



CORPORATE REPORT
The Corporation of the Town of Wasaga Beach
Meeting Date: 8/22/2024

DATE: 8/9/2024

SUBJECT: Backyard Chickens

CONTACT: Rachael Ivak, Coordinator, Municipal Law Enforcement & PSO

REPORT NUMBER: 2024/08/22-22

RECOMMENDATION:

1. **THAT** the report titled: Backyard Chickens, to the Council meeting of August 22, 2024, be received; and
2. **THAT** the existing Zoning and Animal Control By-laws prohibiting Backyard Chickens on non-rural lots, be maintained.

EXECUTIVE SUMMARY:

- This report includes an overview of the current regulations regarding 'Backyard Chickens'.
- Community feedback and external agency comments are included in this report.
- To permit 'Backyard Chickens', the Town would need to amend several By-laws (including Zoning and Animal Control) and consider the potential impacts on resources, enforcement, and neighbor relations.
- The Town is currently updating its Official Plan including if urban agriculture ought to include permission to keep 'Backyard Chickens'.
- Staff recommend that Council keep the current regulations, which allow chickens only on Rural (RU) zoned properties of at least 4 hectares and continue prohibiting Galliforms under the Wasaga Beach Animal Control By-law #2002-63.

BACKGROUND:

The purpose of this report is to provide to Council with a summary of the completed public consultation process associated with the possibility of permitting 'Backyard Chickens' on non-rural lots within Town and to provide a recommendation for Council to review in regards to regulating 'Backyard Chickens'.

Currently, the Town's Zoning By-law requires all agricultural uses, including livestock/chickens to be located on Rural (RU) zoned properties having a minimum lot area of 4 hectares (9.9 acres). As such, 'Backyard Chickens' are classified under the Wasaga Beach Animal Control By-law #2002-63 as a prohibited animal.

After inquiries were received regarding the possibility of allowing 'Backyard Chickens', Council initiated a public consultation to gather resident feedback on permitting 'Backyard Chickens' in urban areas. In March 2021, a summary of the public consultation and a staff recommendation report were presented to the Council, resulting in a decision to maintain the prohibition on 'Backyard chickens'.

In October 2023, following a delegation, the Municipal Law Enforcement Department was directed to prepare a report on 'Backyard Chickens'. Public consultation and feedback from community agencies regarding 'Backyard Chickens' was completed during this period and forms part of this report.

DISCUSSION:

Staff created a survey to gather resident feedback on the topic. This survey was accessible on the Town's website from November 2023 through March 2024. A total of 173 individuals completed the survey, with 164 of these responses coming from residents of Wasaga Beach. The remaining nine responses were submitted by individuals outside the Town.

Summary Highlights – Survey Results

- When asked, "Do you have an interest in keeping 'Backyard Chickens' on your residential property?" The survey results were almost evenly split, with 43.2% in favour and 40.9% not in favour.
- While 61.8% of respondents support the keeping of 'Backyard Chickens' on non-agricultural (residential) zones in Wasaga Beach, 61.2% of respondents also responded that the most appropriate size of property to have 'Backyard Chickens' would be rural zoned properties. It is important to note that livestock/chickens are currently permitted to be located on Rural (RU) zoned properties that are over 4 hectares.
- "Fresh eggs" and owning chickens as "pets" were the two main reasons those in favour would want chickens.
- Although a total of 173 individuals completed the survey, a total of 266 responses were received when asked to indicate their primary concern(s) with allowing backyard chickens. This indicates that each respondent in this category had multiple concerns surrounding the idea of permitting 'Backyard Chickens'.
- The most prominent concerns were: "attracting of rodents or predators", "odor", "noise", "illness/ disease" and "detracting property value".
- With respect to appropriate property sizes for 'Backyard Chickens', rural properties (over 2 acres) was the most common response.

The survey results are attached as Appendix 'A' to this report.

Community Agency Responses

Staff contacted agricultural agencies and committees, seeking comments and concerns regarding 'Backyard Chickens'.

Simcoe Muskoka District Health Unit (SMDHU) provided comments below related to "Backyard Chickens" as follows:

"...In general, public health concerns resulting from urban chickens are similar to those hazards that are associated with having domestic animals. According to research, the risk of the pathogen transmission from backyard chickens appears to be low and does not present a threat to the public's health. It is comparable to keeping other animals allowed by similar By-laws such as dogs and cats. Adherence to proper hygiene (e.g. hand washing, maintain and regularly cleaning chicken coops) will significantly mitigate the risk of disease acquisition which are commonly found in chickens, including Salmonella. Regular maintenance will also assist with some of the nuisance-related issues that are associated with backyard chickens including attraction of pests (rodents, raccoons, flies to animal feces or animal feed products) and odours (associated with animal waste)..."

The President of the Simcoe County Federation of Agriculture provided comments related to 'Backyard Chickens' as follows:

"...Recent outbreaks of Avian Flu and Infectious Laryngotracheitis, often traced back to backyard flocks, have led to costly quarantines and disruptions in the poultry industry. These measures, including strict movement protocols and potential flock destruction, create severe financial and operational strains on farmers. Allowing backyard chickens poses bio-security risks and could burden municipal resources and local agriculture..."

Matters to Consider

Based on the information provided, it is crucial to address the impacts and requirements related to the potential introduction of 'Backyard Chickens'. This would involve amending the Town's Zoning By-law and Animal Control By-law. Additionally, By-law Enforcement, additional training, and any financial implications related to the management of 'Backyard Chickens' would require Council approval.

Comprehensive Zoning By-law – By-law Amendment

For this use to be considered in the Zoning By-law, the following would have to be reviewed (list not deemed inclusive):

- The number of chickens to be permitted
- Prohibition on roosters
- The minimum lot area and frontage
- Setbacks for coops
- Minimum requirements per hen including coop size, nesting box and perch size, range size
- Fencing requirements
- Coop construction requirements i.e., venting
- Nutrient/manure management
- Veterinarian and health requirements
- Registration of owners
- Whether products can be sold (currently home occupation do not permit retail sales)
- What residential zones would be appropriate
- Source Water Protection considerations
- Private services (wells and private sewage systems)
- Prohibitions on slaughter, etc.

Additionally, the Zoning amendment would include:

- Inclusion of a new definition for 'Hen Coop'
- Example: 'Hen Coop means a structure and/or an enclosure used in accessory to keeping a hen or hens for the purpose of companionship as a pet or providing eggs for personal consumption by occupants of the dwelling located on the same lot'
- Amending existing definition of 'Agricultural Use'

Lastly, the Town is updating its Official Plan and urban agriculture is being considered as part of the Official Plan update. As part of that update, a Council decision should be made if urban agriculture ought to include permission to keep 'Backyard Chickens'. If yes; this affirmation set in Official Plan policy would pave the way to change the Town Zoning By-law to allow 'Backyard Chickens' accessory to a residential use. If no; this prohibition set in the Official Plan policy would pave the way to change the Town Zoning By-law to prevent 'Backyard Chickens' accessory to a residential use.

Backyard Chicken Permit/Licence

- Staff would need to create a Licensing regime regulating 'Backyard Chickens'. The intent is to provide regulations in regards to the maximum number of hens permitted, coop size requirements, prohibitions (i.e. no roosters, sale of eggs), lot size requirements, cleanliness and standard of care
- Staff would need to create an application form and licensing fee for harbouring hens
- An appropriate set fine and short form wording would need to be created to address non-compliance with the By-law
- Training for staff surrounding many topics in relation to 'Backyard Chickens'

Animal Control By-law – Amendment

- Amending Schedule 'B' in the current Animal Control By-law to allow hens

Education/ Outreach Material and Guidelines – Municipal Law Enforcement

- Staff would need to develop a set of guidelines for any enforcement of 'Backyard Chickens' as part of a program
- Public education materials would need to be developed and available to residents and staff outlining proper care and control of hens
- Appropriate penalties associated with non-compliance

As outlined above, if Council wished to consider permitting 'Backyard Chickens', staff in the Planning and By-law Department would have to dedicate resources to prepare the necessary reports and By-laws, which would impact departmental work plans for the remainder of the 2024 year and into 2025. Furthermore, there may be budgetary impacts associated with these amendments. In addition, costs associated with administration (i.e. licensing, and renewals) and enforcement are anticipated but unknown on the quantity at this time.

Permitting 'Backyard Chickens' may also create additional conflicts within settlement areas where property sizes are generally smaller and dwellings are considerably closer situated. It should also

be noted that permission of 'Backyard Chickens' could intensify neighbor disputes/ complaints. Staff would anticipate that allowing 'Backyard Chickens' would have a considerable impact on the Municipal Law Enforcement Department through increased complaints.

CORPORATE IMPLICATIONS:

Financial Implications:

Based on the recommendation below, there are no financial implications at this time.

CONCLUSION:

The public consultation survey revealed some resident interest in permitting 'Backyard Chickens'. However, the same proportion of respondents who supported this idea also believed that the most suitable properties for keeping chickens would be Rural (RU) zoned properties, which currently allow this practice on lots larger than 4 hectares.

Additionally, concerns were raised about nuisance and animal welfare, and feedback from stakeholders such as the Simcoe Muskoka District Health Unit and Simcoe County Federation of Agriculture.

If Council wishes to consider permitting 'Backyard Chickens' the Planning and By-law Departments would need to allocate resources for new reports and By-laws. Additionally, as the Town updates its Official Plan to include urban agriculture, a decision on 'Backyard Chickens' should be made as part of this update.

Staff recommend keeping the current regulations, which allow chickens only on Rural (RU) zoned properties of at least 4 hectares and to continue prohibiting Galliforms under the Wasaga Beach Animal Control By-law #2002-63.

Authored by:

Rachael Ivak,
Coordinator, Municipal Law Enforcement & Property Standards Officer

Appendices:

Appendix 'A': Public Survey Results

Appendix 'A'

Below is an overview of some of the findings from the public survey that assisted in drafting the recommendation provided in this report:

- When asked, “Do you have an interest in keeping ‘Backyard Chickens’ on your residential property?”, individuals responded with:
 - Yes – 43.2%
 - No – 40.9%
 - Unsure – 15.9%
- When asked, “Do you support keeping ‘Backyard Chickens’ in residential (non-agricultural) zones in the Town of Wasaga Beach?”, individuals responded with:
 - Yes – 61.8%
 - No – 38.2%
- When asked, “What are the reasons you support the keeping of ‘Backyard Chickens’ in residential areas?”, individuals responded with:
 - Fresh eggs for household – 56%
 - Interest in owning them for pets – 21.5%
 - Wants to sell eggs – 1.6%
 - Education or research – 8.9%
 - Other (please specify) – 12%
- When asked, “What are your primary concerns with allowing ‘Backyard Chickens’?, individuals responded with:
 - Noise – 18.4%
 - Odor – 17.6%
 - Chickens leaving the property – 12.4%
 - Attracting rodents or predators – 20.2%
 - Detracting property value – 13.1%
 - Illness/ Disease – 14.6%
 - Other – 3.7%
- When asked, “What size of property do you feel would be appropriate for ‘Backyard Chickens’, if allowed?”
 - Small urban properties (e.g. 0.15-0.25 acre) – 19%
 - Mid-sized urban properties (e.g. 0.3-0.75 acre) – 25.2%
 - Suburban residential properties (e.g. 1-2 acres) – 21.8%
 - Rural residential properties (e.g. over 2 acres) – 29.8%
 - Other – 4.2%