**Purpose**

On August 14, 2018, a motion was passed directing staff to prepare a report for Council’s consideration to provide options/recommendations with regard to allowing back yard hens across Greater Sudbury.

Resolution CC2018-239, as presented by Councillor McIntosh and Councillor Kirwan, and carried by Council read as follows;

WHEREAS in 2004, the City of Greater Sudbury and the Sudbury and District Board of Health adopted the Greater Sudbury Food Charter which specifically endorses programs that relate to population health and wellness, community development, investment in the regional food system and the development of a sustainable food system;

AND WHEREAS Council, as part of the Phase 1 amendment of the Official Plan review, approved Local Food System policy objectives at Section 6.1 c. which includes strengthening and expanding the local food system, including removing barriers to local food systems where feasible; AND WHEREAS Council has directed staff to assist with the implementation of the Greater Sudbury Food Strategy, which outlines the actions required to make our community's food system more equitable, vibrant and sustainable, through existing resources allocated to the Earth Care Sudbury Program;

AND WHEREAS one of the Greater Sudbury Food Strategy Recommendations’ goals is to increase household food production within Greater Sudbury by evaluating options for updating city by-laws to reduce barriers for home-based food raising (homesteading) activities;

AND WHEREAS current by-laws only permit domestic fowl/poultry on lands situated within agricultural and rural zones;

AND WHEREAS at the June 26th, 2018 Council meeting, a petition was submitted with a significant number of signatures, requesting an update of existing by-laws in order to allow back yard hens in Greater Sudbury;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct staff to prepare a report for Council’s consideration at its September 25th, 2018 meeting, to include options/recommendations with regard to allowing back yard hens across Greater Sudbury, beyond the agricultural and rural zones.

**Background**

In response to resolution CC2018-239, on September 25, 2018, Council received a report entitled “Backyard Hens”, from the General Manager of Corporate Services. The report was prompted by a petition received by Council on June 26, 2018, where signatures of approximately 500 residents confirmed their support to have “Council update the existing bylaws to allow backyard hens in the City of Greater Sudbury”. This report was deferred by Council in order to allow Staff the opportunity to complete community engagement.

Community engagement took place between November 2, and November 15, 2018. To provide feedback and opinion, residents had the ability to complete a survey (online or paper) on backyard hens,
or visit one of nine in person “Chicken Chat” conversations at selected locations across Greater Sudbury. Residents were asked to provide their opinion on whether the City of Greater Sudbury should expand provisions to allow backyard hens in residential areas.

This report will inform Council on the participation rates and results of community engagement and will recommend regulations for backyard hens in residential zones. Staff will inform on risks and potential mitigation strategies that may be implemented through bylaw amendments and process creation in order to allow backyard hens in residentially zoned properties. Staff will illustrate the relationship between the current service level and the anticipated impact if the service expands, and identify impacts to resource allocations and budgets.

**Analysis**

Owning urban hens has become commonplace in a number of Ontario municipalities. Numerous municipalities have debated the issue in recent years, with communities expanding their bylaws and licensing process in order to allow residents to possess backyard hens in residential zones. It is common that municipalities mitigate these through regulation within their animal control bylaw.

Providing the opportunity for residents to rear egg-laying hens allows community members to participate in a sustainable and equitable food system. Residents that participate will have access to fresh and healthy food and will have more control over what they consume, resulting in increases in household food production and food skills within our community. The Earth Care Action Plan, the Greater Sudbury Food Charter and the Official Plan illustrate the City of Greater Sudbury’s active support for a more sustainable and equitable food system.

Currently, “Livestock”, the keeping of poultry (and other farm animals) is not be permitted on any lot less than 1.0 hectare in area and where zoned "A", Agricultural, "RU", Rural, "M4", Mining Industrial and "M5", Extractive Industrial zones. Within the City of Greater Sudbury, there are 3,924 parcels of land that are larger than 1 hectare and are zoned appropriately (see attached zoning map) where residents are permitted to have livestock on their property.

**Public Engagement**

An electronic survey and place holder map was available to residents online at “Over to You” ([https://overtoyou.greatersudbury.ca/](https://overtoyou.greatersudbury.ca/)) for thirteen (13) days between November 02 and November 15, with hard copies available at Libraries and Citizen Service Centers. Nine in person “Chicken Chats” were offered to the community at a variety of locations during the week of November 5-9, 2018. The availability of the survey and in person meetings were advertised through a variety of platforms, including the use of the City of Greater Sudbury website, social media and on an electronic billboard at Bell Park.

In total, 131 residents attended the in person community engagement sessions held across the community. The highest attendance was registered in Capreol (60 visitors) and the South End of
Sudbury (20 visitors). Staff received fourteen (14) hand written comments over the course of the in person sessions, which were divided equally amongst supporters (7) and detractors (7) of backyard hens. Staff received four (4) emails from residents who wanted to further express their opposition to the possibility of hens being permitted on residential properties.

A total of 3,207 (3,189 English, 18 French) surveys were completed during the public engagement. Results of the survey confirmed that approximately 63% of respondents are in favour, and 34% are not in favour of the City of Greater Sudbury allowing backyard hens in residential areas.

Of the 3,207 residents that took the survey, 48% (1,552 responses) cited nuisance/predatory animals as a concern with allowing backyard hens in residential areas. An equal percentage also had concerns for odour. Concerns for noise was indicated by 38% of residents that took the survey. A total of 688 residents indicated they had no concerns.

If Council moves to permit backyard hens in residential areas, 74% of residents that completed the survey would like to see the City of Greater Sudbury regulate the number of hens permitted on a property. Further, 60% of respondents would like to see the City regulate set backs, while 57% would like to see minimum lot sizes. In consideration for any inspection or permitting process, 51% would like to see the City implement an inspection process for initial set up and approval and 46% would prefer a permit and application process.

A total of 35% of survey responses indicated that residents would prefer the maximum amount of hens permitted on a residential property to be between 1 and 5. Alternatively, 26% indicated a preference of owning 5-10 hens. Overall, there was a total of 49% of residents that would not want to be notified if their neighbor owned hens; and 43% would want to be notified.

**Public Health**

In addition to a December 2017 evidence brief titled “Reducing health risks associated with backyard chickens”, Public Health Sudbury & Districts (PHSD) provided staff with an evidenced based brief that confirmed there are risks and benefits associated with keeping and maintaining hens in backyards. The document suggests that risks may be reduced through evidence informed risk mitigation strategies that include education, regulatory and economic elements.

Public Health Sudbury identified risks that include infectious disease, handling of chicken waste and deceased birds, predatory animals and pests, noise and odour. Mitigation strategies listed refer to proper education of residents, regulation and evaluation by the City of Greater Sudbury.

Should City Council proceed, Public Health Sudbury & Districts recommends a pilot project. If Council opts to allow for backyard chickens in residential areas, further suggestion was that a licensing/registration process be implemented. There is a belief that a licensing/registration regime would allow for:

- Single point of contact with bird owners, which supports the sharing of educational material.
• Trace-back to flock owners, should an event occur requiring immediate contact with flock owners e.g. highly pathogenic virus.
• City planners to avoid high-density pockets of birds.
• City assessment and risk mitigation related to Source Water Protection.

It is further recommended that any amended by-laws:

• Prohibit chicks and roosters.
• Limit the number of hens.
• Provide specifications regarding coop construction, waste management, and food storage.

PHSD has recommended a pilot project and pointed to the UrbanHensTO Pilot Program as a model to consider in order to ensure risks are considered, mitigated and evaluated. The City of Toronto pilot program runs from March 2, 2018 to March 2, 2021 and allows residents to own hens in four specific wards across the City. This pilot project requires the registration of hens with the municipality and further regulate the number of hens, set backs, and coop/run requirements.

**Consideration for Bears**

Discussion with Staff from Kitchener, Caledon, Guelph and Kingston indicated there was no additional need for discussion/consideration/consultation about nuisance bears. This is especially concerning given the fact that MNRF has confirmed that “Sudbury has the most reported bear sightings in Ontario”.

With the highest reported in 2016 and 2017, bear sightings were relatively high in 2018, and would be higher compared to other municipalities. For the six-month period ending October 31, 2018, via their dedicated “bear hotline”, the Greater Sudbury Police Service Received 185 calls about nuisance bears, while residents reported 346 bear sightings via the Report-a-Bear City of Greater Sudbury website.

The MNRF confirmed that it is common occurrence to have bears going after chickens. “*It usually starts with the feed and progresses to predation of the birds when they return looking for more. Further, being low on the food chain, chickens can be an attractant for any number of four-legged or avian predators and once a predator is aware of the food source, they will often return looking for more*”.

MNRF recommended the installation of electric fencing around any chicken enclosures/coops in order to minimize potential conflicts with bears. MNRF confirmed that chicken feed should be stored indoors or in a secure building. When constructing or placing a chicken enclosure on a property, MNRF cautioned that residents should try to keep them away from woodlots or potential travel corridors for wildlife. Finally, to dispose of any deadstock properly.

**Source Water Protection**

The Greater Sudbury Source Water Protection Plan protects current and future sources of municipal drinking water. It identifies potential risks to drinking water supply and contains policies to ensure that drinking water remains safe. The Sudbury Source Protection Plan (SPP) was developed by a multi-
stakeholder Source Protection Committee (SPC) made up of nine members and a Chair, representing municipal, industry, and public interests. The source water protection plan currently affects City processes such as planning approvals and building code permits.

The Sudbury SPC provided recommendations to Staff support the mitigation of identified risks to drinking water in order to allow chickens on residential properties. Furthermore, an assessment was undertaken in consultation with the Ministry of the Environment, Conservation and Parks (MECP). It was determined that chickens on residential properties are captured in policy Ag1EF-EO which reads in part:

The City of Greater Sudbury shall create and deliver an education and outreach program to all of the vulnerable areas where the following threats could be significant:

- Application to land and storage of agricultural source material;

The education and outreach program may include, but is not limited to, the following:

- Descriptions of the threat activities and why they pose a risk to drinking water;
- Source Protection Plan content related to the above threats to inform residents of the new restrictions in effect and the location of the vulnerable areas

The following conditions were recommended by the SPC to be included in the By-law, to protect municipal drinking water sources:

1) Backyard chicken coops must be registered in order to track locations and number of chickens in vulnerable areas, and;

2) The chicken coop must have a roof in order to reduce the likelihood that chicken waste could discharge into the immediate environment and travel to surface or groundwater sources, and;

3) The coop should have an impermeable floor or catchment to reduce the likelihood that chicken waste could discharge into the immediate environment and travel to surface or groundwater sources, and;

4) Waste produced from the coop should be removed from the structure and surrounding area on a regular basis and be stored in a waterproof, leak proof container. The container should be emptied regularly and the waste must be disposed of in accordance with Municipal By-laws, and;

5) Coops should be located 1.0 m away from any lot line and not within 3.0 m of any drainage ditch, swale or other channel that could transport waste from the coop to surface or groundwater sources and;

6) A functioning and approved backflow prevention device should be installed on water connections used to hose down the chicken coops in order to protect the drinking water systems from contamination.
**Municipal Comparisons**

A review of other municipalities has confirmed that municipalities such as Kitchener, Guelph, Kingston and Caledon have made recommendations to allow for backyard hens in additional zones.

Specific feedback about the service level impact varies among those that permit hens. Municipalities that have a requirement for permit and inspection, see an associated impact on staff to facilitate the process. When the program started in Kitchener, they reported a larger influx of applications, now reporting that 1-2 residents make application per week. Given the size of the department in Kitchener, where they have eight dedicated Property Standards Officers and five Noise Officers that are on the road 24/7, the service level has been augmented into current staffing levels and has been spread over the department. Kitchener noted they receive minimal complaints about backyard hens. Feedback from Guelph, (no permit- complaint based) noted they receive a few complaints per week about backyard hens specific to irresponsible pet ownership (disease, size of pen, general mess) and that there is a negative impact on other by-law enforcement activities.

**Regulatory Model**

Aligning with municipal best practice and public opinion, Staff recommend specific regulations be added to the Animal Care and Control Bylaw to mitigate risks and manage complaints from neighboring properties.

Should Council elect to permit backyard hens on residential properties, amendments to the Animal Care and Control Bylaw 2017-22 shall be made to reflect the following principles:

**General Requirements**

- Maximum of one (1) Coop and Run per lot
- Annual Permit/Inspection Process- fee to align with kennels- $50
- Owner(s) of hens must reside on the property where hens are kept
- Coops and runs are only permitted in the rear yard
- Limit on the number of hens- 4
- Roosters are not permitted
- Hens must be a minimum of 4 months old
- Hens must be maintained in an enclosed run when not in coop
- Hens must be kept in the coop between 9pm and 7am
- Sale of eggs is not permitted
- Home slaughter prohibited
- Disposal of deceased hens shall be through a veterinarian or an OMAFRA approved disposal facility

**Set Back Requirements**

- 3.0 m from any side or abutting rear lot line
- 15 m from any school, business or church
- 3.0 m from any ditch or swale

Coop/Run Requirements

- The coop and run shall be maintained in good repair and in a clean and sanitary condition, being kept free of obnoxious odours, substances and vermin
- Coops shall be constructed in durable material that provides shelter from inclement weather and be adequately ventilated
- Coop floor shall be constructed from a material that is resistant to moisture and mold, allows for heat retention in the cold and effectively excludes rodents, vermin and predatory animals
- Coop and run shall be completely enclosed to ensure hens are contained within at all times
- Coops shall be cleaned regularly, with a deep clean 2x per year- including the disinfecting of toughs, perches and nests
- Feed shall be stored in a rodent proof container and secured in doors at all times
- Feeders and water containers shall be provided, cleaned regularly and disinfected
- Manure and droppings shall be forthwith cleaned up per day and disposed of in accordance with municipal bylaw(s)

If consideration will be given to permitting the keeping of hens in the Animal Care and Control By-law, the Zoning By-law would require a minor amendment to reflect the below draft wording

4.17 LIVESTOCK

Livestock shall not be permitted on any lot less than 1.0 hectare in area. Buildings housing livestock and manure handling facilities are subject to the Special Setback Provisions in Section 4.37.1 of this By-law.

a) Notwithstanding the above, chickens shall be permitted in conformity with the City of Greater Sudbury By-law for the Control and Regulation of Dogs, Cats and Other Animals.

Service Level Impact

A review of other municipalities has confirmed regulatory models that allow for the keeping of backyard flocks within residential zones. There will be an associated impact on the current service level offered by the Bylaw department when considering a petition received by the City of Greater Sudbury suggested that there are currently over 250 backyard flocks within the City of Greater Sudbury and public consultation confirmed that, if permitted, 1,200 residents would choose to own backyard hens.

A permit process will have an impact on both administrative and enforcement resources of the Department. The administrative process will require approximately half to one (1) hour for Licensing Staff to allow for receipt of an application, review of zoning and site plan and to enter information into a database. Once the application is processed, an on-site inspection is assigned to a Bylaw Officer complete. Dependent on the physical location of the property in the City of Greater Sudbury, time is required to attend the location and further to confirm/measure set back requirements, review and
confirm coop and run dimensions and to review regulatory requirements of the bylaw to ensure nuisance and risk are addressed. Photos are taken of all areas of the coop/run. Once complete, this information is entered into a database, and without violations, a permit would be printed.

Assuming the City of Greater Sudbury will see an increase in the participation in urban farming with backyard hens, with public engagement confirming 1,082 residents who were clearly opposed to backyard hens, it is reasonable to assume that complaints will be received in regards to irresponsible pet ownership. Where there is currently a resource draw to respond to complaints about domestic pet owners in the City of Greater Sudbury, a similar impact would be anticipated for backyard hens in order to provide education and enforcement in specific to hens, coops and runs. To illustrate a comparable, the City of Greater Sudbury received 2,141 complaints for Animal Control between November 2017 and November 2018, which is an average of approximately six (6) cases per day.

Currently, approved budgeted Officer resources are approximately 22,745 hours annually. With 8,278 cases (average of 23 per day) received in the past rolling 12-months (November 20, 2017 to November 20, 2018), an Officer has approximately 2.75 hours to complete each case. The department is operating extremely efficiently when considering that this time allotment includes consideration for travel to and from the case location, time for inspection and time required for administrative work that also includes the preparation and attendance for court matters.

An addition to the current volume of cases, without an associated increase in employee resources, would result in a negative impact on the current service level. To address this, if the service is expanded to include the regulation of backyard hens, Staff recommend the addition of one (1) dedicated FTE (Junior Bylaw Officer-Group 10/4) and associated operating costs (vehicle, fuel, uniforms, and employee equipment). The cost of the service level enhancement would be approximately $94,000 annually.

**Conclusion and Options**

In response to resolution CC2018-239, on September 25, 2018, Council received a report entitled “Backyard Hens”, from the General Manager of Corporate Services. This report was deferred by Council in order to allow Staff to complete public consultation. With the option of a survey or in person “Chicken Chat”, Community engagement took place between November 2, 2018, and November 15, 2018.

A total of 3,207 surveys were completed during this public engagement, with an additional 131 residents attending an in person meeting. The results of the survey confirmed that approximately 63% of respondents are in favour, and 34% are not in favour of the City of Greater Sudbury allowing backyard hens in residential areas. Survey responses confirmed that there are concerns for nuisance/predatory animals, odour and noise. To mitigate these concerns, residents voiced their desire for a system that allowed for backyard hens in residential areas with regulations for the number of hens, set backs to neighbors, minimum lot size and an inspection process for initial set up and approval.

Partners in Health and Enforcement from Public Health Sudbury and District and the MNRF have provided feedback about identified risks for illness and nuisance while making recommendations should Council opt to expand the current allowances for hens.
City Staff have made recommendations for amendments to the Animal Control Bylaw with process in place to support concerns for Source Protection Water areas. Implementing these recommendations will be a service level increase in the Bylaw Department, and without adequate resource allocation will result in a negative service level impact for other Bylaw matters already addressed by the department.

**Option #1**- Allow backyard hens generally in residential zones, subject to a permitting and inspection process and requirements as amended in the Animal Care and Control Bylaw. Staff are directed to amend Zoning and Animal Control Bylaws to allow hens in residential zones with specific bylaw regulations and specifics for a permitting process. This additional service level will result in an annual increase of approximately $94,000 to the departmental operating budget. If option one (1) is selected, Staff will be directed to prepare a business case for consideration within the 2019 budget deliberations.

**Option #2**- As a pilot project, with a maximum of 20 registered participants, allow backyard hens generally in residential zones, subject to a permitting process and requirements as amended in the Animal Care and Control Bylaw. Staff are directed to amend Zoning and Animal Control Bylaws to allow hens in residential zones with specific bylaw regulations and specifics for a permitting process. This additional service level will be absorbed within approved departmental operating budgets. Staff will be directed to return to Council with an update and recommendations no later than December 2019.

**References**

Drinking Water Source Protection-

Ministry of Municipal Affairs and Housing- Zoning Bylaw Information-
http://www.mah.gov.on.ca/Page1758.aspx

Biosecurity Recommendations- OMAFRA-
http://www.omafra.gov.on.ca/english/livestock/poultry/facts/12-039.htm

Cuddling live chickens can make you sick- Public Health Ontario

Sudbury’s Nuisance Bear Problem Gets Help from the Province