



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Jessica Kitchen, Planner - Policy Planning Division
Date: March 12, 2024
Report #: RPT-0177-24
Subject: Chickens in Residential Areas – Information Report
Purpose: For Information and Direction

Recommendation

That RPT-0177-24 be received as information; and

That Committee provide direction back to County Staff on regulation of chickens in residential areas of the County to assist Staff in preparing a new draft “Backyard Hen By-Law” for Committee’s further consideration;

And That County Staff be directed to undertake amendments to the County of Brant Animal Control By-Law 174-10 and Comprehensive Zoning By-Law 61-16 as outlined within this report.

Strategic Plan Priority

Strategic Priority 2 - Effective Communication

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Strategic Priority 6 - Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

Some social benefits attributed to keeping chickens include decreased food costs, fresh eggs, sustainable food and lifestyle, as well as mental and therapeutic health benefits.

Costs associated with keeping chickens may pose equity barriers, particularly for households classified as low-income. Perceived inequities exist between residents prohibited from keeping chickens who comply versus residents who keep chickens illegally and do not generate complaint(s).

Public health concerns have also been attributed to keeping chickens in residential areas, including risk of infectious diseases such as, avian influenza (AI), salmonella, exposure to contaminated environments, and transmission of zoonotic illnesses. Additionally, keeping chickens in residential areas poses threats to municipal and private drinking water sources. Prohibitions to protect drinking water sources will be considered as part of regulations.

Environmental Impacts

Some environmental benefits attributed to keeping chickens include but are not limited to reduction of food waste, insects and weeds, natural fertilizer production, and sustainable food sources.

There are some concerns in using chicken manure as fertilizer in residential areas due to bacteria and pathogens that may threaten human and domestic pet health and pose significant drinking water threats.

Economic Impacts

Costs associated with implementation, enforcement, and implications on staffing resources remain unknown at this time as a program has not been initiated in the County. While a Backyard Hen program has yet to launch in the County it is anticipated that the project will create additional responsibilities for administrative and enforcement staff.

Report

Background

Initiated in October 2023 by [RPT-0445-23](#) to the Agricultural Advisory Committee, this project received direction from the Planning and Development Committee on November 14, 2023, to proceed with option 3 of [RPT-0454-23](#) to allow chickens in all residential areas of the County, subject to further information and regulations drafted as part of next steps. This option also provides an opportunity to address existing compliance issues relating to chickens in residential areas of the County. Further information and suggested regulatory measures form part of this report and attachments thereto for the Committee's consideration. This report builds on information and research presented within [RPT-0445-23](#) and [RPT-0454-23](#). Previous reports should be referenced for past project details.

Amendments to the County of Brant [Comprehensive Zoning By-Law 61-16](#) and [Animal Control By-Law 174-10](#) to adjust land use provisions and set new fines will also be required as part of this project. Next steps and public engagement are also outlined as part of this report. It is respectfully requested that the Committee receive this report as information and direct County Staff to prepare a draft Backyard Hen By-Law to regulate chickens in residential areas. Final decisions on regulations will not be made at this step in the project.

Analysis

Draft Regulations

Direction to allow chickens in all residential areas of the County has been received however, based on preliminary analysis chickens may be limited or otherwise prohibited within residential areas of the County due to significant drinking water threats and restrictive covenants. Suggested regulatory measures are outlined within Attachment 1 – Table 1.1 of this report for the Committee's consideration.

Agricultural areas of the County of Brant will be exempt from project regulations, licensing, and fees proposed. Pursuant to the [Assessment Act, R.S.O. 1990, c. A.31](#) farm property class lands are permitted to keep and raise livestock in accordance with Provincial [Minimum Distance Setback \(MDS\) Guidelines](#), the County of Brant [Comprehensive Zoning By-Law 61-16](#), County's [Animal Control By-Law 174-10](#), and building permit where applicable.

Jurisdictional Scan

A jurisdictional scan of other municipal approaches was conducted to help inform this project. Attachment 2 - Table 1.2 provides an overview of other municipal approaches. Understanding approaches taken by similar municipalities will help prepare regulations for chickens in the County of Brant.

Source Water Protection – Clean Water Act, 2006.

As part of this project County Staff consulted Cabium Inc., the Risk Management Official (RMO) for the County of Brant, to determine whether chickens in residential areas pose significant threats to municipal drinking water sources. It has been determined that chickens will pose a significant drinking water threat due to the cumulative production of Agricultural Source Material (ASM) of livestock of certain quantities and certain property sizes in the Wellhead Protection Areas of the Gilbert, Paris and St. George Wellheads, Vulnerability Scores of 8 to 10. Based on preliminary analysis chickens will be prohibited within the urban residential areas of Paris and St. George. The County's Risk Management Official will provide mapping and assist with regulations that support source water protection.

Private Well Protections

County Staff consulted the Ministry of the Environment, Conservation, and Parks (MOECP) on the protection of private drinking water sources in non-urban residential areas. MOECP typically only gets involved with private well installation or during concerns of potential contamination, therefore specific regulations were not provided. However, it was suggested that County Staff refer to *Section 12* of [R.R.O. 1990, Reg. 903: WELLS](#) under the [Ontario Water Resources Act, R.S.O. 1990, c. O.40](#) for suggested distances from sources of contamination to private wells.^{1 2} *Section 12* of [R.R.O. 1990, Reg. 903: WELLS](#) regulates installation of new private wells and recommends distances for installation from sources of contaminants of 15.0m for drilled wells with a casing depth of greater than 6.0m and 30.0m for a drilled well that does not have a casing depth of greater than 6.0m or a new well that is not drilled.³ To help mitigate potential threats to private drinking water sources a minimum setback of 30.0m from chicken enclosures or manure storage to surrounding private wells is suggested.

Municipal By-Law Amendments

The Comprehensive Zoning By-law (CZBL) is a land use planning tool governing the use of land, buildings, and structures throughout the County of Brant. The CZBL is not intended to regulate the keeping of animals, other than allowing bona fide livestock operations on a farm. Minor amendments to the County of Brant [Comprehensive Zoning By-Law 61-16](#) to adjust land use provisions are required to support this project.

¹ Province of Ontario. Ontario Water Resources Act. R.R.O. 1990, Regulation 903: WELLS. January 1, 2020. Accessed at: <https://www.ontario.ca/laws/regulation/900903#BK9>

² Province of Ontario. Ontario Water Resources Act, R.R.O. 1990, c. O.40. June 1, 2021. Accessed at: <https://www.ontario.ca/laws/statute/90o40>

³ Province of Ontario. Ontario Water Resources Act. R.R.O. 1990, Regulation 903: WELLS. January 1, 2020. Accessed at: <https://www.ontario.ca/laws/regulation/900903#BK9>

Amendments to the County's [Animal Control By-Law 174-10](#) will be required in support of this project. Additional Housekeeping amendments would be advantageous at this time to provide updated language on provincial legislative changes, definitions, and other changes to align with the County's CZBL review. By-laws under *the [Municipal Act, 2001, S.O. 2001, c. 25](#)* are not subject to amendments, appeal, or variances.

A new Backyard Hen By-Law is proposed under *the [Municipal Act, 2001, S.O. 2001, c. 25](#)* to regulate chickens in all residential areas of the County. A standalone By-Law is proposed to alleviate complicated major amendments to the [County of Brant Animal Control By-Law 174-10](#), remove potential enforcement barriers, and allow for ease of implementation.

Municipal Licensing Program

Municipal licensing programs require resources but also allow for data collection, assist with biosecurity measures, and track compliance of properties. Other municipalities with similar programs collect a one-time fee to assist with administration costs. A licensing program is suggested to help implement this project, which may have staffing implications for the By-Law Enforcement Division, and time for County Staff to properly implement the program.

Comments Received

[RPT-0176-24](#) went forward to the Agricultural Advisory Committee on February 26th, 2024, requesting feedback on the regulation of chickens in residential areas of the County. Support was generally expressed for suggested regulatory measures outlined in [RPT-0176-24](#) to mitigate public health risks, protect drinking water sources, ensure proper animal health and welfare, while attempting to mitigate potential nuisances. The Committee endorsed a maximum of 4 chickens per property (with no ability to increase), exclusion of multi-unit uses zones, and area exclusions relating to drinking water protections and restrictive covenants. Education on biosecurity measures, such as a licensing program, were emphasized to help mitigate public health risks and trace potential infectious illness and disease outbreaks. Additionally, the Committee recommended continued communication of supportive materials, such as Ministry Guidelines, to keep future owners informed on their responsibilities, inform the community, and address the risk of disease and illness outbreaks, such as Avian Influenza (AI), which remain a constant threat.

Summary & Conclusion

It is requested that the Committee receive this report as information and direct County Staff to prepare a Backyard Hen By-Law to regulate chickens in residential areas, amending By-Laws to adjust land use provisions and set new fines in the County of Brant [Comprehensive Zoning By-Law 61-16](#) and [Animal Control By-Law 174-10](#), and recommendation report for Committee's consideration in May 2024.

An engagement summary will form part of the Planning and Development Committee in May 2024. Draft regulations are subject to public consultation and feedback, Planning and Development Committee approval, and Council adoption prior to taking effect.

Regulations attempt to balance requests for chickens in residential areas of the County, animal health and welfare, and mitigate potential biosecurity, public health, and nuisances.

Based on preliminary analysis, chickens may be prohibited in select Urban Residential Areas of Paris and St. George due to significant municipal drinking water threats and restrictive covenants. County Staff will continue to consult with our Risk Management Official to develop mapping and regulations that support source water protection. Limitations may also be encountered in the Non-Urban Residential Areas to protect private drinking water sources.

While a Backyard Hen program has yet to launch in the County it is anticipated that the project will create additional responsibilities for administrative and enforcement staff. As mentioned, although the additional responsibilities associated to this project can be absorbed by the By-law Division, it should be noted that this is one of three significant projects within the Division and the combined cumulative effect of all (3) projects will likely require additional administrative resources for 2025.

Public Engagement and Next Steps

Public engagement for this project is underway to obtain feedback on regulating chickens in residential areas. In addition to the legislative notification requirements under the [Planning Act, R.S.O. 1990, c. P.13](#), an EngageBrant project page has launched to share project resources, important upcoming dates, and timelines. This page will continue to be updated and can be accessed via www.EngageBrant.ca/Chickens.

A survey has been released on the EngageBrant project page to collect feedback from the Public on regulating chickens in residential areas of the County. The survey is scheduled to close March 29th, 2024, and an engagement summary will form part of a May 2024 recommendation report. Public input received through project engagement will help inform draft regulations.

This project will be highlighted in the County of Brant Spring Newsletter anticipated to be mailed out mid-March 2024 to all households, including those in the rural areas and abutting County boundaries. The project has also been shared on the County's social media platforms, in a media release, and will continue to be shared through a comprehensive communication strategy to be developed following this project.

Attachments

1. Table 1.1 – Suggested Limitations and Prohibitions
2. Table 1.2 - Other Municipal Approaches

Reviewed/Contributed By

1. Pam Duesling, General Manager of Development Services
2. Jennifer Boyer, Manager of Policy Planning
3. Lilly Brown, Policy Planning Student
4. Greg Bergeron, Director of Enforcement and Regulatory Services
5. Matthew D'Hondt, Solid Waste / Wastewater Operations Manager

Copied To

1. Alysha Dyjach, Director of Council Services, Clerk
2. Mat Vaughan, Director of Development Planning
3. Rochelle Welchman, Solicitor and Corporate Counsel
4. Heather Mifflin, Director of Finance, Treasurer
5. Richard Weidhaas, Chief Building Official
6. Suzie Keczan, Director of Communications and Public Relations

By-law and/or Agreement

By-law(s) Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No