

Municipality of Chatham-Kent

Corporate Services

Municipal Governance

Information Report

To: Mayor and Members of Council
From: Nancy Havens, Manager, Licensing Services
Date: May 27, 2024
Subject: Urban Backyard Chicken Options

This report is for the information of Council.

Background

At the July 10, 2023 Council meeting the following motion was approved:

"That Council direct administration to bring back a report in the Spring of 2024 with costing associated to a backyard chicken program for all of Chatham-Kent. This report should include several options for a program with different levels of enforcement and regulations and include an update from public health on avian flu and other related matters to backyard chickens. In addition, this report will include options of different ways to implement a backyard chicken program including status quo and consideration of a pilot project and associated costs. Administration shall recommend one of these options suggested to Council within the report.

Council to also direct administration to include the following recommendations for consideration in the new RFP to be posted in late 2023/early 2024 for Animal Control Services include separate costing options for different levels of enforcement should Chatham-Kent implement a backyard chicken program. This will assist with understanding how much a program will cost when Council votes on the report in Spring 2024."

Currently, the Municipality's Responsible Animal Ownership By-law and Zoning By-law prohibit the keeping of any livestock, such as chickens, in any urban area of the municipality. Proponents of an urban backyard chicken program in Chatham-Kent cite benefits related to food security, sustainable food production, and education for children. These potential benefits must be balanced against possible negative consequences of such a program.

Comments

Survey Results

Council was provided with the [survey results](#) at the July 10, 2023 Council meeting. The survey was conducted from March 17, 2023 to April 12, 2023 with nearly 5000 participants. The most participation was from Ward 6 with 41% followed by Ward 2 with 18%.

68.4% of the participants were in favour of Chatham-Kent residents being allowed to keep backyard chickens. Only 45% of the participants wanted to have backyard chickens themselves.

The top reasons for wanting to keep chickens were: fresh eggs for household, eat chicken I have raised myself, and believe chickens are a fun, educational opportunity. The top concerns were: smell, sanitary/health, attracts predatory wildlife and/or rodents, noise, and roaming chickens. Ranking the regulations/restrictions in order of importance was cleanliness standards, requirement to have fenced yard or an enclosed run, and no roosters.

As to the number of permitted chickens per property 33% were in favour of up to 6 chickens.

Public Meeting

A Public meeting was held on June 29, 2023 with 70 attendees. This meeting was to provide the public with the opportunity to make deputations. A copy of the [minutes](#) were provided to Council at the July 10, 2023 Council meeting.

Agency Comments

Attachment A is a letter from the Kent Federation of Agriculture (KFA) received April 25, 2024. This letter is an update from KFA's [previous submission](#) that was attached to the July 10, 2023 report.

Egg Farmers of Ontario submitted the following [information](#) for the July 10, 2023 report and their position remains the same.

Other Municipalities

Council was provided with information at the July 10, 2023 regarding [other municipalities in Southwestern Ontario](#) whether or not they regulated backyard chickens.

Attachment B is further information from 37 municipalities whether they license/regulate chickens or not. The findings from the review are as follows:

- Some municipalities have a one-time application (some require a fee, some do not, some are annual with licence/permit fees)
- Some municipalities permit only on lots greater than 0.4, 0.5 or 1 acre
- Some municipalities have done a pilot before becoming permanent and some have done a pilot and chose not to continue
- Some setback regulations are excessive making it difficult to permit backyard chickens
- Brantford was the only municipality that permitted one rooster
- Kingston has a regulation that no owner shall cause or permit its hens to persistently cluck
- Waterloo requires the hens to be banded with owner's information

Reasons municipalities have discontinued backyard chicken programs:

- Attracted rodents and wildlife
- Not aligned with City's push to stop residents from feeding and attracting wildlife, including coyotes
- Noise/odour, health, sanitation, and animal welfare
- Low uptake in pilot – lack of interest from public
- Challenges getting access to veterinary services for hens
- Concerns of Highly Pathogenic Avian Influenza
- Significant staff resources were required to oversee the pilot program including administration of the applications, inspection of the hen coops and runs, compliance and enforcement with the pilot program terms and conditions
- Resources and costs required to mitigate community safety and sanitary concerns are significant
- Significant resident concerns regarding the consequences of urban hen keeping
- During the pilot, some households withdrew from the pilot, having difficulty caring for hens

Each municipality's by-law that was reviewed is unique and tailored to fit the municipality's needs.

Complaints received by Animal Control

Pet and Wildlife Rescue, the Municipality's Animal Control contractor has responded to complaints regarding 31 properties in the last two years.

To summarize the number of complaints from each ward and the nature of complaint:

Ward	# of Complaints
1	7
2	10
3	4
4	3
5	2
6	5

Nature of Complaint	Amount
at large	1
prohibited	23
prohibited/at large	4
prohibited/welfare concerns	1
prohibited/at large/noise	1
prohibited/noise	1

Fourteen complaints were regarding properties over a half-acre in size. Eighteen complaints were received for properties zoned strictly residential low density (RL1, RL2, RL3) with an average lot size of 0.40 acre.

Chatham-Kent Public Health Comments

As an update to the information provided in the [July 2023 report to Council](#), Chatham-Kent Public Health maintains its stance against a local by-law that would permit backyard chickens in urban settings in Chatham-Kent, based on increased risk of infectious disease transmission. Diseases of relevance include gastrointestinal illnesses (i.e., Salmonella, Campylobacter, and E. Coli), as well as Highly Pathogenic Avian Influenza (HPAI), which is of particular concern.

HPAI continues to be detected both across Canada and globally. The Canadian Wildlife Health Cooperative (CWHC) reports that in 2023, 765 deceased birds were tested for HPAI in Ontario, and 103 were confirmed to be positive. In 2023, the Canadian Food Inspection Agency (CFIA) initiated 132 investigations of AI in domestic birds across Canada, five of which occurred within Ontario. In 2024 to date, the CFIA reports nine investigations of AI in domestic birds across Canada, affecting Quebec, Nova Scotia, Saskatchewan, Alberta, and Ontario. Notably, AI was detected in a flock of commercial poultry in the nearby town of Amherstburg on January 30, 2024, which required enhanced biosecurity measures in the surrounding area.

The CFIA continues to reinforce that all bird owners (those with pet birds, small flocks, hobby farms, and commercial flocks) implement enhanced control measures to mitigate risk of HPAI exposure and/or transmission.

Although there have been no human cases of HPAI to date in Canada, between 2003 and March 2024, the World Health Organization reports 888 human cases from 23 countries, confirming that the risk exists and is exacerbated by close contact between birds and humans. Of these 888 cases, 463 were fatal, representing a 52% case fatality rate.

In summary, Chatham-Kent Public Health remains concerned about the significant risk of disease that urban backyard chickens would pose to owners, their families, and those who may consume chicken products (eggs and meat). Additionally, there is a risk to other flocks of birds, which can potentially further disease transmission.

Zoning Comments

Zoning regulates the use of land and buildings on property within the Municipality. It is a regulation that implements the growth and development policies of the Official Plan. The Zoning By-law is not intended to regulate the keeping of animals, except for permitting the raising livestock and other animals for food, fur, and fibre as a primary agricultural use on a farm. A limited number of chickens raised on a residential property does not

change the primary use of the property from residential and does not raise a serious zoning issue.

Chatham-Kent's Official Plan policies generally promote "urban agriculture" as a means of promoting local food security, social interaction and physical exercise. This objective pursues the broader community goals of Community Health and Well Being, and Sustainable Food Security. It should be noted that these policies contemplate the growing of plants in community gardens, and not the raising of animals on private properties.

Building Services

In the event Council should implement a backyard chicken program, Building Services would be responsible to confirm zoning compliance and to ensure lot size meets requirements for each application, if applicable. In addition, coops greater than 10 square meters (108 square feet) would require a building permit. Enclosed buildings not greater than 10 square meters that house livestock are regulated by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The regulations intent is to prevent land use conflicts and minimize nuisance complaints from odour. A chicken coop of this size can house approximately 110 layers or 80 broilers. Coops that exceed 10 square meters are subject to Minimum Distance Separation (MDS) formulae which imposes significant setbacks to lot lines.

Regulating through Licensing By-law

In considering and researching the possibility for the Municipality to allow the keeping of chickens in urban areas, administration identified several concerns and issues that this type of program may give rise to; the Municipality would require a regulatory By-law to help mitigate or eliminate nuisances and disease risks commonly associated with such programs.

Considerations and regulatory measures would include, for example:

- Identifying the appropriate location and size of chicken coops and runs
- Identifying setback requirements for the coops from property lot lines and dwellings (and sewer works where necessary)
- Developing a registration/licensing system for individuals wishing to partake in the keeping of backyard chickens in an urban area
- Identifying the minimum and maximum number of chickens permitted
- Creating regulations that help mitigate or eliminate public nuisances which could include:
 - Noise
 - Odour
 - Outlining minimum cleaning standards
 - Identifying how the keeping and storage of food must be maintained
 - Identifying controls regarding chicken excrement storage and disposal

- Establishing minimum age requirement of 4 months for the chickens (easier to identify if chickens are roosters/hens at 4 months of age)
- Prohibiting the keeping of roosters
- Establishing the ability of animal control to inspect properties (as deemed necessary) to ensure compliance with the By-law
- Ensuring no sale or gifting of eggs, manure or other products associated with the keeping of chickens
- Prohibiting hens in apartments, condos or properties without sufficient space
- Establishing standards of care for hens
- Creating regulations around slaughtering or butchering
- Permitting on owner occupied parcels only

Options

After consideration of the information above and as requested by Council, administration has provided options with respect to backyard chickens.

Options include:

Option 1 - Status quo being a prohibition for backyard chickens.

Option 2 - Direct staff to undertake a limited backyard chicken pilot project.

Option 3 - Direct staff to establish a permanent backyard chicken program.

Both Options 2 or 3 would include further choices for Council to consider based on zoning or size of lot or in all properties zoned residential. The chart below depicts the further choices to consider for either Options 2 or 3:

		Properties	Enforcement costs - PAWR	Coop Inspection costs - PAWR
Based on Zone				
A	Rural Residential	1,392	\$6,000	\$17,500
B	Village Residential	2,019	\$7,150	\$25,850
C	RR and VR	3,411	\$13,150	\$43,350
Based on Size				
E	ALL Residential > 1 acre	1,233	\$5,150	\$15,700
F	ALL Residential > 0.5 acre	3,275	\$12,350	\$41,750
ALL Zones				
D	ALL Residential Properties	31,659	\$87,650	\$398,250

Option 1 would maintain the current prohibitions related to backyard chickens on properties not zoned agricultural. The Municipality’s animal control contractor, Pet and Wildlife Rescue, would continue to enforce on a complaint basis with no further cost.

Option 2 being a pilot project, should only be considered if Council's goal is to eventually move towards a permanent backyard chicken program and that the pilot program is really being used to inform process improvements to the program and/or by-law. It is very difficult to step back a program such as this once citizens have already purchased chickens and invested in equipment and construction for same.

Option 2 and 3 would require amendments to the Municipality's Zoning By-law and the Responsible Animal Ownership By-law. Attachment C provides a further breakdown of residential zones per ward, and a listing of residential communities with the related zoning. As well provides the number of properties in each ward that are over half an acre and one acre in size. A public consultation is important if Options 2 or 3 are chosen.

The enforcement and coop inspection costs in the chart above were provided by Pet and Wildlife Rescue (PAWR) during the 2024 Request for Proposal for Animal Control and Shelter Services. In addition to the amounts above PAWR is requesting a one-time fee of \$4,000 plus HST to erect a suitable coop at the Chatham-Kent Animal Shelter for enforcement purposes.

If a pilot program or permanent program was put in place, Licensing Services staff would be responsible to ensure that the application was properly completed and if incomplete send it back to the applicants to provide further details. The application once completed would be forwarded to Building Services to confirm Zoning and size of lot and whether a permit is needed for the coop. Once approved Licensing Services would issue a permit. The costs associated with these tasks are not included in the costs noted above. If Council were to choose all residential properties (which means 31,659 households could apply to have chickens) for a pilot or permanent program, there would be significant costs to administratively support a backyard chicken program.

Summary

In summary, the Municipality currently permits chickens in agricultural zones. The Municipality's animal control provider, PAWR, provides enforcement with respect to chickens and other prohibited animals in areas not zoned appropriately under their current contract.

Concerns remain that a backyard chicken program, whether permanent or pilot, may have a negative impact on communities by intensifying issues of concern to residents, such as pests (mice, rats, cats) or an increase in wildlife concerns arising from the attraction of skunks, raccoons, and predatory wildlife including foxes and coyotes. Additional concerns have been raised as it pertains to other household pets such as dogs. The Protection of Livestock and Poultry from Dogs Act states that the Municipality is responsible to pay the owners of chickens killed/injured by dogs, and recoup the costs from the dog owners, if known.

Administration acknowledges Chatham-Kent Public Health’s concerns about significant risks of diseases that backyard chickens pose. There are 9 cases in Canada of Avian Flu, five of these are in non-commercial locations. On January 30, 2024, there was a case in Amherstburg on a commercial property. Most recently Avian Flu has been discovered in cows in 9 states in the United States.

While various options are available, administration is of the opinion that Option 1 Maintain Status Quo is the most viable option.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability
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Consultation

Operations Manager and Manager of Animal Control Services at Pet and Wildlife Rescue were consulted.

Chatham-Kent Public Health was consulted as well as Planning Services and Building and Development Services.

In addition, previously a public meeting was held on June 29, 2023. At that meeting the public were provided with the opportunity to present a deputation. The [minutes](#) of that meeting were provided to Council as an attachment to the [information report](#) at the July 10, 2023 Council meeting.

Other municipalities’ reports, by-laws and procedures were researched.

Communication

Communication regarding this information report is proposed to be through the inclusion of this report on the Council agenda and related communications.

The municipality's webpage on [Backyard Chickens](#) is kept updated to provide the most recent information.

Diversity, Equity, Inclusion and Justice (DEIJ)

Allowing backyard chickens would give people with access to suitable private land in Chatham-Kent the ability to produce their own food. However, consultation with Chatham-Kent Public Health indicates that backyard chickens are not a solution to food insecurity at a community-level, which is rooted in inadequate and insecure incomes. The costs associated with access to suitable private land, setting up and maintaining backyard chickens mean that the program will not support households who are most food insecure.

If Council decides to proceed in the future with a backyard chicken program, there should be consideration of how community members who experience cost barriers or without access to sufficient private outdoor spaces can participate.

Chicken can form a significant part of diets in some cultures and communities. But, over time and today, chickens are important parts of some cultures and religions, for example, being held in esteem, a symbol of faith, and strength, in some cases.

Chatham-Kent Public Health (CKPH) submitted a report on [Backyard Chickens - Food Systems Perspective](#) for the July 10, 2023 Council meeting. CKPH maintains their stance on the initial report submitted from a food systems/food security perspective.

Financial Implications

This report is for information only. But should Council maintain the status quo option as recommended by administration there would be no financial implications.

The chart under the Options section in this report provides PAWR's quote for offering its services for additional enforcement and inspection of coops.

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Attachments:

- A: Kent Federation of Agriculture Letter
- B: Other Municipalities
- C: Breakdown of Residential Zones per Ward