



Community Planning and Development Department

Monday, November 07, 2022

Subject: Rural Hens Licensing By-law

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0252 Rural Hens Licensing By-law for information;

AND THAT Council direct Planning and By-law Staff to prepare the by-law to permit, regulate and license rural hens in the Town of Pelham.

Executive Summary:

The purpose of this report is provide Council and the public with information and recommendations regarding the keeping of hens in the rural areas of the Town where they are currently prohibited.

Location:

The proposed by-law to license, regulate and govern the keeping of backyard hens in the Town of Pelham ("Rural Hen By-law") will apply to those lands that are located outside of the urban area boundary and are used for rural residential purposes and are not farm properties.

Background:

At its October 3, 2022 Council meeting, Council considered Community Planning and Development Report #2022-0220: Urban Hens. This report provided a policy analysis, best practice review and general information on the keeping of hens outside of traditional agricultural settings. As part of the report, Staff detailed methods for permitting and regulating hens in the urban area as well as on rural properties which fail to meet the size requirements for agricultural uses.

Council elected to continue to prohibit hens in the urban area, but directed Staff to review and report back with recommendations regarding the keeping of chicken hens in the rural areas of the Town.

Analysis:

The proposed draft Rural Hen Licencing By-law seeks to permit the keeping of up to 6 hens (defined as a female chicken over the age of 4 months) on rural residential properties outside of the urban area that are under 2 ha (5 acre) in size and up to 20 hens on rural residential properties outside the urban area that are over 2 ha (5 acre) in size. The licencing by-law proposes specified parameters including a coop size which would not trigger Minimum Distance Separation (MDS) calculations. The keeping of hens in the rural area would be an accessory use to a rural residential use. The proposed licencing by-law would not apply to poultry keeping as part of an agricultural or farm use.

Proposed Rural Hens Licensing By-law

Staff recommend permitting the keeping of up to 6 hens on rural residential properties outside of the urban area that are under 2 ha (5 acre) in size and lots that 2.0 ha (5 acre) or larger may have 20 hens.

The keeping of hens in accordance with the proposed licencing by-law would be in keeping with the policies of the Provincial Policy Plan, the Growth Plan and the Region of Niagara Official Plan. In terms of the Town's Official Plan and Zoning By-law, the keeping of hens would be considered an accessory use to a permitted rural residential use. Hen coops and hen runs would be considered accessory structures in the Town's Zoning By-law, however additional setbacks are considered appropriate in order to ensure proper land use compatibility. Further a maximum size for hen coops and runs is being proposed to ensure that a building permit is not required.

Key Provisions – Draft Licensing By-law

A copy of the proposed Licensing By-law is attached as Appendix "A" to this report, but a summary of the key provisions are listed below:

- No person on a rural residential lot shall keep hens without obtaining a license;
- The minimum lot frontage shall be 18.0m and the minimum lot depth shall be 30.0m and the lot must contain and be used for a single detached dwelling;
- Maximum of six (6) hens per lot are permitted on lots that are less than 2.0 (5 acres) in size and those rural residential lots that are 2ha (5 acres) or larger, a maximum of 20 hens may be permitted;
- Hens must be at least four months old when acquired because prior to four months old it cannot be determined whether the chick is a hen or a rooster;
- The keeping of roosters is prohibited;
- Hens shall be kept in locked hen coops from sunset to sunrise;

- Hens are only permitted in the rear yard;
- Hens shall be confined in an enclosed hen coop or hen run at all times;
- Home slaughter of hens is prohibited;
- Manure shall be kept in an enclosed structure such as a compost bin;
- Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
- A declaration that the applicant has reviewed the education resource material;
- Payment of a one-time \$100 license fee (to cover administration and inspection costs); and
- Right of Entry Permission to Town Staff to attend and inspect the property (as necessary) to ensure compliance with the requirements.

Application Process and Licensing Regulations

Interested applicants would be required to review the regulations outlined in the By-law and to educate themselves about issues associated with the keeping of hens. Applicants would be required to complete an application, including the following:

- Name and contact information including an email, phone number(s) and the address of the property where the hens will be kept;
- The number of hens to be kept on the property;
- A site plan of the property, showing all buildings and structures including the proposed location of the hen coop and hen run, as well as the dimensions and appropriate setbacks;
- Declaration that the applicant has reviewed the prescribed educational materials; and
- The prescribed fee as set out in the Fees and Charges By-law.

Education Materials

Staff is proposing that as part of the application process, to provide an education resource package, including information provided by the Canadian Food Inspection Agency, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Health. Applicants would be required to review this material and sign an acknowledgement/declaration that that they have read and reviewed the materials provided as part of the complete application. The following materials are proposed to be included in the education package:

- Bird Health Basics Video and Bird Health Basics Fact Sheet (Canadian Food Inspection Agency)
- Biosecurity Recommendations for Small Flock Poultry Owners (OMAFRA)
- Small Flock Poultry: Raising Healthy Birds (OMAFRA)

- Rodent Control in Livestock and Poultry Facilities (OMAFRA); and
- Keeping your family healthy with backyard poultry, including chickens and ducklings (Ministry of Health)

As organizations and ministries may update their resource kits from time to time, Staff have included a provision in the proposed by-law that will authorize Staff to make updates to the education package as required without an amendment to the By-law.

Licensing Fee Structure

As the keeping of hens on rural residential lots in areas outside of the urban area are intended for personal use and not for the sale of meat or eggs as a business, Staff is of the opinion that a one-time licensing fee is appropriate. The best practice review prepared and outlined in Community Planning and Development Report #2022-0220 revealed that the licensing fee structure varied from municipality to municipality and Staff are recommending that a one-time fee of \$100.00 be required to cover the cost of the application processing and inspections by Staff.

Inspections

An initial inspection of each property will be completed by Town of Pelham By-law Enforcement Staff to ensure that the hen coops and hen runs are appropriately constructed and to check compliance with all regulations prior to issuing a license under the proposed By-law. Additional inspections would take place if a complaint is filed.

Enforcement

Once Staff have reviewed the application and inspected the property applicants would be issued a license to allow the keeping of hens. Under the By-law, a license may be revoked for any reasonable grounds as deemed fit by the Town, including if complaints are not able to be resolved.

Under the proposed By-law applicants will be required to hold a license to keep hens on rural properties that are used for rural residential use. If a license is revoked, the applicants would be in contravention of the Town's Zoning By-law, which prohibits the keeping of chickens outside of larger agricultural properties. Municipal By-law Enforcement Staff would issue a notice indicating the contravention and would provide the date by which owners would be required to remove the hens. Although it would be the responsibility of the owner to relocate the hens, the Town would assist by providing options.

Currently, the Welland Humane Society does not generally accept surrendered hens as it is difficult to adopt out abandoned birds. If this becomes an issue, staff will

suggest the adoption of hens to other license holders. Staff would work with the owner to provide options, however it is ultimately the responsibility of the owner to relocate the hens accordingly.

Financial Considerations:

As noted, Staff is recommending that a one-time \$100.00 processing fee be charged in order to cover the cost of Staff having to process the application and conduct site inspections.

Alternatives Reviewed:

Council could continue to prohibit backyard hens on rural residential properties and only allow hens as part of a bona fide agricultural use.

Council could move forward with a Rural Hen licencing by-law with modifications.

At its meeting on October 3, 2022, Council voted to continue to prohibit the keeping of hens within the urban areas of the Town. Since that time, Staff has been made aware of a petition with approximately 175 signatures circulating on change.org requesting that hens be permitted within the urban area and staff have received calls from a few residents who have also expressed concern with the limitation of hens to the rural area only. Accordingly, Council could apply this Licensing By-law to properties within the urban area that meet the minimum lot area requirement as proposed (approximately 540 square metres or 5800 square feet, with a frontage of 18.0m and a lot depth of 30.0m) and are being used for a single detached dwelling only. This lot area requirement would permit the limited keeping of hens within the urban area boundary on lots that are large enough to support the use, and not on smaller urban lots, minimizing potential impacts on neighbouring properties.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Allowing for the keeping of rural hens contributes to the rural character of the Town which supports building strong communities. Further the keeping of hens supports access to fresh eggs and a healthy food source for individuals.

Consultation:

This report has been prepared in consultation with the Town's Solicitor, Fire Chief and Municipal By-law Enforcement Staff.

Previous Reports

Community Planning and Development Report #0220.

Attachments

Appendix "A" – Draft Rural Hen Licensing By-law

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