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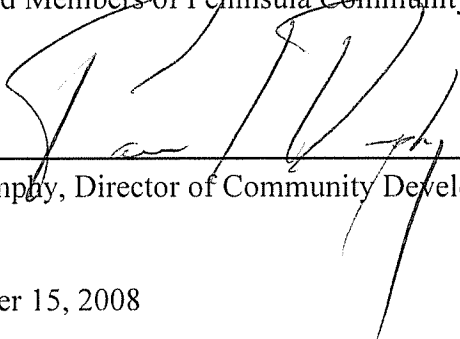


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Peninsula Community Council
February 9, 2009

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: December 15, 2008

SUBJECT: Keeping of Fowl (Chickens)

INFORMATION REPORT

ORIGIN

February 11, 2008 motion of Peninsula Community Council requesting an information report on:

- the by-law regulations across the Municipality that apply to the keeping of fowl for the purposes of producing eggs and how the Peninsula Land Use By-law may differ from others; and
- if there are any provisions in the other by-laws that may be applied to the Peninsula that would consider allowing for a personal number of chickens for producing eggs.

BACKGROUND

Council brought this matter forward as the result of a complaint against the keeping of three chickens in an accessory structure on a residential Peninsula property. That particular complaint was addressed as a land use by-law (LUB) compliance case (which is now closed) having resulted in the relocation of the chickens. The keeping of chickens is not permitted under the LUB for Halifax Peninsula.

This report examines the current provisions in all of HRM's land use by-laws (LUBs) regarding the keeping of fowl, as well as a sample of regulations from elsewhere in Canada.

DISCUSSION

Current Regulations Within HRM

At this time, there is no uniform land use by-law approach within HRM regarding the keeping of fowl, however, there are some generalities. In the suburban and rural areas of HRM, fowl are included in the land use by-law definition of "livestock", whether or not they are kept for commercial purposes. For reasons of compatibility, the keeping of livestock is prohibited unless agricultural uses are permitted by the zone. Some by-laws also specify that livestock may only be kept in accessory structures where agricultural uses are permitted. To reduce nuisances and conflicts resulting from these typically rural uses in higher-density urban areas, the keeping of livestock and agricultural uses are not permitted in HRM's urban areas.

The following table provides an outline of the various land use by-law provisions across HRM relative to the keeping of fowl:

Table 1

LUB Area	Regulations
Halifax Peninsula Halifax Mainland Bedford	<ul style="list-style-type: none"> • The keeping of fowl in residential zones is not specifically listed as a prohibited activity. • However, when a LUB does not enable a specific land use, that land use is deemed to be prohibited, and the Development Officer is obligated to refuse permits for that land use.
Downtown Dartmouth Sackville Drive	<ul style="list-style-type: none"> • The keeping of fowl is specifically prohibited on any lot.
Dartmouth	<ul style="list-style-type: none"> • The keeping of fowl is specifically prohibited in all residential zones.
Sackville	<ul style="list-style-type: none"> • Livestock are not specifically prohibited in urban residential zones. • However, agriculture – which includes the use of land for the production of food, such as eggs – is only a permitted use in certain zones (e.g. Rural Residential Zone (R-6)).
Former County of Halifax plan areas (excluding North Preston and Lawrencetown)	<ul style="list-style-type: none"> • Livestock are specifically prohibited from being kept in an accessory building unless agriculture is a permitted use. • For zones where agriculture is a permitted use, the minimum lot area required is typically 20,000 square feet.
North Preston Lawrencetown	<ul style="list-style-type: none"> • Neither contain provisions which would prevent animals from living in an accessory building. • Neither define 'livestock'. • Neither prohibit livestock from being kept in a zone where agriculture is not a permitted use.

Federal and Provincial Regulations

Currently, no specific federal or provincial regulation exists that would limit or prohibit HRM residents from keeping backyard flocks or pet birds. However, backyard flocks are a source of concern to commercial poultry producers as these un-regulated flocks do represent some disease risk. The disease risk of most concern is avian influenza, which is a contagious viral infection that can affect several species of food-producing birds as well as pet birds and wild birds. On rare occasions, avian influenza may cause disease in humans when they have close contact with infected birds in heavily contaminated environments.

In January 2008, in collaboration with provincial governments, the Canadian Food Inspection Agency (CFIA) initiated a national campaign to educate the owners of backyard flocks and pet birds on bird health measures to help protect their birds from diseases, such as avian influenza. The CFIA-recommended measures include:

- Protection of backyard flocks from contact with wild birds and other animals;
- Regular cleaning of barns, cages, egg trays, gardening tools, and water and feed containers;
- Early reporting of sick or diseased birds;
- Limiting flock exposure to visitors; and
- Thirty day segregation and monitoring for new birds entering existing flocks.

Tracking Cities

Staff researched five Canadian cities (Victoria, Edmonton, Winnipeg, Toronto, and Ottawa) and found that fowl are permitted in Victoria and prohibited in the other cities. Attachment A contains a brief commentary on how each of the five cities address the keeping of fowl.

Other Municipalities

Communities which permit fowl for domestic egg production generally manage the operation through land use by-laws, animal control by-laws, or a combination of the two. Attachment B describes briefly how fowl are managed in urban residential areas within the municipalities of Vancouver and Niagara Falls.

Conclusion

The current by-law provisions for the keeping of livestock are longstanding. With the exception of the original complaint, staff has not experienced any similar incidents that suggest the by-law no longer meets the needs of Peninsula residents. Further, given that HRM's approach is generally consistent with other municipalities, it is staff's opinion that no further action is warranted. Should Community Council request further action be taken, staff advise that it would be appropriate to undertake the exercise on a regional rather than local scale.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

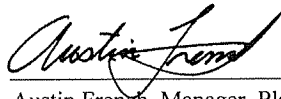
ATTACHMENTS

Attachment A: Regulations Regarding Fowl in 5 Canadian Cities

Attachment B: Management of Fowl in other Municipalities

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: Austin French, Manager, Planning Services, 490-6717

Attachment A: Regulations Regarding Fowl in 5 Canadian Cities

Victoria, British Columbia

Through the animal control by-law, the City of Victoria prohibits roosters and farm animals within the city; however, hens are not considered to be farm animals, so they are permitted in urban residential areas.

Edmonton, Alberta

In the City of Edmonton, the keeping of fowl for domestic egg production would be considered a non-commercial farm, which the land use by-law only permits in certain rural zones. The animal control by-law is silent on livestock and fowl.

Winnipeg, Manitoba

The City of Winnipeg has an Exotic Animal By-law which prohibits poultry except as permitted by the applicable zoning by-law. The land use by-law only permits poultry husbandry in districts where agricultural uses are permitted.

Toronto, Ontario

The City of Toronto's animal control by-law prohibits entire taxonomic orders of mammals, birds, reptiles, and other species from being kept in the city (with certain specific exceptions, such as zoos and lands zoned for agricultural use). Chickens and all other members of the order *Galliformes* are prohibited in the City of Toronto.

Ottawa, Ontario

The City of Ottawa considers the keeping of fowl to be an agricultural use, and as such, fowl would only be permitted in rural zones where agriculture is a permitted use. The animal control by-law also prohibits livestock within the city (with certain specific exceptions, such as the National Capital Equestrian Park).

Attachment B: Management of Fowl in other Municipalities

Vancouver, British Columbia

The City of Vancouver regulates chickens through both the Animal Control By-law and the Zoning & Development By-law. The Animal Control By-law states that chickens are not permitted unless the Zoning & Development By-law allows; the Zoning & Development By-law states that no development permit is required for the keeping of birds and animals for domestic purposes. (This is subject to limitations from the Health By-law; however, the Health By-law does not limit the keeping of animals.)

The Zoning & Development By-law states that buildings or runs for birds and animals must meet the regular requirements for accessory buildings, and also need to be 9.1 metres (29.9 feet) from adjacent residential structures and 18.3 metres (60.0 feet) from the front lot line.

Niagara Falls, Ontario

The City of Niagara Falls outlines requirements for keeping chickens within their Animal Control By-law.

Lots must have a single unit dwelling and have 40 feet of frontage and 100 feet of depth (i.e. a minimum of 4000 square feet of lot area). Within the Urban Boundary, chickens are limited to ten female chickens, which must be kept 25 feet from the rear lot line and 15 feet from the side lot lines.