



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Policies and Priorities Committee

**From:** Christina Hebert, Manager Committee & Community Services

**Date to Council:** August 14, 2018

**Report Number:** CS-2018-19

**Subject:** Keeping of Urban Chickens

---

### Recommendations

It is recommended:

**That** the Corporate Services & Clerks Department Report CS-2018-19, respecting the keeping of urban chickens, **be received**;

**And that** direction regarding the preferred option for the regulation or prohibition of urban chickens within the municipality, **be given**.

### Background

Urban chickens 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 chickens in their backyards. Chickens raised on urban residential properties are therefore referred to as “urban chickens” or “backyard chickens”.

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

Prior to the November 2016 Corporate Services & Clerks Department Report No. 55/16, the Planning & Building Services Department had used the consistent approach, when dealing with any property complaint in respect of urban chickens, that a maximum of three (3) urban chickens 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) chickens

was that the same cap was placed on dogs as established in the Town's Animal Control By-law.

Due to concerns expressed by residents respecting the keeping of urban chickens 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. [Attachment 1](#)

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 chickens in urban areas. The recommendation in Corporate Services & Clerks Report No. 55/16 Keeping of Urban Chickens was accepted by resolution (RCM-400/16). [Attachment 2](#)

Subsequently, Council received a delegation at the July 25, 2017, Regular Meeting in respect of the prohibition of urban chickens. 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 chickens. The resident advised he has a child with an immune deficiency and requires more than three (3) chickens 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 the typical residential properties, and for those who have special needs, to be allowed to have urban chickens.

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 chickens.

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 chickens, pending further discussion and decision-making by Council on the matter of keeping urban chickens based on further research and reporting by Administration.

Accordingly, further research has been undertaken on the experiences and practices in other communities relating to the regulation of urban chickens.

## **Comments**

In light of the growing trend of urban chickens, some Canadian municipalities are permitting urban chickens under certain provisions. Examples of how some municipalities are allowing the keeping of urban chickens are as follows:

### **Some Examples of Other Communities**

#### **I. Licensing of Urban Chickens**

The City of Kingston (Kingston) currently allows for the provision of backyard hens under by-law and licensing regulations. Section 4.17 of Kingston's Animal Control By-law 2004-144 permits up to six (6) hens and the associated coops to be located on any residential property in a Residential Zone subject to regulation.

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

Kingston residents desirous of keeping urban chickens must make application for a Hen Coop Permit, which is subject to an annual license fee of \$25.00. Additionally, the permit provides for a number of regulations, such as:

- The keeping of roosters is prohibited.
- The total area of all coops and runs are less than 108 square feet (10 square metres) and the hen coop and hen run is one story high and less than 15 feet.
- Hen coops and runs shall be a distance of at least 1.2m from the rear lot line and at least 1.2m from any side lot line of the dwelling on which the hen coop is located.
- Hen coops and hen runs shall be a minimum distance of 3m from all windows and doors of dwellings that are located on an abutting property.
- 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 condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
- Store manure shall be kept in an enclosed structure such as compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time.

Applicants must advise their neighbours of their intention to obtain a hen coop permit prior to submitting an application. Kingston's application includes a Neighbour Notification form, which provides for the abutting neighbours to acknowledge, in writing, to being aware of the application for a permit to keep backyard hens.

The application process for a hen coop also includes a sketch of the proposed coop which shows the location and size of the coop and notes the setbacks from the property lines.

The City of Kitchener (Kitchener) follows a similar licensing model as Kingston. Residents interested in having chicken coops in Kitchener are required to pay a one-time \$50.00 registration fee, with an inspection of the property to ensure it complies with all setback and coop requirements.

Property owners in Kitchener may keep up to four (4) hens at a property in a residential zone under the Zoning By-law providing the conditions and requirements are met. Comparable hen coop and run size regulations, as well as neighbours written consent, if the setback requirements are not met, is required to obtain a coop permit.

Since the program took effect in December 2016, Kitchener has issued approximately 70 hen coop permits to date (Stats Canada 2016 population 470,015).

Kingston averages approximately 22 hen coop permits yearly since inception of the program in late 2013 (Stats Canada 2016 population 117,660)

## II. Prohibit - Request for Exemption

The Town of Innisfil's Animal Control By-Law No. 068-06 prohibits typical farm related animals (chickens) within settlement areas (residential zones). However, residents may make a request

for an exemption to permit chickens, which is then brought forward to Council for direction. Innisfil currently does not have established criteria or regulations for allowing an exemption.

Innisfil currently receives very few exemption requests from the Animal Control By-law for permission to keep chickens. The municipality is considering delegating authority via a delegated authority by-law to capture requests of this nature.

### III. Pilot Project

Recently, the City of Toronto has implemented the 'UrbanHensTO' pilot program, which runs from March 2, 2018 to March 2, 2021, and allows residents to have urban hens in four wards across the city.

Prior to purchasing hens, Toronto residents must complete a registration form and meet all of the eligibility requirements. The eligibility requirements provide for similar provisions as Kingston and Kitchener in terms of coop size and setbacks, chicken waste and the like.

Under the pilot program, a limit of four (4) hens per property is permitted with a recommendation of a minimum of two (2) hens, as they are very social creatures. Roosters are not permitted.

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. Hens are for the purpose of enjoyment and egg production and not intended as livestock to eat and must be for personal consumption only; hens are not permitted to be sold.

As earlier reported, area municipalities were surveyed for reporting, most of which ban the keeping of chickens on residential property. The municipalities that prohibit the keeping of urban chickens on residential property, within their respective Animal Control By-laws are: the Towns of LaSalle, Lakeshore, and Kingsville and the City of Windsor.

## Consideration

### Rodents and Other Wildlife

As previously noted, residents' concerns regarding the keeping of urban chickens indicate belief that the keeping of urban chickens attracts rodents and other wildlife. Research has shown that urban chickens, and improperly stored food, have the potential to attract rodents and other wildlife.

While the Town has taken measures to mitigate the rodent population, concerns relating to rodents continue to be received from residents. Measures that have been taken include: continued public education campaigns on ways to discourage rodents (removing clutter, yard maintenance, removing food sources), website and social media posts, two (2) public open houses that allowed residents an opportunity to receive advice from local pest control companies, and the introduction of mandatory hard-sided containers for household garbage.

Various factors need to be considered when deciding to permit and regulate or prohibit the keeping of urban chickens in residential areas, as described in the earlier reports, as well as enforcement, inspection and monitoring.

## Options

After reviewing the experiences of other municipalities and taking into consideration the concerns about rodents and other wildlife, the following options in respect of regulating or prohibiting urban chickens are provided for consideration:

1. Amend the Animal Control By-law No. 1999-07 to prohibit the keeping of urban chickens in urban areas, as previously directed.
2. Prohibit urban chickens in residential areas and allow residents to make a request to Council for an exemption to permit hen coops based on guidelines and criteria to be established. A further report on guidelines would be brought back to Council for consideration, if this were a preferred option.
3. Regulate the keeping of urban chickens through a permit or licensing program. If this option were preferred, Administration would develop a licensing model and regulations, including an annual permit fee and inspection. The fee would be adequate to cover staffing resources to administer, monitor and enforce the program. A further report would also be brought back to Council for consideration and implementation.

## Consultations

Planning & Building Services  
City of Kingston  
City of Kitchener  
Town of Innisfil  
City of Toronto  
Area Municipalities

## Financial Implications

There are no financial implications at this time as this is an informational report. In the event that direction is given to implement a permit or licensing program for keeping urban chickens, the financial implications of such would be provided in a subsequent report.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	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:

Christina Hebert, BA (Hons), MA, Dipl. M.A.  
Manager Committee & Community Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Corporate Services & Clerks Department Report No. 34/16
2	Corporate Services & Clerks Department Report No. 55/16