



Staff Report

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Report To:	General Government Committee	
Date of Meeting:	September 9, 2024	Report Number: LGS-032-24
Submitted By:	Rob Maciver, Deputy CAO/Solicitor, Legislative Services	
Reviewed By:	Mary-Anne Dempster, CAO	Resolution#:
Authored by:	Jennifer Horne, Animal Shelter Supervisor	
File Number:		By-law Number:
Report Subject:	Exotic Pet By-law – Backyard Chickens	

Recommendations:

1. That Report LGS-032-24, and any related delegations or communication items, be received; and
2. That all interested parties listed in Report LGS-032-24, and any delegations be advised of Council's decision.

Report Overview

This report is in response to the direction from Council to prepare a report regarding the keeping of backyard chickens for the purpose of egg laying.

Due to the significant risks associated with Highly Pathogenic Avian Influenza, as well as insufficient resources to appropriately regulate chickens in a residential backyard setting, Legislative Services Staff do not support changes to the Exotic Pet By-law to permit backyard chickens.

1. Background

General Government Committee Resolution

1.1 At the Council meeting on December 18, 2023, [Resolution GG-216-23](#) was approved as follows:

Whereas the [Exotic Pet By-law 2012-045](#) does not allow for raising chickens on non-agriculturally zoned lands;

And Whereas Committee deems it advisable to consider allowing Clarington residents in rural hamlets, rural clusters, and the Village of Orono, to keep backyard chickens for the purpose of egg-laying, on non-agriculturally zoned lands;

Now therefore be it resolved that Staff in the Legislative Services Department be directed to prepare a report regarding the keeping of backyard chickens for the purpose of egg laying which would include:

- A review of past reports and memos, delegations, stakeholder consultations, and other municipalities regarding the keeping of backyard chickens; and
- Input from the Agricultural Advisory Committee (AAC), Climate Change Response Coordinator, and Planning and Infrastructure Services Department; and
- Options for general frameworks/approaches to allow for the keeping of backyard chickens for the purpose of egg laying; and
- That the program be rolled out to larger urban lot properties in Clarington once the program has been successfully launched.

2. Review of Previous Council Reports

March 29, 2010

- 2.1 In 2010, the General Purpose and Administration Committee (as it was then known) received a request to allow backyard chickens. The recommendation, at that time, was that Clarington should not allow urban hens. [Report CLD-004-10](#) details the recommendations, which were upheld by Committee.
- 2.2 Concerns were raised about issues of predation, the spread of disease, what would happen to the chickens after they no longer lay eggs, smell, nuisance to neighbours, and the size of the lots.
- 2.3 Research was done, at that time, regarding other municipalities which permit urban hens. Since then, more municipalities have begun allowing hens with varying degrees of success.

June 2018

- 2.4 A resident's [request](#) to revisit the possibility of being permitted to keep backyard chickens was received for information by Council.
- 2.5 The request was brought to the Clarington Agricultural Advisory Committee (CAAC), at which time they maintained their recommendation that properties without agricultural zoning are not suitable for the raising of chickens.

November 2, 2020

- 2.6 At the November 2, 2020, Council meeting, [Resolution #GG-346-20](#) was approved. The resolution was in response to a [request](#) brought forward by a delegation of residents from "Clucks for Clarington" for a by-law amendment to By-law 2012-045, the Exotic Animal By-law, to allow for backyard hens.
- 2.7 Two residents spoke in opposition to the amendment, one of whom was an inspector with the Canadian Food Inspection Agency (CFIA). The CFIA inspector spoke about concerns with zoonotic disease and the handling of bio-waste. The inspector also spoke of the need for a registry system (permit or license) to manage any potential outbreaks of disease. The other resident expressed concerns with transmission of disease as well as potential bad odours from coops and appropriate space to house the chickens.
- 2.8 Council declined to permit backyard chickens due to the concerns raised.

3. Input from Concerned Parties

Agricultural Advisory Committees

- 3.1 In response to the most recent request by Council to review the matter, Staff solicited updated input from the CAAC regarding the resolution to investigate the feasibility of backyard chickens.
- 3.2 The CAAC's position remains that chickens should not be permitted on any land not zoned for agriculture. The main concern is the potential spread of disease. Many diseases could be damaging to the flocks of egg producers and can be spread by wild birds. Zoonotic diseases such as Highly Pathogenic Avian Influenza (HPAI) may be dangerous to humans as well. Standards of care for the birds is also of concern.
- 3.3 The Durham Region Agricultural Advisory Committee is also opposed to the keeping of chickens on non-agricultural zoned properties as reflected in the following resolution (Attachment 1) adopted at their January 16, 2024, meeting:

That as the introduction of chickens within urban and rural settlement areas (which includes towns, villages, and hamlets) can result in the potential spread of Avian Influenza and other diseases to livestock in the Region, particularly poultry farms;

And that backyard chickens attract pests and predators, resulting in conflicts between predatory animals and chickens, and additional vectors for spreading disease;

Therefore be it resolved that Durham Regional Council be advised that the Durham Agricultural Advisory Committee (DAAC) does not support permitting chickens being kept in urban settlement areas and rural settlement areas (which includes towns, villages and hamlets); and that a copy of this resolution be forwarded to the area municipalities for information.

Climate Change Response

- 3.4 Staff consulted with the Municipality's Climate Change Response Coordinator. Other than some anecdotal information available to suggest that backyard chickens contribute to a reduction in household food waste, there are no significant climate change mitigation benefits associated with backyard egg production.

Planning and Infrastructure Services Department

- 3.6 Zoning By-laws are a land use planning instrument that regulate the use of land, buildings and structures, and associated standards. Livestock operations and other farm uses are regulated pursuant to the Zoning By-Laws; however, Staff in the Planning and Infrastructure Department take the view that small-scale backyard chicken keeping is outside the scope of these zoning regulations. The interpretation provided by our Staff Planners is that backyard chickens in rural hamlets, rural clusters, and the Village of Orono would not be a contravention of the Zoning By-Laws, and therefore no zoning by-law amendments would be required.
- 3.7 Should a limited number of chickens raised on a residential property be permitted in rural hamlets, rural clusters, and the Village of Orono, the zoning and primary use of these properties would not change, and they would remain residential.
- 3.8 Therefore, should the Exotic Animal By-law 2012-045 be amended to allow a limited number of chickens in rural hamlets, rural clusters, and the Village of Orono, then Planning Staff have no concerns, from a land use planning perspective.
- 3.9 If Council enacts amendments to the Exotic Animal By-law 2012-045 to permit backyard chickens in rural hamlets, rural clusters, and the Village of Orono, Planning Staff would take this into consideration whether this would require any zoning clarifications as part of a future comprehensive zoning by-law review.

4. Other Ontario Municipalities

- 4.1 An examination by Staff of other municipalities in Ontario was undertaken.
- 4.2 The City of Toronto and the City of Mississauga both recently ended pilot projects allowing backyard hens. Toronto's pilot included registration but no site visits. Enforcement was complaint based, including noise, unsanitary conditions, and zoning infractions. The program was halted due to the cost of administration and enforcement, as well as concerns of the risk of HPAI. Mississauga's program was also halted due to safety concerns, as well as low participation amongst residents.
- 4.3 No Durham Region municipalities permit backyard chickens, with some citing the recent recommendation of the DAAC as the reason. Neighbouring municipalities also prohibit backyard chickens, including the Municipality of Port Hope, and the Town of Cobourg.
- 4.4 Municipalities that permit backyard chickens include: the City of Guelph, the City of Niagara Falls, the City of Quinte West, the City of Peterborough, the City of Kingston, the City of Kitchener, the Town of Newmarket, and the Regional Municipality of Halton Hills.

5. Areas of Concern

Resources

- 5.1 Legislative Services does not have the resources, nor the expertise needed to create or enforce comprehensive regulations for the keeping of backyard hens. There appear to be no standards or best practices that have been published by reputable sources upon which to base such regulations.
- 5.2 Protecting the welfare of backyard hens is a responsibility that would fall upon the Provincial authorities. The [Provincial Animal Welfare Services \(PAWS\) Act, 2019, S.O. 2019, c. 13](#) speaks of standards of care and administrative requirements.
- 5.3 Basic standards of care for all animals are detailed in the [PAWS Act Ontario Standards of Care and Administrative Requirements 444/19](#). This legislation is intended to ensure appropriate care for all animals including chickens.
- 5.4 PAWS inspectors are responsible for investigating complaints of mistreatment, cruelty, or substandard care. Inspectors may serve orders for care, or even remove animals if the animal is in imminent distress. Complaints of mistreatment or substandard care practices, and any resulting enforcement should be handled by PAWS inspectors. Resources for the PAWS agency are also minimal - there is only one inspector covering the area from Pickering to Port Hope.

Health Concerns

- 5.5 Staff have serious concerns about the health impacts on both animals (including other flocks of area egg producers) and humans.
- 5.6 HPAI continues to be of concern among wild and domestic birds, including flocks of poultry. The disease has also been sporadically detected in mammals such as raccoons, striped skunks, red foxes, cats, and dogs. The CFIA also reports that one [Canadian dog](#) developed symptoms after chewing on a deceased goose, and subsequently passed away from the virus.
- 5.7 [Biosecurity practices](#) are extensive and strict for commercial egg producers whose hens are their livelihoods. HPAI is a significant risk, but not the only one. Their contagion prevention measures include Controlled and Restricted Access Zones (CAZ and RAZ), personal protective equipment (PPE), and cleaning and disinfection protocols. In the cases of the occurrence of infectious disease, farmers must inform their veterinarian and provincial board. Reportable diseases such as HPAI must be reported to the CFIA, and strict quarantine protocols implemented. Backyard hen owners are not held to these standards.

- 5.8 In August 2019, the University of Guelph published the results of a [study \(Part 1 & Part 2\)](#) in collaboration with the Ontario Ministry of Agriculture, Food and Rural Affairs on the issue of backyard chickens. They requested that backyard (non-commercial) chicken owners submit birds that had died under their care for post-mortem study.
- 5.9 As reflected in the above-mentioned study, the highest number of deaths came from infectious disease and bacterial infection, leading to the conclusion that many small flock owners are unaware of proper precautions to control the spread of disease.
- 5.10 The study concluded that “many Ontario backyard birds are carrying dangerous pathogens, and a significant number of flock owners are not following proper hygiene practices.”

Staff Analysis

- 5.11 Considering these factors, Staff recommend that no amendment be made to the Exotic Animal By-Law to permit backyard hens. The spread of disease is too great of a risk, for the safety of the residents of the Municipality of Clarington and to the livelihood of the local egg farmers within the Municipality.
- 5.12 With limited resources for enforcement of animal care and related By-Laws such as noise, and property standards, no framework or regulations will be sufficient to ensure the appropriate care for the hens and prevent neighbour disputes and complaints.

6. Options for general frameworks/approaches

- 6.1 Should Council decide to move ahead with permitting backyard hens, a framework would be required. The effectiveness would be limited as the PAWS Act (for the care component) and related by-laws (property standards, noise, etc.) would be all that was enforced.
- 6.2 Many municipalities that permit backyard hens have general frameworks; but as indicated above, there are no recognized requirements or standards or a governing agency for backyard hens. (See Attachment 2 written in May 2023.)
- 6.3 See following table for potential issues and guidelines:

Criteria	Other Municipalities	Staff Position	Notes
Limit on number of birds	Two to ten hens, no roosters.	Minimum of two; maximum of four hens. Roosters are prohibited.	Must be at least two birds to meet social requirements for hens

Criteria	Other Municipalities	Staff Position	Notes
Minimum Age of Hens	Four months	Four months	Old enough to sex birds
Coop and Exercise Run	Based on best practice for chickens	Appropriate space for number of birds. No taller than 2m at its highest peak. Maximum size 10m ² .	Potential for neighbour complaints due to zoning infractions.
Type of Home	Single family home, no multi-residential buildings	No multi-residential buildings	
Food	Proper food, storage, disposal	Appropriate food, must be stored to avoid attracting vermin or predators.	Examples: no food scraps, proper chicken feed, etc.
Cleanliness and Odour	Must keep area sanitary and odour free, must store waste in sealed container	Covered in Property Standards By-Law 2007-070 .	Odours and dirty coop/run can attract vermin or predators.
Location of Coop	Only in back yard	Only in back yard	Not permitted in front or side yards of lot.
Setbacks and Lot Size	Variable, 1.2m to 4m from adjoining property, some mention distances from other buildings (5m to 10m)	Not recommended for urban areas. At least 2m set back from property line, 10m from neighbouring buildings.	No practical way to determine appropriate lot size limits because of set back in relation to the shape of yard.

Criteria	Other Municipalities	Staff Position	Notes
Property Criteria	Hen owner must live on property, property owner must give permission to tenant, hen owner must receive neighbour consent.	Hen owner must live on property.	Unable to confirm permission from property owner or neighbour due to resources.
Eggs	Eggs are for personal use only	Eggs are for personal use only.	No selling or gifting of eggs.
Disposal of chickens and chicken cadavers	Must happen through a veterinarian or through a deadstock removal company.	Must happen through a veterinarian or through a deadstock removal company.	Chickens stop laying eggs at a certain stage of life – must have plan for that stage

7. Financial Considerations

- 7.1 The cost to the Municipality of a program of this nature would be measured in enforcement time ranging from increased call volume for clerks to more investigations by officers. It should be noted that the Clarington Animal Shelter does not have the facilities needed to impound any chickens that are stray or abandoned. Currently, neither the Municipal Law Enforcement team nor the Animal Shelter team have sufficient staff or training to manage issues associated with backyard hens.

8. Strategic Plan

- 8.1 This report relates to the Strategic Plan in the Connect section C1.4, dealing with livability. With the interests of prospective participants and non-participants in mind, the potential for neighbour conflict outweighs the benefits of chicken keeping.
- 8.2 It is also relevant to C2.5, supporting the initiative-taking management of community safety and well-being. With the risk of zoonotic disease, and the potential for greater numbers of predators and vermin, safety and well-being are protected by maintaining chickens on the prohibited animal list of the Exotic Animal By-law, and not permitting them in backyards of urban and residential properties.

- 8.3 Urban chickens would also pose risks for current local egg producers, going against G1.2, supporting local business and industry. The flocks of egg producers will face increased risk of the transmission of disease from backyard flocks to their own due to the lack of biological controls.

9. Climate Change

Not applicable.

10. Concurrence

Not applicable.

11. Conclusion

Legislative Services Staff respectfully suggest that it is not in the best interests of the community for the Municipality of Clarington to allow backyard hens, and the keeping of hens and other livestock should remain restricted to agricultural zoned properties. The risk of disease, not only to other poultry farmers and wildlife, but to humans, is too great. Issues with vermin and predators would increase. The cost of implementation and enforcement falls outside of current budget restrictions.

It is also respectfully recommended that should Council choose not to follow the Staff advice and proceed with exemptions to the Exotic Animal By-law to permit backyard hens, staff would advise strongly against the inclusion of any residential lots within the urban areas. There is no workable solution to determine minimum lot size, due to setback demands and neighbouring property distance.

Staff Contact: Jennifer Horne, Animal Shelter Supervisor, jhorne@clarington.net.

Attachments:

1. Attachment 1 to LGS-032-24 - CC 02282024 – DAAC – Backyard Chickens
2. Attachment 2 to LGS-032-24 - Backyard Chicken Information from AI Dam

Interested Parties:

The following interested parties will be notified of Council's decision:

1. Durham Region Agricultural Advisory Committee
2. Clarington Agricultural Advisory Committee
3. Rosemary Davies