



DEVELOPMENT SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: M. SNOW, PLANNER
T. TRUEN, ZONING OFFICER
T. BANTING, MANAGER OF ENFORCEMENT SERVICES

NOTED: M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES
W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES
D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: KEEPING OF BACKYARD HENS – COMMUNITY SUGGESTION (CITY WIDE)

DATE: MARCH 30, 2020

The purpose of this Memorandum is to provide members of Council with an update concerning the keeping of backyard hens as an online suggestion forum item that received over 500 votes. The online suggestion forum obtained enough support (534 votes) to have Staff investigate its viability. The suggestion provided stated; *“Let’s make Barrie a sustainable city by allowing backyard hens for the purpose of household egg consumption”*. The suggestion went on to say that *“many major North American cities, including Toronto, Montreal, Vancouver, Victoria, New York, Seattle, Chicago and Los Angeles, together with Ontario communities such as Niagara Falls, Brampton, Newmarket, and Guelph, allow the small-scale raising of hens.”*

Current Status

Currently, the keeping of backyard hens or chickens (domestic fowl) is prohibited in residential zones. The City of Barrie By-Law 2010-035, as amended, defines domestic fowl as, “any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not be limited to hens, chickens, ducks, geese, turkeys but shall not include pigeons, song birds or vertebrates commonly kept as domestic pets such as parrots, buggies, cockatiels, etc.”

Section 18.3.0.0.0 of City of Barrie By-Law 2010-035 states that, “No person shall keep any domestic fowl as defined by the by-law, on any residential lot or in any residential dwelling unit within the City.”

Online Suggestion Merits

The benefits listed in the online suggestion forum regarding permitting backyard hens in Residential Zones for the purpose of household egg consumption include the following;

- The availability of fresh home-grown eggs that can be free of pesticides and antibiotics;
- The reduction of municipal waste that ends up in the landfill because the hens can be fed organic waste and other scraps;
- The use of chicken waste for fertilizer, composted chicken waste is great for lawns;
- The reduction of backyard pests and weeds as the hens will eat the insects and weeds; The hens will also reduce the risk of Lyme disease as they eat ticks;
- The opportunity for families to teach children about animal care and food sources;
- The potential to provide food for low income families; and,
- The addition of a family pet, as hens are friendly and non-aggressive.

Historic Policies

The former City of Barrie Municipal Code (1998) through By-Law 88-260, Section 4.14.13.4.0 stated, “No person shall keep more than twenty (20) domestic fowl on any Residential lot or in any residential dwelling unit within the City”. Section 4.14.13.50 provided “notwithstanding the provisions of Section 4.14.14.4.0, any person may keep any number of domestic fowl on any lot in any area within the City which is zoned Agricultural, Residential Hold or Industrial”.

On May 1st, 1995, By-Law 95-92 amended By-Law 88-260 with respect to the control of animals within the City of Barrie. Section 4.14.13.4.0 remained and still permitted residents to have up to 20 chickens per Residential lot or Residential dwelling unit within the City.

On December 3rd, 2001, By-Law No. 2001-269 was passed to delete section 4.14.13.4.0 and replaced it with the following: “No person shall keep any domestic fowl on any Residential lot or in any Residential dwelling unit within the City”. No change was made to the number of domestic fowl that could be kept on any lot zoned agricultural, residential hold and industrial, however the keeping of fowl on these parcels were required to be contained within the property by means of fencing or other reasonable methods.

The staff report that recommended the deletion from the By-law included reasons such as;

- The minimal practice of keeping domestic fowl as at the time there were only two known locations;
- Complaints received that the fowl were regularly roaming free around the neighbourhood in which they were located, including neighbours’ yards;
- Complaints about the noise and odour associated with the fowl; and,
- The attraction of rodents, predatory animals and other pests to the neighbourhood.

Potential Impact

At the same time as there are positive requests for this submission, there are also members of the public that have expressed concerns through the online suggestion forum. These include;

- The hens creating a noise problem;
- The potential for bad odour from the hens and their feces;
- The potential for the hens to end up in a neighbouring property by escaping their enclosure;
- The potential the hens have for attracting rodents and other predatory animals;
- The potential for the increase in disease to other pets; and,
- The lack of care to the hens, their health and their enclosures.

Comparative Urban Municipalities

Staff reached out to three Municipalities that allow hens in Residential Zones to understand the impacts of hens in urban settings.

Municipality	Comments
City of Toronto	Toronto has a pilot program in place that runs from March 2, 2018 until March 2, 2021 called UrbanHensTO and allows residents to have hens in specific areas of the City. There are four designated areas in the City that this is permitted. There is a registration process as well as a list of requirements. The requirements include; four hens per property, roosters are prohibited, the age of the hens and the sale of eggs is prohibited. Zoning requirements are also in place that regulate the chickens’ enclosure buildings such as the setbacks and location.

	<p>Impact to date: Since the launch of the pilot in March 2018, Toronto has 182 hens registered to 60 addresses in the pilot areas. Toronto has received no issues or concerns raised in those areas regarding noise or odour. They received one complaint regarding inadequate sheltering, which was addressed.</p>
City of Kitchener	<p>Kitchener has an active Urban Chicken By-Law. This By-Law governs the keeping of fowl in non-agricultural areas of the City and was approved by Council in 2016. Residents of Kitchener can now keep up to four chickens in their backyard coops. Residents are required to pay a one-time registration fee and have an inspection completed to make sure that their property complies with the appropriate setback requirements.</p> <p>Impact to date: The City of Kitchener expressed that they have had great success with their Urban Chicken By-law, They currently have 94 approved chicken coops and have had very few complaints. The complaints that they have received are generally in regards to people allowing their chickens to roam in their backyard, whereas their by-law requires that the chickens be in an enclosed run or the coop, and chickens are not permitted to roam, even if the yard is fenced.</p> <p>The City of Kitchener noted that in the beginning stages of allowing urban chickens, there were a few complaints simply because some residents did not support the decision to allow chickens, but that issue has now subsided.</p>
City of Kingston	<p>Kingston permits hen coops in residential zones however, a license and fee are required and there are a variety of standards residents must comply with. For example, there are requirements for the amount of hens allowed, the age of the hens and where the hens are to be kept on the property. There are also rules pertaining to the applicant obtaining permission from their neighbour.</p> <p>Impact to date: The hen coop permit program has been positive. Promotes family responsibility as the children learn to take care of the hens, promotes local food source sharing, sustainable, eggs are good for your health and increased education and awareness. There have been two complaints: one for a chicken at large and one for noise before the permit holder constructed the hen coop.</p>

Comparative Municipalities in Simcoe County

Staff reached out to surrounding Municipalities within the County of Simcoe to determine if they permitted or prohibited the keeping of hens in Residential areas.

Municipality	Permitted or Prohibited in Residential Zones	Additional Comments
Township of Adjala-Tosorontio	Prohibited	Does not permit backyard chickens in their hamlet or estate Residential Zones.
Town of New Tecumseth	Prohibited	Only permits chickens in Agricultural Zones.
Township of Severn	Permitted	Chickens are separately regulated and are permitted (with restrictions) within the Residential Zones.
Town of Midland	Prohibited	Does not permit urban chickens.



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Town of Bradford West Gwillimbury	Permitted	Backyard chickens are permitted. Animal Control By-law 2019-109 sets out provisions that are required such as; the property is residentially zoned and is at least 2.5 acres in size.
Town of/Ville de Penetanguishene	Prohibited	Went through a process to consider them in the urban areas in 2018- Temporary Use By-Law Pilot project, council decided not to proceed.
Township of Oro-Medonte	Prohibited	Only permitted as an accessory use to a single detached dwelling in Agricultural/Rural Zones.
Clearview Township	Permitted	They are permitted but have to register, follow requirements and maintain a coop. Maximum of four chickens. Roosters not permitted. The sale of eggs, manure and other product is prohibited.
Tay Township	Prohibited	Only permitted in rural areas.
Township of Essa	Prohibited	Urban chickens not permitted.
The Corporation of the Township of Tiny	Prohibited	Only permitted in Rural or Agricultural Zones.

Suggestion Implementation

This matter has been reviewed previously and was not recommended for many of the reasons listed above in the memo. Should this suggestion be implemented, an amendment to the City of Barrie By-Law 2010-035 would be required to permit the keeping of domestic fowl on or in any Residential lot. In addition to this amendment, an established list of standards and provisions would be needed for the keeping of chickens and brought forward to Council. Furthermore, a review of the possible impacts on the Enforcement Services Department would be needed. This review would include the staffing needs and costs associated with enforcement. Additionally, there is the potential for this implementation to impact other City By-Laws therefore, investigation into further amendments may be needed. For example, the City's Zoning By-Law, Property Standards, Fees By-Law and Noise By-Law may need amendments. Finally, community consultation and engagement on any proposed changes should take place to obtain feedback and input as part of any new program to permit urban hens in the City of Barrie.