



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting

From: Jana Nethercott, Clerk and Bill Tedford, By-Law Enforcement Officer

Date: 2021-05-27

Subject: Residential/Backyard Chickens

Recommendation:

That West Elgin Council hereby receives the report from J. Nethercott, Clerk and Bill Tedford, By-Law Enforcement Officer re: Residential/Backyard Chickens; and

That West Elgin Council hereby direct staff to proceed with one of the following options:

Option 1

That current residential/backyard chicken restrictions remain in place.

Option 2

That staff prepare a public consultation process to determine resident interest in providing licensing and regulations for backyard/urban chickens on residential properties in West Elgin.

Option 3

That consideration of residential/backyard chickens be undertaken as part of the review of the Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide information to West Elgin Council regarding option for residential/backyard chickens within the Municipality.

Background:

At the Council meeting on April 8, 2021 West Elgin Council requested staff report back to them with options for licensing residential/backyard chickens, along with costs associated with bringing in a program and providing enforcement of said program.

Municipalities have the ability to permit residential/backyard chickens in non-agricultural zones through the *Planning Act* and the *Municipal Act* thru an Animal Control By-law. Currently West Elgin Comprehensive Zoning By-law does not permit keeping of livestock on properties zoned residential and our Animal Control By-law does not address livestock. Enforcement of this is done on a complaint basis.

Staff have reached out to the municipalities in Elgin and Middlesex County to see if they allow residential/backyard chickens:

Municipality	Allows on Residentially Zoned Property
Dutton Dunwich	No
Southwold	No
Aylmer	No
Malahide	No
Central Elgin	No
Bayham	No
Strathroy Caradoc	No
Middlesex Centre	No
Thames Centre	No
North Middlesex	No
Lucan-Bidduph	No
Adelaide Metcalfe	No
Newbury	No
Southwest Middlesex	No – currently undertaking consultation with residents to determine interest.

All municipalities contacted currently restrict livestock to agriculturally zoned properties only through their comprehensive zoning by-law.

Analysis:

Pro's and Cons of permitting residential/backyard chickens are noted below:

Pro's

- Greater control over food sources
- Potential reduction in food waste as table scraps can be fed to hens
- Perception of increased food quality
- Manure can be composted and used as fertilizer
- Teaching children about where food comes from and the responsibility of caring for animals

Cons

- Nuisances such as odours and noise
- Poultry can be a source of disease and require health management and basic biosecurity measures to minimize occurrences and spread of diseases
- Attraction of predators and pests
- Abandonment of animals – hens only lay eggs between the ages of 5 months and 2 years
- Livestock in settlement areas are not subject to Minimum Distance Separations (MDS) requirements
- Slaughter of animals and disposal of dead animals in municipal garbage

Other Considerations

- Lot sizes – generally residential lots are smaller than those in agricultural zones. What size is appropriate to house residential/backyard chickens? Some municipalities who have pilot programs limit the number of chickens proportionally to the size of the lot, others restrict allowing chickens to lots 500 m² or greater. Some municipalities require an inspection of the lot and coop prior to issuing a license.
- Neighbour disputes – if residential/backyard chickens are allowed, should neighbour notification be required? For instance, in North Dumfries, their pilot project requires each applicant to supply information to neighbours and submit a sign off sheet from each adjacent property owner to prove this.
- Locations, size and setbacks for coops – municipalities that permit residential/backyard chickens have restrictions typical to other zoning requirements, such as setbacks from lot lines, lot coverage and the size of any accessory structure (Coop and run).
- Prohibitions – all municipalities prohibit roosters in residential areas; almost all also prohibit slaughtering of residential/backyard chickens and prohibit the sale of eggs.
- Animal control – how do we ensure the safe and ethical treatment of animals? Animal control is not able to house abandoned or maltreated birds.

Summary:

In summary, while we have the ability to allow residential/backyard chickens, to be successful stringent regulation would be needed. Regulation requires enforcement staff to manage complaints from neighbours and to ensure the well being of the birds. In addition, the municipality would have to ensure that eggs aren't sold, that slaughter and the disposal regulations are followed, along with ensuring the disposal of the manure is handled appropriately.

At this time, the municipality isn't set up to manage these requirements and this needs to be taken into consideration before embarking on a change to the Zoning By-law and a licensing program.

A public engagement process could gauge interest in the licensing of such a program, however in speaking with some of the other municipalities, they went through extensive engagement only to have very little interest in obtaining the license. During the pandemic online and paper

survey's would be the only option for feedback, holding a public meeting on the topic would need to wait until the pandemic restrictions have been lifted.

Financial Implications:

Staff researched smaller municipalities in Ontario that allow for residential/backyard chickens and have found many municipalities that have created programs recently, have done so on a temporary basis. The municipalities of Springwater (three year pilot program 2020-2023); North Dumfries (2 year pilot program 2018-2020); and Tecumseh (2 year pilot program Feb 2020 - 2022). Staff reached out and most of these municipalities have not reported back to council on the cost of these programs as of yet due to the pandemic. However, licensing fees for allowing residential/backyard chickens range from \$25.00 to \$250.00, as these fees are the only way to recoup the administration and enforcement costs for such a program.

The largest costs would be for administration of a licensing program for inspections, determining lot size, location of accessory buildings and for enforcement of noise and mitigating neighbour disputes.

Policies/Legislation:

Municipal Act

Planning Act

West Elgin Comprehensive Zoning By-law 2015-36

West Elgin Animal Control By-law 2020-74

Links to other Municipal Programs

North Dumfries: <https://www.northdumfries.ca/en/living-here/urban-hens-pilot-by-law.aspx>

Tecumseh: <https://www.tecumseh.ca/en/living-here/urban-hens.aspx>

Springwater: <https://www.springwater.ca/en/business-and-development/backyard-chickens.aspx>

Meaford: <https://www.meaford.ca/en/living-here/backyard-chickens.aspx>

Clearview: <https://www.clearview.ca/pay-register-apply/permits-licences/animal-licensing>