

Municipality of Chatham-Kent

Corporate Services

Municipal Governance

Information Report

To: Mayor and Members of Council
From: Nancy Havens, Manager, Licensing Services
Date: June 30, 2023
Subject: Backyard Chickens Survey Results

This report is for the information of Council.

Background

The following motion was approved by Council on February 6, 2023:

“Whereas the Municipality’s Responsible Animal Ownership By-law permits chickens on premises zoned agricultural under the Municipality’s zoning by-law permitting such use;

And Whereas there is interest from the public requesting that chickens be permitted on urban and rural residential areas;

Be it resolved that:

1. Administration conduct a C-K Let’s Talk survey to obtain feedback and comments on permitting backyard chickens in urban residential areas and rural residential areas; and

2. An information report with the results of the survey and information on what surrounding municipalities are doing regarding chickens in urban areas be reported back to Council by May of 2023. Further, that the report include consultation with public health for additional feedback and recommendations.”

Prior History

A Report to Council on Egg Laying Hens in Urban Areas was brought forward at the [June 24, 2013 Council Meeting](#). The following motion was approved that evening: *“That a by-law to permit egg laying hens in urban areas not be approved.”*

The Responsible Animal Ownership By-law was passed on July 13, 2015 which included a list of prohibited animals. Within that by-law, chickens are listed on the

prohibited list under Galliformes (an order of heavy-bodied ground-feeding birds that include chickens). It states: “No person shall keep a galliform unless on premises zoned agricultural under the Municipality’s Zoning By-law.” [The Responsible Animal Ownership By-law](#) was repealed and replaced in 2021 with no changes to the prohibited animal list.

At the [June 29, 2020 Council Meeting](#) there was a motion presented relating to chickens in Urban Areas. It stated *“That administration bring back a report to Council along with draft corresponding by-law amendments that permit up to 4 chickens per single family dwellings only in urban and rural residential areas. Included in the draft by-law changes will be regulations and associated costs regarding the keeping of hens in coops, no roosters being allowed and that apartment buildings and multiplex homes are excluded.”* This motion was defeated.

Comments

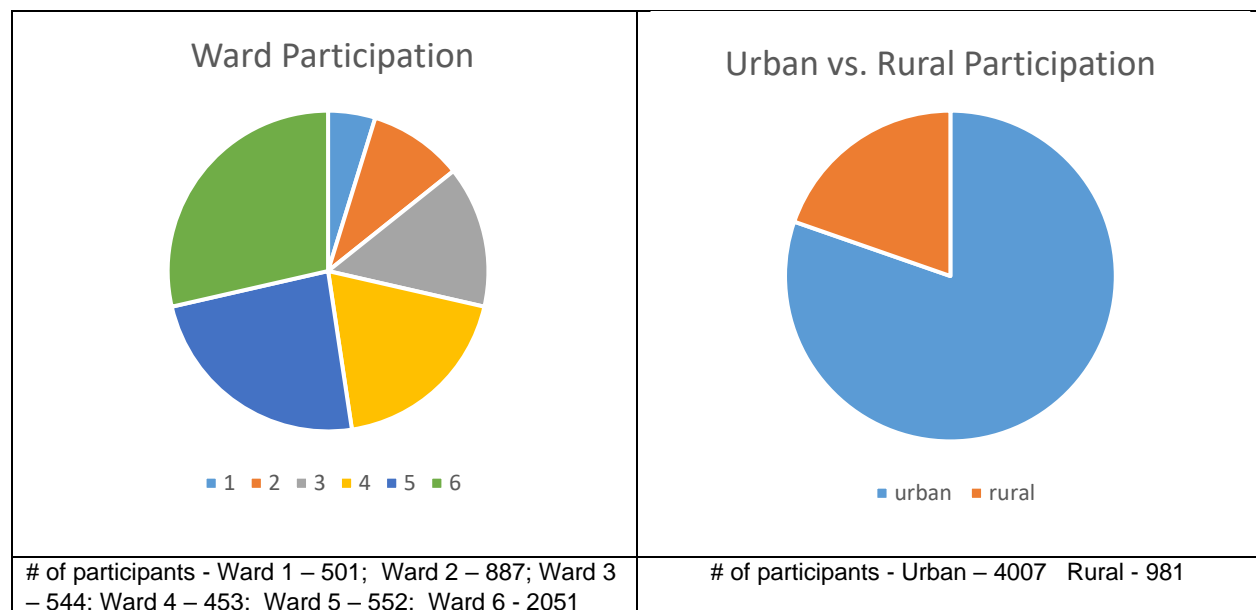
Community Engagement

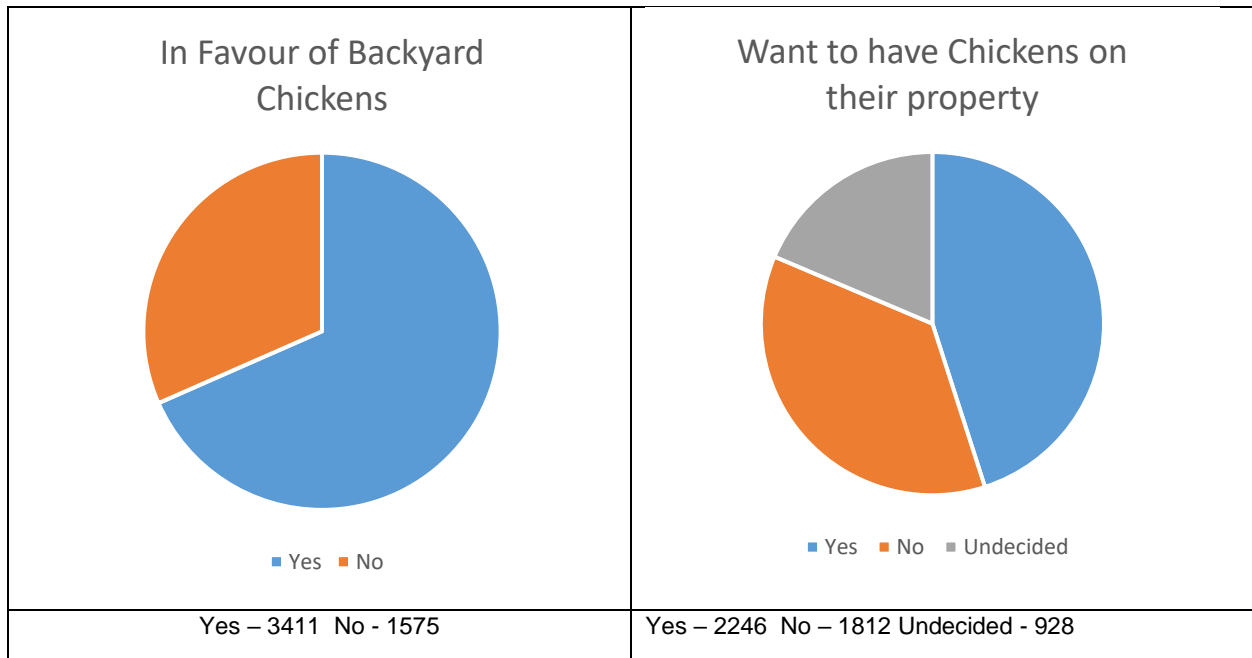
As directed by Council, a Let’s Talk survey was completed to obtain feedback and comments relating to permitting backyard chickens in urban residential areas and rural residential areas. This public consultation was conducted from March 17 to April 12, 2023.

A total of 4,988 participants completed the survey with sixty-eight percent in favour of backyard chickens.

Eighty percent of the respondents were from urban areas whereas twenty percent were from rural areas.

Forty-six percent of the participants are interested in having backyard chickens.





See Attachment A for complete details and comments regarding the survey.

To summarize comments within the survey, the top answers are provided below for each question in order of importance:

Why might you be interested in keeping chickens on your property in Chatham-Kent?

- I want fresh eggs for my household (2178)
- I want to eat chicken I've raised myself (1165)
- I believe chickens are a fun, educational opportunity (1056)
- I'm interested in chickens as pets (634)

What concerns do you have, if any, about residents being permitted to keep chickens on their properties in Chatham-Kent?

- None (2009)
- Smell (1844)
- Sanitary/health (1816)
- Attracts predatory wildlife and/or rodents (1787)
- Noise (1584)
- Roaming of chickens (1573)
- Coops may be unsightly (1327)
- Property values/appearance (1214)

If guidelines are written to allow backyard chickens in residential areas in Chatham-Kent, what considerations do you think are important? Ranked in order of importance 1 (highest) to 8 (lowest).

- cleanliness standards (2.87)
- requirements for fenced yard or an enclosed run (3.68)
- no roosters (3.79)
- size of coops and run area (4.18)
- minimum distance and visibility from other houses (4.74)
- location of where chickens are contained with the yard area (4.87)
- licence/registration for keeping of chickens (5.89)
- prohibition of commercial sale of eggs and chickens (5.99)

If chickens were to be allowed in Chatham-Kent in residential areas, how many chickens per property would be an appropriate limit?

- up to 6 (33.3%)
- up to 4 (27.2%)
- up to 2 (17.5%)
- other (22%)

Agency Comments

Kent Federation of Agriculture opposes any by-law that would allow backyard chickens in urban areas in Chatham-Kent citing avian influenza as a real risk to our food supply system. The letter states: “it has been proven that contaminating of commercial flocks originates in urban areas” and “that avian influenza was detected in Ontario in a backyard flock in Chatham-Kent in 2023.” See Attachment B.

Egg Farmers of Ontario state “raising hens requires nutritionally balanced feed, clean water, protection from predators and adequate housing to protect them against inclement weather. It requires adaptations to the typical back yard, a daily time commitment to caring for the hens 365 days a year, a lot of preparation and great deal of expertise. Careful consideration needs to be given to any plans put in place to ensure food safety regulations are followed and disease transmission risks are mitigated to protect all residents. Hen welfare also needs to be top priority to ensure hens have a safe, temperature-controlled environment, with access to proper feed and fresh water.” Additional information about diseases from contamination with respect to handling eggs and dead carcasses was provided. See Attachment C.

Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA) provided the following information:

[Raise healthy small flock poultry | ontario.ca](https://www.ontario.ca/raising-small-flock-poultry)

[Urban Agriculture: Livestock and Poultry - Information for Municipalities \(gov.on.ca\)](https://www.ontario.ca/urban-agriculture-livestock-poultry)

[Raising Livestock and Poultry \(gov.on.ca\)](https://www.ontario.ca/raising-livestock-poultry)

[Manure Management – Best Management Practices \(bmpbooks.com\)](https://www.bmpbooks.com/manure-management)

[Urban Agriculture Business Information Bundle](#)

[Poultry Industry Council – Biosecurity & Disease](#)

[Poultry Industry Council – Raising Backyard Chickens Webinar](#)

Chatham-Kent Public Health Comments

There are a number of significant public health implications of backyard chickens in urban settings. These primarily relate to increased risk of infectious disease transmission through direct handling of chickens, exposure to contaminated environments, and consumption of unregulated chicken products.

Infectious Diseases

Chickens frequently carry disease-causing bacteria (i.e. Salmonella, Campylobacter, and E. Coli) in their intestinal tracts, even if they do not appear to be sick. When their feathers, eggs, and living environments become contaminated with feces, bacteria can be spread to people, resulting in symptoms of enteric illness, such as abdominal cramping, nausea, vomiting, and diarrhea. Illness can be particularly severe in the very young, the elderly, and those with compromised immune systems. The U.S. Centres for Disease Control and Prevention reports that in 2022, 1,230 cases of Salmonellosis associated with backyard chickens were investigated, including 225 hospitalizations and two deaths.

According to the Canadian Food Inspection Agency (CFIA), Highly Pathogenic Avian Influenza (HPAI) is being detected worldwide, including in Ontario, both in wild and farmed birds. Avian Influenza, also known as "bird flu," is a viral infection that spreads easily and quickly among birds. There is a risk of small flocks and pet birds being exposed to HPAI when wild birds migrate to and through Canada in the spring and fall months, as wild birds naturally carry many strains of Avian Influenza viruses. The CFIA reports that as of May 10, 2023, a total of 849 000 birds in flocks have been impacted by HPAI in Canada. The Canadian Wildlife Health Cooperative (CWHC) further reports a total of 1996 positive wild bird samples in Canada, including 276 in Ontario. Locally in Chatham-Kent, there have been two detections of HPAI in commercial and non-commercial flocks reported by CFIA, in April 2022 and March 2023. At the time of writing this report, there were active HPAI detections in commercial poultry flocks in both Norfolk County and the Municipality of Middlesex Centre.

Transmission of Avian Influenza from infected birds to humans is rare but can occur with individuals caring for infected birds or coming into contact with their contaminated environment. Other mammals are also at risk of becoming infected through the same exposure channel. In April 2023, a domestic dog in Oshawa, Ontario tested positive for HPAI after chewing on a wild goose. The dog died after developing symptoms.

Mitigation Strategies

Diligent infection prevention and control practices can reduce the risk of exposure to pathogens that can be spread by chickens. These include:

- Washing hands thoroughly after handling chickens or their eggs, and after coming into contact with their environment
- Monitoring children closely if they are handling chickens, and ensuring their hands are washed afterward
- Having dedicated clothing, shoe, and PPE apparel when caring for chickens
- Keeping chicken living environments clean, sanitized, and well ventilated

- Keeping chickens away from mouth and face
- Not eating or drinking with contaminated hands
- Keeping chickens out of homes
- Storing chicken feed in rodent-proof containers
- Disposing of deceased chickens properly and promptly

In an [evidence brief](#) conducted by Public Health Ontario in 2017, researchers found that owners of backyard chickens have limited knowledge of the risks of infectious diseases posed by chickens as well as key mitigation strategies, placing owners and their families at increased risk.

Distribution of Chicken Products

Currently, under provincial legislation, individuals engaged in the production of eggs may sell/distribute clean, uncracked eggs on the premises where the eggs are produced. Due to the unregulated nature of ungraded eggs, there is a higher chance that they could be contaminated with pathogens that cause disease. Ungraded eggs are more likely to have chicken feces on them, be poorly washed, and be stored in contaminated packaging. They are also less likely to be refrigerated. Additionally, there is a concern that chickens may be slaughtered in an unregulated way, resulting in the potential for consumption or distribution of meat at greater risk for contamination.

Conclusion

Due to the elevated risk of transmission of infectious diseases posed by backyard chickens in urban settings, Chatham-Kent Public Health does not endorse a by-law. If a by-law is passed, Council is urged to consider a mandatory education component for individuals wishing to possess backyard chickens in urban areas, as well as regulatory inclusions that limit distribution of chicken products.

Zoning

The Zoning By-law is a land use planning regulation that governs the use of land, buildings and structures. The Zoning By-law is not intended to regulate the keeping of animals, other than allowing bonafide livestock operations on a farm. In the case of allowing people living on a residential properties to raise chickens, no amendment to the Zoning By-law is required. A limited number of chickens raised on a residential property does not change the use of the property to agricultural as set out in the Zoning By-law. The primary use of these residential properties would remain residential. Further, it is impractical to apply the public processes set out in the Planning Act and potential appeals to the Ontario Land Tribunal over urban chickens.

Chickens are permitted on agricultural zoned properties. Several severed lots in the rural areas are zoned agricultural but taxed rural residential. This may cause some confusion. Property owners must check their property zoning, if they reside on a severed lot and have no neighbours there is a possibility the property may be zoned agriculture.

Other Municipalities

According to a news article from [CTV News London on April 12, 2023](#) there are 26 cities/towns in Ontario where backyard chickens are permitted. As there are 444 municipalities in Ontario, that means that 94% of the municipalities across Ontario do not permit backyard chickens.

Surrounding municipalities such as Windsor, the County of Essex municipalities, the Lambton County municipalities, the City of London, and Elgin County municipalities do not permit backyard chickens. The closest municipality that does is the City of Sarnia. See Attachment D for further details.

Within southwestern Ontario, the following municipalities permit backyard chickens: Brantford, Guelph, Kitchener, Waterloo and Woodstock. Other municipalities that permit backyard chickens are Brampton, Caledon, Halton Hills, Kingston, Newmarket, Niagara Falls and Orillia.

Municipalities Offering Pilot Projects

Some municipalities have implemented pilot projects that are still existing, however, Tecumseh and Toronto are two municipalities that have recently ended the programs.

Tecumseh conducted a two-year urban hen licensing pilot program from March 1, 2020 to March 1, 2022. The pilot permitted 6 hens for properties under 10,000 square feet. For properties over 10,000 square feet, an additional hen was permitted per 3,000 square feet up to a maximum of 12 hens. Registration form was required and \$25 annual licence fee. Onsite inspection was conducted. In 2021 the program was updated to strengthen enforcement and recovery of costs related to the removal of hens or coops etc. 13 permits were issued for the keeping of a total of 76 urban hens. Complaints were received on 3 of the permitted properties. Failure to comply resulted in licences revoked. 12 service requests (complaints regarding urban chickens) were recorded during the pilot (keeping of hens without permit; rooster, roaming, proper keeping).

Tecumseh's program was discontinued in March of 2022 noting the following: "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, responding to inquiries/complaints relating to keeping of urban hens, and the like."

Toronto also conducted a pilot project that launched in March of 2018 and expired on May 31, 2023. A [Follow Up Report on the UrbanHensTO Backyard Hens Pilot Program](#) was approved by Toronto's Council on May 10, 2023 to end the pilot project. The report cites the following: "HPAI (avian Influenza) continues to spread among wild and farmed birds globally. HPAI is a risk to commercial poultry operations and increasing the number of backyard coops may increase the risk of disease transmission. Staff recommend working to reduce exposure to potentially infected hens and/or other wildlife to respond to HPAI as well as other enteric diseases, which can be carried by backyard poultry and cause a variety of illnesses in people."

In addition to emerging concerns related to HPAI, there are additional current operational and animal welfare challenges. There are a limited number of veterinarians in the city able to provide appropriate care for hens and access to a veterinarian is critical to ensure a prompt response to HPAI and other emergency care. As well, the resources and costs required to mitigate community safety and sanitary concerns are significant.”

Despite the end of the pilot, Toronto has permitted persons who were part of the pilot project to keep the hens until the end of the hens’ lives.

Costs associated if by-law enacted

Should Council wish to move into the direction of permitting chickens in areas outside of agricultural zoned properties, there could be additional costs associated with licence issuance, inspection and enforcement.

Areas of Strategic Focus

This report supports the following areas of strategic focus:

			
Economic Prosperity	Healthy & Safe Community	People & Culture	Environmental Sustainability
1.4	2.2		

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 and Building and Development Services.

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. In addition, a public meeting was held on June 29, 2023. The public was provided an opportunity to review this information report for content and present a deputation if they wished. Comments from the meeting are in Attachment E.

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.”

Attachment F is information provided by Chatham-Kent Public Health on Backyard Chickens – Food Systems Perspective.

Financial Impact

This information report has no financial impact however, as indicated in the report, should Council move in the direction of permitting chickens in areas outside agricultural zoned properties, additional staff may be required. This could be municipal staff or an additional requirement to the current animal control contract that expires in March, 2024. Both options would have anticipated costs of new staffing (approximately one FTE).

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Attachments:

- A: Summary of Survey Results for Backyard Chickens
- A1: Survey Responses – Question 4 – in what urban community do you live
- A2: Survey Responses – Question 7 – Why interested in keeping chickens – other comments
- A3: Survey Responses – Question 8 – What concerns do you have – other comments
- A4: Survey Responses – Question 10 – How many chickens per property would be an appropriate limit
- A5: Survey Responses – Question 11 – Final Comments
- B: Kent Federation of Agriculture Letter
- C: Egg Farmers of Ontario letter
- D: Surrounding Municipalities information
- E: Minutes from June 29, 2023 Public Meeting
- F: Chatham-Kent Public Health - Backyard Chickens – Food Systems Perspective