



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Policies and Priorities Committee

**From:** Laura Moy, Director Corporate Services & Clerk

**Date to Council:** October 22, 2019

**Report Number:** CS-2019-36

**Subject:** Urban Hen Licensing Pilot Program

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### Recommendations

It is recommended:

**That** Report CS-2019-36 Urban Hen Licensing Pilot Program **be received**;

**And that** a Public Information Centre **be scheduled** to receive public comment in regards to the proposed Urban Hen Licensing Pilot Program (Pilot Program).

### Background

Urban hens have become a growing trend across North America. In an effort to be more involved in their own food production, many urban residents across Canada have opted to raise and keep hens in their backyards. Hens raised on urban residential properties are therefore referred to as “urban hens” or “backyard chickens”.

It is at the discretion of municipalities to determine whether to regulate or prohibit urban hens.

Due to concerns expressed by residents respecting the keeping of urban hens in residential areas, along with complaints relating to rodents and other wildlife, an informational report - Corporate Services & Clerks Report No. 34/16 Examination of Urban Chicken Control & Rodent Complaints - was received by the Policies & Priorities Committee at the September 27, 2016 meeting.

Council was later presented with another report at the November 22, 2016, Regular Meeting recommending the Animal Control By-law be amended to specifically prohibit the keeping of

hens in urban areas. The recommendation in Corporate Services & Clerks Report No. 55/16 Keeping of Urban Chickens was accepted by resolution (RCM-400/16).

Prior to Report No. 55/16, the Planning & Building Services Department had used the consistent approach, when dealing with any property complaint in respect of urban hens, that a maximum of three (3) urban hens could be deemed a permitted accessory use as defined by the Town's Zoning By-law (*"being a use that is normally incidental, subordinate and exclusively devoted to main use..."*), along with the associated accessory use provisions (building size, minimum side and rear yards, building height, etc). The rationale supporting a maximum number of three (3) hens was that the same cap was placed on dogs as established in the Town's Animal Control By-law.

Subsequently, Council received a delegation at the July 25, 2017, Regular Meeting in respect of the prohibition of urban hens. The resident appeared before Council after having received an order to comply with the Town's Zoning By-law Subsection 3.1 and the limit of three (3) urban hens. The resident advised he has a child with an immune deficiency and requires more than three (3) hens to produce a sufficient number of eggs to feed his child. A request was made for consideration for property owners who have a greater lot area than typical residential properties, and for those who have special needs, to be allowed to have urban hens.

During the delegation discussion, it was noted the Animal Control By-law 1999-07 had not yet been amended, pending further consultation with Legal Counsel, and research on implementation and notification to existing property owners with urban hens.

At the meeting, Council passed a resolution (RCM-256/17) deferring the Zoning Order issued to the owner of 2380 Lesperance Road relating to the keeping of hens, pending further discussion and decision-making by Council on the matter of keeping urban hens based on further research and reporting by Administration.

Report CS-2018-19 Keeping of Urban Hens was presented at the August 14, 2018 Policies & Priorities Committee Meeting outlining options for the regulation or prohibition of urban hens within the municipality. Administration was directed to prepare a report regarding the proposed regulations under a Pilot Program.

Accordingly, further research has been undertaken on the procedures and best practices in other communities relating to implementation of a Pilot Program.

## Comments

### Pilot Program Regulations

The Town of Tecumseh's (Town) Pilot Program proposes to allow for the provision of backyard hens under by-law and licensing regulations. A Pilot Program Registration Form has been drafted outlining the provisions of the Program. [Attachment 1](#)

Subject to preliminary approval, a Public Information Centre will be scheduled to receive input from the public on the proposed Pilot Program with a report back to Council for consideration and final approval the Pilot Program.

Based on research undertaken, the proposed Pilot Program for the Town is similar in nature to the City of Kingston (Kingston), City of Kitchener (Kitchener) and the City of Toronto (Toronto) all of which currently allow for the provision of urban hens. It should be noted that while Kingston and Kitchener have permanent regulations for urban hens in effect, Toronto is permitting urban hens under a pilot program, titled 'UrbanHensTO', which runs from March 2, 2018 to March 2, 2021.

It is recommended that the Town's Pilot Program be for a period of two (2) years, for the keeping of hens in urban residential areas.

Hen, defined by the Town, means a domesticated female chicken that is at least four (4) months old.

Hens must be at least four (4) months old when acquired, as prior to four (4) months it cannot be determined whether the chick is a hen or a rooster. As outlined in the registration form, hens are for the purpose of enjoyment and egg production and not intended as livestock to eat and the eggs must be for personal consumption only; hens are not permitted to be sold.

Prior to purchasing hens, Tecumseh residents desirous of keeping urban hens must complete the registration form and meet all of the eligibility requirements which are comparable to Kingston, Kitchener and Toronto in terms of coop size and setbacks, hen waste and the like.

Regulations identified under the 'Terms and Conditions' of the registration form stipulate the following:

- The keeping of roosters is prohibited.
- Only residential properties are permitted to be registered.
- The total area of all hen coops and runs are less than 11.15 square metres (120 square feet), for properties under 10,000 square feet and less than 15.60 square metres (168 square feet) for properties greater than 10,000 square feet.
- The hen coop and hen run are less than 3 metres (10 feet) in height.
- Hen coops and runs shall be a distance of at least 1.2 metres (4 feet) from the lot lines and at least 1.5 metres (5 feet) from the main dwelling.
- Hens must be kept in their coops from 9:00 pm to 6:00 am.
- Hen coops and runs shall be maintained in a clean, dry, odor-free and sanitary condition at all times, and in a manner that will provide healthy living conditions for the

hens while minimizing adverse impacts to other residents in the neighbourhood to the satisfaction of the Town.

- Feed and water shall be protected against and unavailable to rodents, pests, birds and predators and uneaten or spoiled feed must be removed in a timely manner.

Under the Pilot Program, a limit of six (6) hens per property with a lot size less than 10,000 square feet would be permitted with a recommendation of a minimum of two (2) hens, as they are very social creatures. Properties greater than 10,000 square feet would be permitted one (1) extra hen for every additional 3,000 square feet, up to a maximum of twelve (12) hens. To assist residents in determining the eligible number of hens for their property, a Property Lot Size Table is included in the registration form.

A site plan illustrating the location and size of the hen coop and run on the property must accompany the registration form.

If the Applicant is a tenant at the property, the property Owner's information and consent is required to permit hens.

Should a hen(s) be found to be running at large during the Pilot Program, the Windsor Essex County Humane Society (WECHS), for purposes of the Pilot Program, will impound the hen for twenty-four (24) hours after the date of seizure. The hen Owner may redeem the hen subject to a fee imposed by the WECHS.

## **Annual License Fee**

The following license fees are imposed by municipalities which currently provide for the keeping of urban hens:

- Kingston's permit is subject to an annual license fee of \$25.00;
- Kitchener requires applicants to pay a one-time \$50.00 registration fee; and
- Toronto, under the current pilot program does not have a license fee.

As part of the permit process, plastic universal identification bands would be issued to the applicant for each hen registered under the Pilot Program. The identification bands are imprinted with a number that would be assigned to each hen and allow for the safe return of the hen should it be found running at large. Plastic identification bands are recommended for the safety of hens, particularly in cold weather months. The approximate cost of the identification bands is \$100.00 for 500 bands.

Accordingly, an annual license fee of \$25.00 per registration form is being recommended to provide for the identification band expenses, and nominal recovery for staffing resources to administer, monitor and enforce the Pilot Program. Following the Pilot Program, the license fee will be reviewed as part of the Pilot Program evaluation.

## **Inspection and Issuance Process**

Following receipt of the necessary registration form and annual license fee of \$25.00, the Planning & Building Services Department will undertake an on-site inspection of the property to assess and ensure compliance with the terms and conditions outlined in the registration form.

Subject to review and compliance with the Pilot Program's requirements, the Applicant will be issued a permit for the keeping of hens, together with the identification bands for each hen on the subject property.

Concerns and/or complaints regarding the keeping of urban hens will be monitored and the Planning & Building Department will enforce the provisions consistent with property standards.

As noted above, following completion of the two-year Pilot Program, an evaluation of the Program will be conducted and a course of action with respect to the continuation of the program will be recommended to Council.

## **Consultations**

Planning & Building Services  
Windsor Essex County Humane Society  
City of Kingston  
City of Kitchener  
City of Toronto

## **Financial Implications**

An annual license fee of \$25.00 per registration form is being recommended to provide for the identification band expenses, and nominal recovery for staffing resources to administer, monitor and enforce the Pilot Program.

Expenses relating to the identification bands, in the approximate amount of \$100.00 for 500 bands would be funded from the Animal Control Budget.

Additionally, the proposed annual license fee would be included in the 2020 Fees & Charges By-law.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
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- Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
- Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
- Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
- Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
- Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

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Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

**Attachment  
Number**

**Attachment  
Name**

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Urban Hens Pilot Registration Form