



THE CORPORATION OF THE DISTRICT OF SUMMERLAND COUNCIL REPORT

DATE: August 20, 2015
TO: Linda Tynan, Chief Administrative Officer
FROM: Jeremy Denegar, Director of Corporate Services
SUBJECT: Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-022

STAFF RECOMMENDATION:

That Council pass the following resolutions:

1. *THAT “Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-022” be read a first and second time.*
2. *THAT staff be directed to implement a process to encourage public input regarding the proposed Backyard Chickens Bylaw, prior to third reading.*

PURPOSE:

In an effort to broaden the opportunities for local community-based sustainable food production and education, Council desires consideration be given to the keeping of chickens in residential areas.

BACKGROUND and DISCUSSION:

Staff have researched relevant information, analyzed and compared the bylaws of various municipalities across BC, and drafted a proposed amendment to the District of Summerland's Animal Control Bylaw to allow for chickens in Residential Zones.

Currently, the District of Summerland permits keeping chickens on property zoned FG—Forestry Graving, A1—Agricultural Small Acreage, A2—Agricultural Large Acreage, and CR1—Country Residential, therefore this bylaw does not regulate chickens in these zones. A growing number of municipalities in BC and elsewhere have amended their animal control bylaws to permit keeping chicken hens in residential zones.

The bylaws are very similar across most municipalities in terms of the specific health, welfare, coop location, and coop size requirements made of the owners, but vary widely in the size of residential property they are allowed on and the number of hens allowed on each property. Some have a minimum lot size, some have a minimum frontage and length requirement, while others have a property size tiers allowing increased numbers of chickens with each size.

As the keeping of chickens in an residential environment is intended for personal use—not for the sale of meat or eggs as a business—the number of chickens allowed need not ever exceed what a typical family requires in egg production, thus it is proposed that no more than 5 hens be permitted on any one residential property, regardless of property size. These recommendations align with those made by Interior Health.

In crafting an effective Backyard Chickens Bylaw that encompasses all facets of potential concern, there are many aspects to consider, including but not limited to:

- Educational opportunities relating to food origin, sustainability, and animal husbandry
- Fresh, high-quality eggs for owners
- Reduced waste from chickens consuming kitchen scraps
- Compost for gardening
- Animal welfare (both positive and negative possibilities)
- Transmission of pathogens
- Disposal of non-producing hens, carcasses, and feces/manure
- Attraction of pests and vermin
- Inclusion/exclusion of specific zones in the bylaw
- Requirement of a permit and/or application of building regulations

Staff has recommended the implementation of a bylaw (as presented), however, not all property owners in Summerland support the keeping of backyard chickens. The major concerns of odour, noise, vermin and disease are addressed by the requirements specified in the bylaw and discussed in greater detail in Schedule "A". Attached as Schedule "C" is a list of other similar bylaws that were looked at while creating this bylaw, and some notable aspects from them.

The information provided in the Supporting Documents section of this report includes up-to-date opinions from the BC SPCA and Interior Health. The BC SPCA opinion does not take into account the more easily accessible animal husbandry and veterinary skills and resources available in a farming community such as Summerland, and instead focuses on large urban centres like Vancouver. However, it does have some constructive suggestions that support common requirements to ensure animal welfare. The opinion from Interior Health is more balanced and simply recommends that if backyard chickens are permitted, that adequate protocols are in place and enforced to ensure the health and safety of residents.

COMMUNITY CONSULTATION

Staff has recommended that Council provide an opportunity for public input prior to the third reading of the bylaw to keep backyard chickens in residential zones, to ensure all perspectives of residents of Summerland are taken into account. If warranted, the bylaw may be amended before proceeding to third reading.

LEGISLATION and POLICY:

The proposed Backyard Chickens Bylaw is attached to this report as Schedule "B". After any recommended changes are made to the bylaw and it has been read by Council a third time, any related changes required to the Zoning Bylaw and Municipal Ticketing Information (MTI) Bylaw will be presented to Council for consideration.

Note that Sections d), e), and f) in the Backyard Chickens Bylaw are housekeeping changes to ensure compliance with the Zoning Bylaw and do not directly relate to the keeping of Backyard Chickens.

FINANCIAL IMPLICATIONS:

There are no significant financial implications foreseen.

SUPPORTING DOCUMENTS:

- [Interior Health – Backyards Chicken in the Urban Environment](#)
- [BC SPCA – Do you want to raise backyard hens?](#)

OPTIONS:

1. That “Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-022” be introduced and read a first and second time, by title only, and that staff be directed to implement a process to encourage public input regarding the proposed Backyard Chickens Bylaw, prior to third reading, as recommended by staff.
2. Refer back to staff for other options.

Respectfully Submitted



Jeremy Denegar
Director of Corporate Services

Approved for Agenda



Linda Tynan, CAO August 20, 2015

Schedule “A”

Key concerns and how they are addressed in the proposed bylaw:

1. Education, fresh eggs, reduced waste, and compost

Allowing residents to keep a reasonable number of hens for personal use on their own residential properties provides the opportunity for families to teach their children about food origin, sustainability, and animal husbandry. It also allows families who do not live on designated farm land to produce fresh eggs, redirect organic waste (kitchen scraps) from the landfill to feeding their chickens, and enhance their compost's nutrient level for use in residential gardening.

The proposed bylaw includes the following requirements to ensure this is the purpose of keeping chickens, for residents who wish to do so:

- the property has at least one residential dwelling on it and that dwelling is either a single family dwelling or a duplex
- the owner of the chickens resides at the property where the chickens are kept
- no more than five chickens are kept per property
- roosters are not permitted to be kept in Residential Zones

Note that the limit of keeping no more than 5 hens is subjective, and although at the upper end, is within the range found in other similar bylaws. It is intended to be a reasonable number of hens to provide eggs for a large family, but not so high number to encourage the production of eggs for sale.

2. Animal welfare, pathogens, by-product disposal, pests and vermin

The proposed bylaw includes the following requirements that directly address these concerns:

- chickens may not be slaughtered on the property
- deceased chickens may not be buried or otherwise disposed of on the property
- storage and disposal of feces must be hygienically managed
- chicken food must be stored securely to prevent attracting vermin
- chickens must not run at large
- a single coop for the chickens that is built and maintained in accordance with good animal husbandry practices must be provided
- the owner provide a single coop for the chickens that is built and maintained in accordance with good animal husbandry practices
 - the coop must not be located closer than 3 metres from any window or door of any residential building
 - the coop must be maintained and cleaned regularly to minimize odour and prevent attracting vermin
- if it is suspected that any chicken is ill, the owner is required to contact a veterinarian immediately to diagnose the illness; if a chicken is diagnosed with a communicable disease, the owner is required to contact the Public Health Department of Interior Health and to comply with directions provided by Interior Health

These requirements are all either specified by Interior Health and the BC SPCA, or are common among the majority of similar bylaws across Canada.

3. Inclusion/exclusion of zones, setbacks/height, permitting, building regulations

These are the aspects of consideration that are more subjecting in nature, with no clear guidelines or best-practices available from other agencies, legislation, or similar bylaws.

a. Zones

Considering the issue of what Zones backyard chickens are allowed in, staff recommend that the proposed bylaw permit them in single family dwelling and duplex properties, as this allows a large number of families to take advantage of this opportunity while avoiding likely issues that would arise in multi-family complexes.

b. Setbacks/height

Coops are restricted from being within setbacks defined in the Zoning Bylaw, to a rear yard only, and with a maximum height of 2m to reduce the visual impact to neighbours on the other side of a 1.8m fence (max height as per Zoning Bylaw), or looking from the street, while still allowing for a functional coop.

c. Permitting

Many other similar bylaws do not require permits to keep backyard chickens, and staff do not recommend requiring permits for this in Summerland. Bylaw Enforcement is primarily complaint-driven due to limited staff resources, so having an additional process related to this activity would increase staff workload but not likely contribute to compliance.

d. Building Regulations

A coop is a relatively simple structure, thus requiring it to be no larger in area than 9m² keeps it under the 10m² area that triggers inspection and compliance with the BC Building Code.

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 2015-022

**A Bylaw to Amend Animal and Pound Regulation Bylaw
Number 93-028 to Allow the Keeping of Backyard Chickens in
Residential Zones**

WHEREAS it is desirable for residents of the District of Summerland to have the opportunity to keep chickens on their own residential property to produce eggs for personal use;

NOW THEREFORE the Council of the District of Summerland, in open meeting assembled enacts as follows:

1. THAT Animal and Pound Regulation Bylaw Number 93-028, as amended, be further amended as follows:
 - a) That the DEFINITION of Animal be amended to read:
"Animal means any cattle, horse, sheep, llama, alpaca, ostrich, swine, goat, domestic rabbit, guinea-pig, poultry, or backyard chicken."
 - b) That the DEFINITION of Poultry be amended to read:
"Poultry means any domestic fowl, exotic fowl, turkey, goose or duck, excluding backyard chickens".
 - c) That the new DEFINITION of Backyard Chicken be added as follows:
"Backyard Chicken means hens that are permitted under Section 1(a)(b) of this bylaw, and does not include roosters."
 - d) That the words "Except as outlined in this section," be inserted at the beginning of the first paragraph of Section 1(a).
 - e) That the first paragraph of Section 1(a)(a) be deleted and replaced with the following:
"In the CR1 – Country Residential Zone, if the site exceeds 0.2 hectares (1/2 acre), animals may be kept provided that:"
 - f) That Sections 1(a)(a) (iv) and (v) be amended as follows:
 - iv. the total number of poultry, rabbits or other small furbearing animals or the number of colonies of bees, shall not exceed twenty-five plus one for each forty-six square metres (500 sq. ft.) or fraction thereof of lot or site area in excess of 0.2 hectares (1/2 acre);
 - v. such animal or poultry shall be kept enclosed by an approved fence or corral."
 - g) That new Section 1(a)(b) be inserted as follows, and all subsequent sections renumbered:

- "(b) Backyard chickens may be kept in all Residential Zones, as defined in the District of Summerland Zoning Bylaw, provided that all the following provisions are met:
1. the property has at least one residential dwelling on it and that dwelling is either a single family dwelling or a duplex;
 2. the owner of the backyard chickens resides at the property where the backyard chickens are kept;
 3. no more than five backyard chickens are kept per property;
 4. backyard chickens are kept for personal use only; the sale of eggs, manure, meat or other products derived from the backyard chickens on or off the property is prohibited;
 5. backyard chickens may not be slaughtered on the property;
 6. deceased backyard chickens may not be buried or otherwise disposed of on the property;
 7. storage and disposal of feces must be hygienically managed;
 8. backyard chicken food must be stored securely to prevent attracting vermin;
 9. backyard chickens must not run at large;
 10. a single coop for the backyard chickens that is built and maintained in accordance with good animal husbandry practices must be provided, and must meet the following specifications:
 - i. the coop must be located in the rear yard of a lot and must provide a fully enclosed area for the backyard chickens;
 - ii. the coop must be located within a required setback;
 - iii. the coop must not exceed 2 metres in height;
 - iv. the coop must not exceed 9 square metres in total area;
 - v. the coop must not be located closer than 3 metres from any window or door of any residential building; and
 - vi. the coop must be maintained and cleaned regularly to minimize odour and prevent attracting vermin; and
 11. if it is suspected that any backyard chicken is ill, the owner is required to contact a veterinarian immediately to diagnose the illness; if a backyard chicken is diagnosed with a communicable disease, the owner is required to contact the Public Health Department of Interior Health and to comply with directions provided by Interior Health; and,
 12. Coops must comply with all other bylaws, statutes, and regulations."
- h) That the words "and backyard chickens" be inserted immediately following the words "household pets" in Sections 1(a)(d), 1(a)(e), and 1(a)(f).
2. This Bylaw may be cited as "Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-0XX".
3. This Bylaw will take effect on the day of , 2015.

Read a first and second time this day of , 2015.

Read a third time this day of , 2015.

Adopted by the Municipal Council this day of , 2015.

Mayor

Corporate Officer

Schedule “C”

Similar bylaws examined by staff:

Municipality	Notable Aspects of Bylaw
Colwood	<ul style="list-style-type: none"> • max 4 hens • single family residential only • property must be 550m² or larger • selling of eggs and meat prohibited • 3m setback • no registration required
Esquimalt	<ul style="list-style-type: none"> • max 7 hens • any single or two family residential zone • selling of eggs and meat prohibited • 1.5m setback • no registration required
Kelowna	<ul style="list-style-type: none"> • max 10 chickens in non-farm land • only permitted in Agricultural, Rural Residential, and Urban Residential <i>Large Lot Housing</i> zones • property must be $\frac{1}{2}$ acre or larger • 50m setback • no registration required
Oak Bay	<ul style="list-style-type: none"> • max 5 or 10 hens depending on lot size • single family residential zones only • selling of eggs and meat prohibited • 4.6m setback • registration required
Revelstoke	<ul style="list-style-type: none"> • max 5 hens • allowed in specific residential zones, single-family only • 5m setback <i>from neighbouring home's doors and windows</i> • selling of eggs and meat prohibited • registration required
Saanich	<ul style="list-style-type: none"> • max # hens varies with lot size • allowed on single family residential properties • 3m setback • registration required
Surrey	<ul style="list-style-type: none"> • max 4 hens • single family residential zone • selling of eggs and meat prohibited • 3m setback • registration required <i>for pilot project</i>
Vernon	<ul style="list-style-type: none"> • max 3 hens • no restriction by zone, but property must have a minimum frontage (12m) and depth (20m) • 1m or 3m setback, based on distance to neighbouring home • registration required
Victoria	<ul style="list-style-type: none"> • no specific number of chickens, but “must be consistent with use for personal egg consumption” • selling of eggs and meat prohibited • no registration required