicken coop owners regarding health and wild bird migration season. Migration season increases the risk for highly pathogenic avian influenza (HPAI) which can cause severe illness and death in all domesticated birds. Backyard chicken coop owners must be diligent in protecting their chickens to avoid disease transfer to humans or larger local farming operations in the Ontario poultry industry. Staff provide educational and information links on the municipal webpage that provide links to how to prevent and detect disease in backyard flocks and pet birds and how to raise healthy small flock poultry.

In recent consultation with the Haliburton, Kawartha, Pine Ridge District Health Unit (HKPR) recommendations included:

- Registration remains as a requirement in the by-law. The suggestion is that the information will assist in tracking Avian Influenza outbreaks.
- Supports the removal of the registration fee.
- Supports the change to 0.25 acres or larger, with the coop being located in the rear yard and suggested the addition of a setback measurement for separation from Agricultural properties.
- Supports an increase to 6 chickens.
- Keep regulations for prohibited areas, cleanliness, odours and regulation to discourage pest issues.

Conclusion and Option 1 - Recommended

Following a review of current practices, regulations and consultation of our municipal partners and others, staff is recommending that the Backyard Chicken Licensing Program be adopted permanently, with the following changes:

Chicken numbers, increase the number of chickens permitted in a coop from 4 to 10. This compares to number limits found in the City of Guelph, Brantford and Niagara Falls. Also, this reduces the financial impact to the coop owner, as they will need to go to retailers less for fresh meat and eggs.

Licensing Fees, staff is recommending that the licensing registration fees is removed. Removing the registration fee will allow citizens to continue to register their coop locations, create a data base to allow municipal communication and citizens will have less of a financial impact when creating an alternative food source, which will reduce food insecurity issues for them. Current licensing and application processes are in place and the licensing revenue loss is anticipated to be approximately \$100 (estimated at current levels), which will be recovered using general enforcement fees (cost recovery) from non-compliant coops, letters, postage etc. Staff will continue to assess the financial impact of the program, which may require a future report to Council.

Property Size, current regulations establish prohibited areas based on one or more of the following criteria:

- Environmental Protection Area
- Conservation Authority Regulated Areas (Accessible in the map layers for viewing)
- Wellhead Protection Area
- Surface Water Intake Protection Area
- Floodplain
- **Properties less than 0.5 acres.**

Staff is recommending that the permitted property size can be reduced to 0.25 acres (approximately 1000 square metres) or larger. This amendment will permit backyard chicken coops in areas that may have been previously prohibited, but desired by property owners. Also, staff is recommending that a minimum separation of a backyard chicken coop from an established agricultural poultry operation be 1000 metres.

Should Council decide to adopt the recommended changes to By-law 2021-072, being a By-law to Regulate Animals in The City of Kawartha Lakes the Animal By-law will be amended as follows:

Section 3.00 Licencing of Backyard Chicken Coops

~~Pilot program duration 2 years effective on the date of passage of this by-law.~~

- 3.01 No person shall be permitted to have a Backyard Chicken Coop or chickens on a Residential or non Agricultural property without first having been issued a municipal licence; and must comply with the provisions relating to accessory structures in the respective Zoning By-law.
- 3.02 No person shall be permitted to have a Backyard Chicken Coop unless:
- the setbacks and lot coverage for the location of the Backyard Chicken Coop shall conform with the applicable zoning by-law and zone provisions relating to accessory structures;
 - The Backyard Chicken Coop shall be set back from every lot line similar to other structures as designated in the applicable zoning by-law;
 - notwithstanding the provisions of the zoning by-law, the keeping of a Backyard Chicken Coop is permitted to occur on lots that have ~~0.5~~ 0.25 acres or greater area.
- 3.03 No person shall be permitted to have a backyard chicken coop in the following areas: an environmentally sensitive area, wetland, Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs), natural heritage system area, green belt and/or a flood plan area and areas zoned for commercial or industrial use.
- 3.04 Building Permits [and Sewage System](#): A license issued to permit a Backyard Chicken Coop does not remove any obligation of a person and/or property owner to comply with the Building Code or any requirements for a building permit [and/or a sewage system approval](#).
- 3.05 Registration: Applicants shall submit all required application documents, as outlined in this by-law, ~~together with a License Fee as per the fees by-law submitted~~ to the Licensing Enforcement Officer for review and to determine if a License may be issued for the keeping of Backyard Chicken Coops.
- 3.06 All registration applications for a ~~License~~ Backyard Chicken Coop [License](#) on a Residential Property or Rural Property shall include:
- The name, contact email, phone number and address of the Licensee where Backyard Chicken Coop will be kept;

- b. Proof of Ownership for the Premises or letter of authorization from the property owner to permit a Backyard Chicken Coop, if property is leased or rented;
 - ~~c. The applicant shall provide at least 15 days notice to all adjoining property owners, with proof of delivery and any comments;~~
 - c. A site plan of the Property, showing the proposed Backyard Chicken Coop and Hen Run location and structure dimensions, all other buildings and structures, as well as the property dimensions and appropriate setbacks; and,
 - d. Any other documentation, deemed necessary by the Licensing Enforcement Officer.
- 3.07 Upon completion of the application package and review by the Licensing Enforcement Officer or designate, the applicant will receive notification of approval or a request for additional information or refusal of the License.
- 3.08 Once the application materials have been reviewed the Licensing Enforcement Officer ~~shall~~ may complete a site inspection of the Backyard chicken coop prior to approval.
- 3.09 The hens and the coop may be inspected without notice to ensure that there is a safe and secure environment for the hens.
- 3.10 A License, issued pursuant to this by-law shall expire within the calendar year ~~and all licenses shall expire upon the completion of the Pilot Project,~~ or as declared by City of Kawartha Lakes Council.
- 3.11 A Licence shall be issued to an person whose application meets all of the requirements set out in this Bylaw, subject to section 3.06 and 3.15.
- 3.12 The Licensing Enforcement Officer or delegate may issue a License with or without conditions, refuse a License, and/or revoke a License if the applicant is not able to meet the requirements ~~of the Pilot Project~~ as prescribed.
- 3.13 The License to keep Backyard Chicken Coop on a Residential Property or non-agricultural property shall be in a form as prescribed by the City of Kawartha Lakes.
- 3.14 ~~For the purpose of this 2 year Pilot Project,~~ A maximum of 50 Licenses will be issued for Backyard Chicken Coops in each year. The Licensing Enforcement Officer or delegate shall refuse to issue any License once the maximum number of Licenses have been issued.

- 3.15 The Licensing Enforcement Officer or delegate may refuse to issue or revoke a License issued pursuant to this bylaw if:
- a. The Licensee fails to comply with:
 - i. Any of the conditions upon which the License was issued;
 - ii. Any of the provisions of this by-law;
 - b. The License was issued in error, or as a result of mistaken, false or incorrect information;
 - c. For any other purpose, as deemed fit by the Licensing Enforcement Officer.
- 3.16 No person shall transfer a Backyard Chicken Coop license to another person or property except with the written consent of the Licensing Enforcement Officer or delegate.
- 3.17 No person shall keep roosters on a residential property.
- 3.18 No person shall keep more than ~~four (4)~~ ten (10) chickens or chicks on a residential property.
- 3.19 No person shall keep Chickens or a Backyard Chicken Coop on their property unless the following conditions are maintained:
- a. The Backyard Chicken coop must be located in the rear yard of the property; in the case of irregular-shaped lot or a corner lot the exterior side yard may be used;
 - b. No person shall construct a Backyard Chicken Coop unless the coop is located 8 metres from any dwelling, school, store or shop and at least 2 metres from each property boundary on which it is located;
 - c. No person shall construct a Backyard Chicken Coop on a residential property that is within 1000m or adjacent to an agricultural property that houses a poultry farming operation.
 - d. The Backyard Chicken coop must be large enough (min. 0.92 m²/chicken) for the chickens to move around freely and must contain hen boxes and perch areas sufficient to accommodate all chickens;
 - e. The Backyard Chicken coop must contain sufficient feeders and water containers for all chickens;
 - f. The Backyard Chicken coop is soundly constructed of hard durable material, which is impervious to water;
 - g. The Backyard Chicken coop shall be maintained in a state of good repair free from holes, cracks, rust or other damage;

- h. The Backyard Chicken coop and run is enclosed completely and covered in such a way to prevent the chickens from leaving and free ranging;
- i. The Backyard Chicken coop and chickens run shall be protected from entry of other birds or animals;
- j. Chickens must remain in their coops from 8pm until 8am;
- k. The Backyard Chicken coop must be protected from the weather, adequately ventilated, insulated and heated in the winter;
- l. The Backyard Chicken coop is lined with an appropriate material to absorb fecal matter which is resistant to mold and will facilitate daily cleaning, and is disinfected regularly;
- m. Backyard Chicken coops and hen runs must be kept in a clean condition and shall be kept free of obnoxious odours;
- n. Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with regulations, and no more than 0.1 m³ may be stored at one time;
- o. Manure shall be disposed of in accordance with Municipal bylaws;
- p. All stored feed must be kept in rodent proof containers and secured at all times;
- q. Home slaughter of chickens is prohibited and any deceased chickens must be disposed of at a livestock disposal facility or at a facility approved by the Ministry of Agriculture or at a City of Kawartha Lakes landfill.
- r. No person shall place or dispose of a deceased chicken within their household garbage or by placement at the curbside for collection by waste services.
- s. No person shall offer the sale of eggs, meat or manure or anything associated with chickens.

Should Council authorize the removal of the backyard chicken coop licensing fee, the Fees By-Law 2018-234, being a By-law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes (known as the Consolidated Fees By-law) Schedule B3 Animal Regulation Fees, will require an amendment to remove Backyard Chicken Coop License fee of \$50.00/coop.

Option 2 – Not Recommended

Council may consider removing the requirement to license backyard chicken coops and to keep regulations to guide citizens through education and focused regulation as detailed below. Staff is not recommending this option as it will not track coop locations

and owner information, which may become essential should there be an Avian Influenza outbreak and notification is required to prevent the spread of the infectious disease.

This option would require amendments to remove all licensing sections listed in Section 3 of By-law 2021-072, being a By-law to Regulate Animals in the City of Kawartha Lakes, and the remaining sections would be as follows:

- 3.02 No person shall be permitted to have a Backyard Chicken Coop unless:
 - a. the setbacks and lot coverage for the location of the Backyard Chicken Coop shall conform with the applicable zoning by-law and zone provisions relating to accessory structures;
 - b. The Backyard Chicken Coop shall be set back from every lot line similar to other structures as designated in the applicable zoning by-law;
 - c. notwithstanding the provisions of the zoning by-law, the keeping of a Backyard Chicken Coop is permitted to occur on lots that have ~~0.5~~ 0.25 acres or greater area.
- 3.03 No person shall be permitted to have a backyard chicken coop in the following areas: an environmentally sensitive area, wetland, Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs), natural heritage system area, green belt and/or a flood plan area and areas zoned for commercial or industrial use.
- 3.17 No person shall keep roosters on a residential property.
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- 3.19 No person shall keep Chickens or a Backyard Chicken Coop on their property unless the following conditions are maintained:
 - a. The Backyard Chicken coop must be located in the rear yard of the property; in the case of irregular-shaped lot or a corner lot the exterior side yard may be used;
 - b. No person shall construct a Backyard Chicken Coop unless the coop is located 8 metres from any dwelling, school, store or shop and at least 2 metres from each property boundary on which it is located;
 - c. No person shall construct a Backyard Chicken Coop on a residential property that is within 1000m or adjacent to an agricultural property that houses a poultry farming operation.

- d. The Backyard Chicken coop must be large enough (min. 0.92 m²/chicken) for the chickens to move around freely and must contain hen boxes and perch areas sufficient to accommodate all chickens;
- e. The Backyard Chicken coop must contain sufficient feeders and water containers for all chickens;
- f. The Backyard Chicken coop is soundly constructed of hard durable material, which is impervious to water;
- g. The Backyard Chicken coop shall be maintained in a state of good repair free from holes, cracks, rust or other damage;
- h. The Backyard Chicken coop and run is enclosed completely and covered in such a way to prevent the chickens from leaving and free ranging;
- i. The Backyard Chicken coop and chickens run shall be protected from entry of other birds or animals;
- j. Chickens must remain in their coops from 8pm until 8am;
- k. The Backyard Chicken coop must be protected from the weather, adequately ventilated, insulated and heated in the winter;
- l. The Backyard Chicken coop is lined with an appropriate material to absorb fecal matter which is resistant to mold and will facilitate daily cleaning, and is disinfected regularly;
- m. Backyard Chicken coops and hen runs must be kept in a clean condition and shall be kept free of obnoxious odours;
- n. Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with regulations, and no more than 0.1 m³ may be stored at one time;
- o. Manure shall be disposed of in accordance with Municipal bylaws;
- p. All stored feed must be kept in rodent proof containers and secured at all times;
- q. Home slaughter of chickens is prohibited and any deceased chickens must be disposed of at a livestock disposal facility or at a facility approved by the Ministry of Agriculture or at a City of Kawartha Lakes landfill.
- r. No person shall place or dispose of a deceased chicken within their household garbage or by placement at the curbside for collection by waste services.
- s. No person shall offer the sale of eggs, meat or manure or anything associated with chickens.

Other Alternatives Considered:

Staff considered that By-law 2017-039, being a by-law to Regulate Animals could be amended to remove section 3.00 Backyard Chicken Coop regulations, related definitions and add chickens to the prohibited animal list in Schedule "A" Prohibited Animals. The option is not recommended; the resulting regulation would prohibit chickens on all properties with the exception of properties that permit agriculture uses. If chickens were found on a non-permitted property, their presence would be a violation of the applicable zoning and Animal by-laws, which may result in investigation and legal action by Municipal Law Enforcement.

This alternative is not recommended, because a full prohibition does not support the need requested by the deputations and pilot project participants, which allow people to raise chickens to provide education, alternative food source and as a means to support food insecurity. Also, this alternative may increase the staff workload in Municipal Law Enforcement Division, Building Division, Planning Division and Provincial Offences Division (Prosecution services) for enforcement services.

Alignment to Strategic Priorities

For reference 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, staff have approached this issue in a way that considers agricultural health, urban farming and food insecurity.

Financial/Operation Impacts:

Financial impacts of Option 1 if selected, staff may see an increase in license

applications to permit backyard chicken coops. These applicants will not be charged an application/processing fee, resulting in zero revenue being received. The impact of removing this application/processing fee is unknown at this time, but based on current approved 2023 licenses, the revenue loss would be approximately \$100 in direct licensing fees.

Operational impacts of Option 1 if selected, while unknown at this time and based on two licenses being issued in 2023, impacts will be monitored and operational needs adjusted as part of the 2025 budget process. Staff do anticipate an increase in licensing applications, which will impact the staff time needed to review and respond. Municipal Law Enforcement Officers may also see an increase in complaints related to odours, manure disposal, number of chickens and property line setbacks etc. These concerns are anticipated to be low in number and will be absorbed within the current budget and workload.

Public Awareness and Education – The Communications, Advertising and Marketing division will continue to be engaged to promote online and print-ready education program to ensure residents who wish to keep chickens are aware of the program and links provided to access information from Ontario Ministry of Agriculture, Food and Rural Affairs OMAFRA.

Mapping and GIS services will be required to update the current mapping component to reduce the permitted property size to 0.25 acres.

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 – Bylaws



2021-072

Consolidated Animal F



2018-234

Consolidated Repeal



2018-234 Schedule B

Payment of Fees for S

Appendix B – Staff Report ML2021-001



ML2021-001
Backyard Chickens.pdf

Appendix C – Proposed Track-Changed Version of By-law 2021-072, being a By-law to Regulate Animals in The City of Kawartha Lakes



Amended - 2021-072
Consolidated Animal f

Department Head email: critchie@kawarthalakes.ca

Department Head: Cathie Ritchie