



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date February 8, 2022 **Report No.** 2022-33
To Chair and Members
Committee of the Whole – Planning and Administration
From Heidi de Vries
General Manager, People, Legislated Services and Planning

1.0 Type of Report

Consent Item []
Item For Consideration [X]

2.0 Topic **Proposed Amendments to Chapter 206 - Animal Control [Financial Impact – None]**

3.0 Recommendation

- A. THAT Report 2022-33, Proposed Amendments to Chapter 206 – Animal Control, BE RECEIVED; and
- B. THAT staff BE DIRECTED to present a by-law to amend Chapter 206 – Animal Control, to include:
 - i. regulations pertaining to the keeping, harbouring, and possessing of chickens;
 - ii. a permit process pertaining to the keeping, harbouring, and possessing of chickens; and
 - iii. amendments to the definition of kennel to align with the definition of kennel as approved in the City of Brantford Zoning By-Law 160-90, as defined in Report No. 2022-33; and

-
- C. THAT staff BE DIRECTED to present a by-law to amend By-Law 52-2021, being a by-law to Fix Fees and Charges collected by the City of Brantford, to include the proposed inspection fee of \$100.

4.0 Executive Summary

In response to a 2019 Council resolution, staff are providing proposed regulations for the keeping, harbouring, or possessing of chickens within the urban boundaries of Brantford. The recommendations consider the direction of the Council resolution, experiences from other municipalities, and guidelines established by other government agencies.

In addition to providing a response to the Council resolution, staff are proposing a minor housekeeping amendment to Chapter 206 to align the definition of “kennel” with the city’s Zoning By-Law. This housekeeping amendment is being proposed at this time given that a by-law to amend Chapter 206 is recommended to be brought forward to Council to address the keeping of chickens.

5.0 Purpose and Overview

In 2019, Council directed staff to recommend amendments to Chapter 206 of the City of Brantford’s Municipal Code, to prevent the keeping, harbouring, or possession of male chickens (roosters) within the urban geographic boundaries, and to explore solutions to mitigate any potential detrimental impacts chickens may have on neighbouring properties.

6.0 Background

In 2019, City Council passed the following resolution directing staff to report back with proposed amendments to the municipal code to prevent the keeping, harbouring or possession of male chickens (roosters) and additional regulations regarding the maintenance of keeping of roosters that such keeping would result in a nominal detrimental impact to neighbouring properties:

THAT the last paragraph of Item 28 of the Committee of the Whole – Operations and Administration Report #2019-04-16 BE AMENDED to read as follows:

NOW THEREFORE BE IT RESOLVED THAT Staff BE DIRECTED to report back to Council with the following options to address disturbances in neighbourhoods caused by chickens (roosters):

a) amendments to Chapter 206 of the City of Brantford Municipal Code to prevent the keeping, harbouring, or possession of male chickens (roosters) within the urban geographic boundaries of the City of Brantford; and

b) other potential solutions which may include the creation of regulations regarding the maintenance of keeping of roosters that such keeping would result in a nominal detrimental impact to neighbouring properties.

7.0 Corporate Policy Context

The proposed amendments align with the 2021-2022 Council Priority, #1 Desired Outcome: All neighbourhoods in the City are safe, vibrant, attractive, and inclusive.

8.0 Input From Other Sources

In addition to an online community engagement campaign, the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the Ontario Ministry of Health, Public Health Ontario, and several municipalities were consulted in the development of this report. Staff also connected with the Brant County Poultry, Pigeon and Rabbit Association, who are not actively issuing memberships at this time as there are no shows as a result of the pandemic.

Based on information received from the Brant County Poultry, Pigeon and Rabbit Association that they are not issuing new memberships at this time due to the pause on exhibitions resulting from the pandemic, staff are recommending the requirement to register chickens with this specific association be removed from the by-law along with the requirement that chickens must be raised for exhibition at a bona fide agricultural exposition.

8.1 Let's Talk Brantford – Community Engagement

The City executed a public consultation campaign on Let's Talk Brantford from January 12th through to the 26th to engage the public on this topic. 568 responses were received. For a city the size of Brantford, 500 responses or more is considered a strong sampling of community sentiment as a whole.

33 respondents indicated they had chickens (hens-female/roosters-male) on their property. Over half of the respondents (54%) indicated their support for keeping roosters in a backyard and cited reasons such as roosters are no more of a nuisance than dogs, and roosters help to protect the hens. 38.4% of respondents indicated they do not support keeping roosters for reasons such as noise, (especially early in the morning), and that roosters can be aggressive.

When asked what concerned them about the keeping of chickens and or roosters in the City of Brantford urban boundary, 340 respondents indicated that they had no concerns, while 154 and 149 respondents cited noise and smell respectively as concerns, followed by sanitary concerns (128), may attract predatory wildlife (126), and may attract rodents (123).

212 of respondents indicated that they definitely agree the City should inspect all properties wishing to keep backyard chickens and 185 respondents definitely agree that backyard chickens should require a permit from the City. A majority of survey respondents disagree that the City should charge a fee in connection with the inspection.

When asked how many chickens per property would be an appropriate limit, survey participants responded as follows:

Up to 6 chickens = 55.5%

Up to 4 chickens = 24.8%

Up to 2 chickens = 19.7%

9.0 Analysis

9.1 Current City Regulations

The City of Brantford Municipal Code Chapter 206 – Animal Control (Chapter 206), defines poultry and provides regulations for the keeping of chickens within the City.

In accordance with Chapter 206, the person responsible for keeping, harbouring, or possessing chickens within the City of Brantford must be a registered member in good standing with the Brant County Pigeon, Poultry, and Pet Stock Association Inc. or any other similar organization as may be approved by the City, and the chickens must be raised for exhibition at a bona fide agricultural exposition.

There is currently no limit on the number of chickens (male and female) that may be kept by any person within the City of Brantford, and there is no restriction on property type.

9.2 Jurisdictional Scan

Staff conducted a jurisdictional scan of other, urban municipalities that permit but regulate the keeping of chickens, with a specific view to the regulation of roosters (male chickens). The County of Brant and other nearby municipalities such as Cambridge, Haldimand, Hamilton and Oxford currently permit chickens/fowl in agricultural zones only, while the municipalities listed below allow a limited number of backyard hens (female chickens) in urban residential areas.

Municipality	Limit of Backyard Hens (female chickens)	Roosters (male chickens) Permitted
Brampton	2 hens (on a lot less than 1 acre in size)	No
Guelph	10 hens	No
Newmarket	3 hens	No
Niagara Falls	10 hens	No
Norfolk	4 hens	No
North Dumfries	4 hens	No
Toronto	4 hens	No
Waterloo	4 hens	No
Quinte West	4 hens	No

9.3 Health of the Flock and Neighbourhood

While the popularity of backyard farming has grown in recent years, it is important that consideration be given to the health of both the animals and the people who inhabit the spaces where the chickens are kept. The

person responsible for harbouring chickens should follow proper biosecurity practices in order to promote the health of the birds and prevent the transmission of diseases. Additionally, the keeping of roosters (male chickens) in urban areas can lead to nuisance and noise complaints. OMAFRA recommends that roosters be avoided in densely populated neighbourhoods. Nuisances such as odour and flies should also be addressed and mitigated with proper manure management, while feed must be stored securely to avoid infestations of rats and mice.

OMAFRA provides a number of resources related to proper flock management, including information related to:

- the production and management of small flocks
- food safety
- animal health
- animal welfare
- biosecurity

The site also provides links to relevant legislation, including the *Food Safety and Quality Act, 2001*, the *Health Protection and Promotion Act*, the *Animal Health Act, 2009* and the *Farm Products Marketing Act*.

In addition to the information provided by OMAFRA, staff consulted the publication “Keeping Your Birds Healthy Resource Kits” for backyard chicken owners. This OMAFRA resource provides information on biosecurity, feed and water management, cleaning and disinfection, bird health, managing sick birds and disposal of sick birds. In addition, the Family Food Program at Chicken Farmers of Ontario (CFO) provides information for members on promotion of bird health and disease management.

The Brant County Health Unit referred staff to helpful information for keeping your family healthy with backyard poultry, from the Ontario Ministry of Health and Public Health Ontario. These and other resources are available to the public and communicate how to keep backyard chickens safely, and include guidelines around cleanliness, proper handling of chickens, changes in chicken health, germs, those at high risk for serious infection, and more.

9.4 Proposed Regulations

Staff recommend that Chapter 206 of the City of Brantford Municipal Code be amended to provide more stringent regulations related to the keeping of chickens, specifically on lands zoned for residential purposes. To be clear, these restrictions would not apply to farm property class lands pursuant to the *Assessment Act, R.S.O. 1990, c. A.31*, The additional regulations would apply to the keeping and harbouring of chickens within the urban areas of the City and specifically on lands zoned for residential purposes.

9.4.1 Limit of Hens (female chickens)

A limit of four (4) hens per property at any one time is recommended to ensure the flock is adequately sized for noise control purposes for a residential lot, and is still able to produce a number of eggs. One hen can lay between 180 and 250 eggs per year depending on breed, weather, health, and nutrition. It is further recommended that the keeping of roosters be prohibited for all residential properties except those used in conjunction with agricultural lands, for instance a farm house.

9.4.2 Coop Requirements

Where chickens are permitted within the urban, residential areas of the City, Staff recommend that Chapter 206 be amended to require a coop in order to keep chickens safe and healthy. A properly maintained coop provides a protective shelter from the elements and predators, and is a safe space for the birds to lay eggs. Coops require regular cleaning to remove debris and other potential hazards including soiled material that could cause foul odour. Proper ventilation is also required in order to support a healthy flock. Coops must have litter for chickens, perches for roosting, and nest boxes for hens to lay their eggs.

The structure of the coop is recommended to be elevated off the ground with windows that be covered with a sturdy mesh for protection from predators. A coop must be located in the rear yard.

Staff further recommend, in addition to the requirement for a coop and in addition to the existing wording within Chapter 206

regarding a 7.5m setback from buildings on other lots, that coops be at least 2.5m away from side yard lot lines and 1.2m away from rear lot lines.

9.4.3 Permit Process

In addition to prohibiting the keeping of roosters on residential properties, and the requirement for a coop with proper separation distances from other structures and minimum separation distances from lot lines, staff recommend that the City implement a permit for the keeping of chickens, similar to other permit services provided by the Building Department. A person wishing to keep, harbour, or possess chickens would apply to the City, then receive an inspection from a Municipal Law Enforcement/Property Standards Officer prior to the applicant obtaining any birds. Once the application and inspection satisfies the requirements of the by-law, a permit would be issued. Permit applications would include a fee, similar to the Cities of Kitchener, Toronto, Kawartha Lakes and more. Staff recommend a one-time permit fee of \$100.00 to cover the cost of inspection and enforcement.

9.5 Farm Lands

Chapter 478 includes a list of farm animals on farm property class lands pursuant to the *Assessment Act, R.S.O. 1990, c. A.31*. Poultry is listed as a farm animal and as a result of the clause farm lands would be exempt from the proposed backyard chicken regulations.

“206.4.2 Farm animals - appropriate zoning - required

No person shall keep, harbour or possess any horses, cattle, sheep, goats, swine, mules or poultry anywhere within the City of Brantford unless on a property which is assessed pursuant to the Assessment Act, as amended as farm lands and used only for farm purposes by the owner or tenant thereof.”

9.6 Housekeeping Amendment – Definition of Kennel

In the course of their research into potential amendments to Chapter 206, staff noted that the definition of kennel contained within that Chapter does not coincide with definition of kennel contained with the City of Brantford’s

Zoning By-law. In an effort to ensure consistency with respect to the regulation of this use, staff are recommending that the definition of kennel within Chapter 206:

206.1.6 Kennel - defined "kennel" means a place or confine where dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) are bred or raised;

be amended to align with the definition contained with the Zoning By-law:

2.11.1 Kennel: shall mean a lot and a building, or structure, or portion thereof, where dogs and other animals, other than livestock as defined in the Agricultural Code of Practice, are bred and raised, or kept for sale, or boarded.

This is a minor housekeeping amendment that would be brought forward at the same time as the proposed amendments to that Chapter in order to better respond to animal control complaints and regulate the keeping of chickens, if the same are approved by Council.

10.0 Financial Implications

Staff estimate a total of 20 permits to be issued in 2022 at a cost of \$100, and would realize a revenue of \$2,000 that would then be used to off-set the cost of administering the by-law.

11.0 Conclusion

The proposed recommendations to regulate chickens within the City of Brantford aim to strike a balance between the desire of certain residents to keep chickens in urban areas of the City of Brantford, concern for the health of the birds and the quality of life of residents within the City.

The housekeeping amendment to align the definition of "kennel" in Chapter 206 with the City's Zoning By-Law is to streamline the legislation for greater clarity and for more precise enforcement.



Heidi de Vries,
General Manager

People, Legislated Services, and Planning

Prepared By:

Jill Binkley, Manager of Property Standards and By-Laws

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no