



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Fernando Lamanna
Position: Clerk & Deputy CAO
Title / Subject: Urban Farming – Backyard Hens
Date of Report: June 28, 2024
Date of Meeting: July 15, 2024
Report No: 2024-GG-018

1.0 Issue / Origin

Council directed staff to review and provide options as it relates to the keeping of backyard chickens as well as sharing the results of the Backyard Chicken Survey.

2.0 Background

By-Law Number 2402-2012-PP, as amended, is a by-law to prohibit and regulate the keeping of certain animals within the township.

In particular, Part II Section 1 of By-Law 2402-2012-PP, reads:

No person shall keep livestock within the Township except in accordance with the relevant provisions of the comprehensive Zoning By-Law.

The by-law also defines livestock as:

“livestock” means any domestic fowl (including chickens, ducks, turkeys, guinea fowl, etc.), domestic rabbits (where more than three are kept), any member of the family equidae (includes ponies, donkeys, mules, horses, zebras, asses and mules), any member the genus Bos (including cows, steers, bulls, oxen) or other cattle (including goats, pigs, sheep, llamas, mink, emus, ostrich) used or kept for agricultural purposes.

The Township’s comprehensive Zoning By-law permits “Farm” uses within the Rural (RU), and Rural Buffer (RB) zones, as well as the Environmental Protection (EP) zone subject to criteria.

On April 25, 2022, Council received correspondence from a resident and approved the following resolution:

BE IT RESOLVED THAT Communication Number 175/22 submitted by Joelle Groulx with respect to chickens in urban Beaverton be received; and

THAT Council direct staff to proceed with a public survey with respect to the request and report back.

Staff launched the “Backyard Chickens” survey on May 9, 2023 and closed it on July 27, 2023. A total of 191 respondents completed the survey, with 87% of those being from the urban area. While 73% of survey respondents support backyard chickens in residential areas, 85% agreed there should be limitations if backyard chickens are allowed. A copy of the survey is attached as Appendix “1”.

At the Council meeting held on April 29, 2024, Council received a request to permit backyard chickens in small rural residential lots within Brock. During that same meeting, Council received correspondence from Durham Region with respect to Regional Council’s support of Durham Agricultural Advisory Committee (DAAC) resolution regarding their position in not permitting chickens within urban and rural settlement areas. A copy of the Region’s letter is attached as Appendix “2”.

Council’s resolution with respect to DAAC’s position was as follows:

Be it resolved that communication number 146/24 Durham Agricultural Advisory Committee Resolution Backyard Chickens within Urban and Rural Settlement Areas be received; and

That Council partially support the resolution from the Durham Agricultural Advisory Committee of not permitting backyard chickens within Urban Areas; and

That Council direct staff to report back with options on backyard chickens permitted within Rural Residential and Hamlet Settlement Areas, as well as to include the results of the survey.

The balance of this report will evaluate the various options.

3.0 Analysis

Backyard chickens and food sustainability have been a discussion at a number of municipalities over the past decade. Some municipalities have implemented a pilot program and others implementing/amending bylaws to permit backyard chickens in urban residential areas, with various restrictions, including a licensing component. Other municipalities have taken the position of not allowing backyard chickens outside of rural agricultural areas.

Staff have analyzed the input received by Council and in response to the resolution passed on April 29, 2024 whereby Council did not support backyard chickens in urban areas, staff have come up with two options:

- Option 1: Permit backyard chickens in rural residential areas and hamlet areas, as well as the rural agricultural area.
- Option 2: Do not permit backyard chickens in urban or rural settlement areas and limit them to rural agricultural areas (as per current bylaws).

Stakeholder Consultation and Best Practice Scan

Staff have consulted with multiple levels of governments (Municipal, Regional, and Provincial), as well as researched written articles and discussions with the agricultural community. The analysis of the fact finding will be incorporated into the discussion for both options.

In respect of Option 1:

Staff have reviewed various permissive bylaws, which establishes the regulatory framework for standard of care for keeping chickens, and property standard requirements for the construction, size, and location of coops (including distance from neighbours and other structures). Some bylaws also included licensing and inspection of backyard coops as a requirement, to minimize complaints, ensure public health and safety and animal welfare.

In speaking with staff in municipalities that have permitted backyard hens, they indicated that there still exist complaints about noise and odour as well as an increase in rat and rodent populations, and predatory wildlife (racoons, foxes, coyotes, etc). Those municipalities that imposed a licensing requirement, advised that the fee is minimal and does not cover staff time. In addition, enforcement/legal costs increase in order to deal with non-compliant backyard chicken owners.

Staff note there is potential of fire risk, as chicken coops are generally heated in colder months by heat lamps, and these, in combination with straw or other bedding materials can be a risk for combustion.

What chickens are fed will affect their health and their ability to produce good quality eggs. A chicken's normal diet consists of mixed grains and oilseeds, including corn, soybeans, wheat, barley, and canola, as well as minerals and nutrients. Although food scraps and grass clippings are often fed, they are not recommended, and they do not provide the adequate nutrients necessary to raise a healthy chicken. Of the three veterinary clinics in Brock, two do not provide any care for chickens, and the third only provides on-farm care for large flocks.

Staff acknowledge that the permissible bylaws were generally intended for urban residential areas, however, should Council choose to implement backyard chickens

within Rural Residential (RR) and Hamlet Residential (HR) areas, staff would have to review the average lot sizes within these zones and establish a minimum lot size that would be suitable for backyard chickens. However, it is staff's opinion that should Council wish to permit backyard chickens within Rural Residential (RR) and Hamlet Residential (HR) areas, that it be incorporated in the next comprehensive zoning bylaw review.

In respect of Option 2:

In conducting a scan of municipalities in Ontario, there are only approximately 26 out of 444 municipalities that permit backyard chickens. Of particular note, Toronto, who was essentially the first large urban city to permit backyard chickens when they introduced a pilot program in March 2018, have since discontinued the pilot in May 2023, due to the risk of Highly Pathogenic Avian Influenza (HPAI) and the prohibitive cost of administration and enforcement of the project.

Similarly, Mississauga introduced a two-year pilot project in May 2021. It was subsequently discontinued in May of 2023, citing small numbers of residents participating, and significant health and safety concerns.

In Durham Region, none of the other municipalities permit backyard chickens in areas other than in rural agricultural areas. One could conclude that the reason for this is that agriculture is one of the leading economic drivers and top goods producer in Durham Region. As well, 80% of the Region is within the Greenbelt. In Brock Township, the farms are categorized as:

- 57 Beef cattle farms
- 52 Grain and oilseed farms
- 30 Dairy cattle and milk farms
- 12 poultry and egg farms
- 8 Sheep and goat farms
- 7 Greenhouse, nursery and floriculture farms
- 3 Vegetable farms
- 57 'Other' types of farms

(Durham agricultural data sourced from Durham Economic Development and the Durham Agricultural Advisory Committee presentation to Council on January 15, 2024, attached as Appendix "3").

Avian Influenza (HPAI) – Public Health and Welfare

Public health and welfare are an important concern when considering keeping chickens in urban areas. Public Health Ontario published a [research brief in 2017](#) which concluded that close contact with backyard chickens may contribute to infectious disease transmission from birds to humans, even in the absence of illness in poultry.

Salmonella lives in the intestines of infected chickens and can be shed through droppings. Humans who handle birds or clean their enclosures can be exposed to the salmonella bacteria and suffer severe gastrointestinal illness. Biosecurity measures may limit or prevent the introduction and spread of infectious agents; however, various studies noted limited awareness regarding backyard chickens and zoonotic diseases among flock owners.

In August 2019, [The University of Guelph](#) conducted a study in collaboration with the Ontario Ministry of Agriculture, Food and Rural Affairs on the issue of backyard chickens. They requested that chicken owners submit birds that had died under their care for post-mortem 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. They concluded that “many Ontario backyard birds are carrying dangerous pathogens, and a significant number of flock owners are not following proper hygiene practices.”

As reported by the Ontario Ministry of Health and Long-Term Care, Avian Influenza is a disease caused by a virus that primarily infects domestic poultry and wild birds such as geese, ducks, and shore birds. HPAI H5N1 is a strain known to kill both wild birds and commercial poultry.

In March 2022, HPAI H5N1 virus had been detected in Ontario in wild and commercial poultry. This same strain of the virus has also been found in many other jurisdictions across the world, including in other Canadian provinces and American states. Although its spread has been primarily attributed to the migration of infected waterfowl, it is expected to remain a threat for quite some time.

In March 2023, municipalities within the GTA began to see the presence of HPAI in wild birds, with our neighbours in Uxbridge declaring an emergency. In addition, the Canadian Food Inspection Agency reported that the increase in reported cases of HPAI serves as a strong reminder that avian influenza is spreading across the globe, and that anyone with farm animals must practice good biosecurity habits.

[Ontario Public Health](#) notes the HPAI event that began with initial cases in December 2021 and persisted through 2022 and 2023 has demonstrated an unprecedented spread of infection to domestic and wild birds, and also to some mammals (note: In discussions with OMAFRA staff, cases of HPAI have been found in dairy cattle). As the HPAI viruses continue to evolve through viral reassortment and by infecting an increased range of wild birds, the risk of the virus becoming endemic in North America is high and continues to present challenges for the poultry industry.

4.0 Related Policies / Procedures

Strategic Plan – Goals & Actions:

“Build our Economy” - Urban chickens would pose risks for current local agricultural farmers including egg producers. The large poultry farmers and egg

producers could be threatened by the transmission of disease from backyard flocks to their own, causing a significant financial loss.

“Support a Healthy, Safe & Sustainable Community” - With the risk of zoonotic disease, and the potential for greater numbers of predators and vermin, safety and well-being are better served by maintaining chickens on the prohibited animal list of the Prohibited Animal By-law, and not permitting them to be raised in backyards of residential properties.

5.0 Financial / Budget Assessment

If status quo, i.e. chickens continue to only be permitted in rural areas, then there will be minimal to no financial impact to Brock. If there were any financial impact, it may result in an increase to legal expenses with enforcement of the existing by-law.

Should Council decide to permit backyard chickens in Rural Residential and Hamlet Residential areas as part of the next comprehensive zoning bylaw review, there will be little to no costs as it would be incorporated into the consultant’s scope of work. Timing is the only challenge as the comprehensive zoning bylaw review exercise is not planned for the coming year.

If Council directs staff to present a bylaw to permit backyard chickens in Rural Residential and Hamlet Residential zones, there may be some inherent and associated costs, such as:

- By-law Enforcement Officers and Animal Care Attendants would need training on requirements and new legislation. This would also include training on standards of care for chickens as well as chicken handling. Inspection of licensing applications submitted would add to existing workloads.
- Dench Animal Shelter would require additional and separate housing to isolate incoming birds, due to quarantine procedures for HPAI. Rehoming birds would be inappropriate due to the risk of contagion, so many would be euthanized. It would also add cost to the feed budget, as well as take Animal Attendant time away from the other animals in the shelter.

Note: the above noted costs would also be the same, if backyard chickens were permitted through the comprehensive zoning bylaw review.

5.1 Asset Management

There is no asset management impact as it relates to this report.

6.0 Climate Change Impacts

There are no climate change impacts to this report.

7.0 Communications

This report is published on a public agenda.

8.0 Conclusion

Given Brock's extensive agricultural industry, the public health concerns with HPAI, the increase in issues with vermin and predators, staff recommend that backyard chickens not be permitted, unless on properties zoned Rural (RU). The risk of disease, not only to poultry farmers and wildlife, but to humans, is too great.

9.0 Recommendation

BE IT RESOLVED THAT report 2024-GG-018, entitled "Urban Farming – Backyard Hens", be received; and

THAT Council does not permit backyard chickens within urban or rural settlement areas, which include towns, villages, and hamlets.