

Diane Stephens  
River Estates community  
Fonthill, ON

August 10, 2022

Council  
Town hall Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

Dear Council:

I am writing with regards to Pelham's current poultry by-laws in residential areas and the upcoming Keeping of Chickens By-law<sup>1</sup>. My stance on backyard chickens is neutral as governing focus should be on the following three umbrella priorities: **public health; having a "positive impact on the quality of life and health" as per Pelham's Official Plan<sup>2</sup> and protection of human rights.** The discussion and allowance of backyard chickens should only commence *if and when* the three mentioned priorities are both consistently met and enforced.

Current Zoning By-Law clearly states permitted uses in different zones, with livestock and hobby farms not permitted in residential zones. Interestingly and unfortunately, Zoning By-Law does not include any by-laws or regulations to provide direction for enforcement regarding livestock, like poultry, in residential zones. This void of enforceable by-laws was both confirmed and reinforced through communication with head of By-law Chief Lymburner (email Aug. 2/22) and Pelham CAO Mr. Cribbs (verbal Aug. 5/22), who both clarified there isn't a by-law stating poultry can't be kept in residential Pelham. Unfortunately and as a result, unregulated, unpreventable and unenforceable keeping of poultry is already permitted and currently happening in residential Pelham.

**Public Health:** Explicitly and clearly regulating other livestock and poultry in residential zones

Importantly and immediately, Pelham needs to explicitly state that **NO** poultry varieties are permitted in residential zones with existing birds not-grandfathered. Should Pelham pass the Keeping of Chickens By-law, Pelham needs to explicitly state that **NO** varieties of poultry other than

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<sup>1</sup>Town of Pelham (2022). Final Draft Comprehensive Zoning By-Law, July 22, 2022. Online. <https://engagingpelham.ca/comprehensive-zoning-by-law-review>

<sup>2</sup> Town of Pelham (2012-2014). Town of Pelham Official Plan. Online. [https://www.pelham.ca/en/business-and-development/resources/Documents/Planning\\_OfficialPlan/Official-Plan.pdf](https://www.pelham.ca/en/business-and-development/resources/Documents/Planning_OfficialPlan/Official-Plan.pdf)

approved chickens are permitted in residential zones. Pelham should also explicitly state that **NO livestock are permitted in residential areas as well to ensure no pet backyard goats and sheep, et cetera as seen in City of Guelph.**

**Public Health: Biosecurity (Protection from Avian Flu)**

Biosecurity are measures put in place to protect the spread of Avian Flu and other disease-spreading organisms<sup>3</sup>. The Canadian Food Inspection Agency provides 5 main suggestions on how backyard chicken keepers can prevent the spread of avian flu, with their absolute priority suggestion being to “prevent contact with wild birds and other animals”<sup>4</sup> (See Appendix A); this is commonly implemented with the use of a chicken wire fence. The Keeping of Chickens Bylaw needs to explicitly state that chickens are **NOT** permitted to roam freely and must be fully fenced (including overhead) at all times with setbacks applied to fenced in areas as well.

**Official Plan: Quality of Life and Health**

The environment one lives in greatly influences quality of life and that includes knowing your home is NOT beside; in view of or earshot of the killing of chickens. The Keeping of Chickens Bylaw should include a provision, similar to that of the City of Guelph’s, that clearly indicates that killing of chickens cannot happen in residential zones unless performed by a licensed veterinarian.

With wide parameters for coop construction and no inspection to ensure compliance, the Keeping of Chickens By-law paves the way for neighbour enforcement through complaints in order to protect quality of life and health. One alternative Guelph adopted is to require chicken coops to be registered (one time \$25 fee) and subject to an inspection by Animal Control prior to approval (Appendix B). This process; registration and inspection prior to approval, is similar to Pelham’s Fire Pit permit process, and could ensure better compliance. The Keeping of Chickens By-law should include a coop permit and inspection process to better maintain quality of life and health.

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<sup>3</sup> Government of Canada – Canadian Food Inspection Agency (2022). How to prevent and detect disease in small flocks and pet birds. Online. <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/backyard-flocks-and-pet-birds/eng/1323643634523/1323644740109>

<sup>4</sup> Government of Canada – Canadian Food Inspection Agency (Date unknown). Bird Health Basics: How to prevent and detect disease in small flocks and pet birds. Online. [https://inspection.canada.ca/DAM/dam-animals-animaux/staging/text-texte/dis\\_avflu\\_floleposaff\\_1323644214285\\_eng.pdf](https://inspection.canada.ca/DAM/dam-animals-animaux/staging/text-texte/dis_avflu_floleposaff_1323644214285_eng.pdf)



## Human Rights

Human rights protections ensure all residents of Pelham have the same opportunities to enjoy the Official Plan's vision. Unfortunately, the current lack of enforceable by-laws against poultry keeping in residential zones unfairly impacts chronically ill residents by potentially triggering their illness through exposure to poultry and associated zoonotic diseases, bacteria, worms, et cetera. Additionally, exposure to poultry and associated diseases unfairly impacts medical support service and support animals; including service/support dogs, through newfound poultry flock distractions making it difficult for animal to perform the assigned medical task, as well as forcing animal owners to address poultry related diseases/worms at own expense.

Council needs to **immediately** address the lack of enforceable by-laws that currently permits unregulated, unpreventable and unenforceable keeping of poultry in Pelham's residential zones. The Keeping of Chickens By-law may require fine-tuning, but at least it has enforceable property line setback requirements, et cetera.

The urgency to immediately resolve the lack of enforceable by-laws in residential zones is evident with an East Fonthill River Estates case study – Council is encouraged to contact writer for more information. Lack of enforceable by-laws has resulted in backyard chicken and duck keeping with almost zero property line setbacks, missing biosecurity measures and no protection provided to neighbouring properties – poultry are permitted to free roam from property line fence to property line fence. [REDACTED] has had their illness triggered and required medical attention from exposure to poultry, and a medical support animal can no longer perform its duties in the backyard because of disease exposure concerns and distractions from poultry flock moving up and down the fence.

This scenario is completely avoidable and a direct result of missing by-laws regarding not permitted uses in residential zones. *Pelham's By-law Enforcement Policy<sup>5</sup> provides 3 guiding principles in determining a response to an identified contravention, with the first principle being "Health/Life Safety/Harm to Property" –*

this considers the seriousness of the contravention, such as the health or life safety impact on residents, or potential damage to property.

Council and By-law should immediately address the missing by-laws as it is clearly impacts both the health and life safety of some of Pelham's most vulnerable residents.

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<sup>5</sup> Town of Pelham: Fire and Enforcement (2021). By-law Enforcement Policy No. S502-05. Online. <https://www.pelham.ca/en/town-hall/resources/Documents/Policies/S502-05-By-law-Enforcement-Policy.pdf>

## Conclusion

In the 29/Nov/19 Pelham Voice article, The Conversation: Their oughta be a law, Pelham's CAO Mr. David Cribbs mentioned "the purpose" of bylaw enforcement as being the public good and addressing situations based on "the harm" of how it impacts "quality of life". Whether Pelham decides to implement the Keeping of Chickens By-law is secondary to ensuring that what currently exists for zoning by-laws (or lack thereof) isn't causing harm and impacting quality of life for Pelham's citizens. I am calling on Council to immediately address the lack of enforceable by-laws and explicitly state that **NO** poultry or livestock are permitted within residential zones with existing poultry/livestock not-grandfathered to provide By-law enforcement guidance.

Should Pelham decide to move forward with the Keeping of Chickens By-law, it should take into consideration the above underlined suggestions to help ensure governing priorities of **public health; having a "positive impact on the quality of life and health" as per Pelham's Official Plan<sup>6</sup> and protection of human rights** are protected.

Sincerely,



Diane Stephens

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<sup>6</sup> Town of Pelham (2012-2014). Town of Pelham Official Plan. Online. [https://www.pelham.ca/en/business-and-development/resources/Documents/Planning\\_OfficialPlan/Official-Plan.pdf](https://www.pelham.ca/en/business-and-development/resources/Documents/Planning_OfficialPlan/Official-Plan.pdf)

Appendix A  
Biosecurity – Protection against Avian Flu



# Bird Health Basics

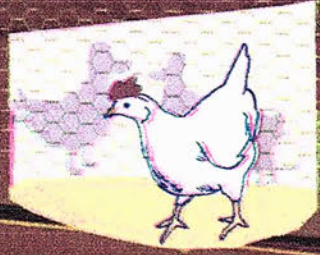
# How to Prevent and Detect Disease

## in Backyard Flocks and Pet Birds



1

Prevent contact with wild birds and other animals



2

Clean, clean, clean



3

Spot the signs and report early



4

Limit exposure to visitors



5

Keep new birds separate when entering your flock



For more information, visit [www.inspection.gc.ca](http://www.inspection.gc.ca) or call 1-800-442-2342





## Ministry of Agriculture, Food and Rural Affairs

### Biosecurity Recommendations for Small Flock Poultry Owners

People who raise "backyard flocks" - poultry or gamebirds for personal or limited commercial purposes - should be aware of the risk to their birds, and to commercial poultry, from diseases such as avian influenza virus. Preventive measures taken to minimize the introduction and spread of diseases and other hazards are referred to as "biosecurity." The following simple, inexpensive biosecurity recommendations can be very effective in preventing a serious disease outbreak.

#### **Restrict visitors and observe proper hygiene**

Contaminated equipment and people can introduce many disease-causing agents, such as bacteria and viruses, to your flock. These microscopic organisms can be carried on boots, clothing and vehicles, even if they appear clean.

- Restrict contact with your birds to those people caring for them. If you allow visitors, provide them with clean coveralls and boots.
- Do not allow people who own their own birds, or who have recently *been in contact with other birds (e.g., visiting another flock or attending a bird show)* near your birds. To reduce the risk of introducing diseases to your flock, ensure that people caring for your birds (staff or volunteers) do not have birds of their own or attend events where birds are present.
- Wear separate clothing and footwear when dealing with your birds. Keep them at the entrance to the structure or enclosure.
- Wash and disinfect boots and any equipment that comes in contact with the birds or their droppings, such as shovels, scoops and brooms. Clean cages, food and water surfaces daily.
- Wash your hands thoroughly before and after dealing with your birds.



## Prevent contact with wild birds

Wild birds carry many diseases, including avian influenza. Minimizing contact with wild species and their droppings will help protect your birds from these diseases.

- Keep your birds in a screened-in area or preferably an enclosed structure where they do not have contact with wild birds. Screen all doors, windows and vents, and keep them in good repair.
- Do not use water that may be contaminated with wild bird droppings, such as pond water, for your birds. Test your water at least once a year and use appropriate water sanitation such as chlorine. Keep feed in a tightly sealed container, protected from wild birds.

## Practice proper rodent control

Rats and mice can spread disease to your birds, spoil feed, cause property damage and kill chicks, poults and other young birds. Mice can enter an enclosure through a hole the size of your little finger, and rats through a hole the size of your thumb.

- Monitor your enclosure regularly for signs of rodents, such as droppings or chewed equipment. Mice will live in buildings once they gain entry, while rats live outside and enter looking for food.
- Clean up all garbage and debris surrounding your birds' enclosure, and keep tall grass and weeds mowed.
- Store feed in tightly sealed containers that a rodent cannot chew through, such as a steel garbage can with a tight-fitting lid or an old freezer.
- Place bait stations around the exterior of your poultry house to help control rodent populations.

## Don't bring disease home

Mixing birds of different species and from different sources increases the risk of introducing disease to your flock. It is preferable to keep only birds of similar age and species together (all in/all out).



- If multiple ages and/or species are kept, minimize contact between groups by keeping them in separate locations.
- If new birds are added to your flock, make sure that you get their complete background information, including a history of any diseases and vaccinations. Some vaccines, including some of those used to control infectious laryngotracheitis (ILT), can cause disease in unvaccinated birds. Consult your veterinarian regarding proper vaccination procedures.
- Keep new or returning birds separate (quarantined) for at least 2-4 weeks after returning home, and monitor them for signs of illness. Clean and disinfect cages and equipment used for these birds. Use separate clothing, footwear and equipment for quarantined birds, and handle them last. If the same equipment and clothing must be used, clean and disinfect them before and after handling the birds.
- Avoid sharing equipment and supplies with other bird owners. If this cannot be avoided, clean and disinfect the equipment before and after each use.

## Recognize and report any illness

Early detection is critical to successfully dealing with a disease outbreak.

- If your birds show signs of disease, such as depression, abnormal egg production or feed consumption, sneezing, gasping, a discharge from the nose or eyes, diarrhea or sudden death, call your local veterinarian immediately.
- Dispose of dead birds quickly using an approved method, such as burial or composting. Consult your veterinarian first, as he or she may wish to collect samples for laboratory diagnosis. Proper disposal methods and options can be found on the [QMAFRA](#) website.

Raising poultry species, either for food or as a hobby, is part of Ontario's agricultural heritage. However, to minimize the risks this poses to food safety and to the commercial poultry industry, bird owners should recognize and follow good biosecurity practices.

## Resources

**OMAFRA Factsheets:**

*Biosecurity: Health Protection and Sanitation Strategies for Cattle and General Guidelines for Other Livestock (Order No. 09-079)*

*Deadstock Disposal Options for On-Farm (Order No. 09-025)*

*Rodent Control in Livestock and Poultry Facilities (Order No. 10-077)*

This Factsheet was originally authored by Dr. Babak Sanei, Lead Veterinarian, Disease Prevention Poultry, OMAFRA, Guelph, and Dr. Paul Innes, Lead Veterinarian, Provincial Biosecurity, OMAFRA, Guelph. It was updated by Al Dam, Provincial Poultry Specialist, OMAFRA, Guelph, and Laura Bowers, Poultry Specialist Assistant, OMAFRA, Guelph.

For more information:

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E-mail: [ag.info.omafra@ontario.ca](mailto:ag.info.omafra@ontario.ca)



Appendix B  
City of Guelph – Chicken Coop Registration

### Early Bird Registration

The City of Guelph is looking to start the mandatory registration for residents with chickens. At this time we are still working through the registration process, so those individuals that submit the completed application early, will not have a registration fee.

This will be a one time registration, although we would appreciate notification if you are no longer a chicken owner.

Please fill out the application and submit it to [bylaw@guelph.ca](mailto:bylaw@guelph.ca) or in person at City Hall, 1 Carden Street, Guelph ON

### Poultry Registration Form

Poultry Owner \_\_\_\_\_  
First Name Last Name

Number of chickens \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_  
Home Cell

Email \_\_\_\_\_

Comments \_\_\_\_\_

Please circle one:  
I am the owner of the above property Yes/No  
I am a tenant at the above property Yes/No/N/A

Signature \_\_\_\_\_

Date \_\_\_\_\_

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