

DATE: February 10, 2025

REPORT NO: PD-04-2025

SUBJECT: **Recommendation Report
Backyard Chickens – Zoning By-law Amendment and
Amendments to the Animal Care & Control Bylaw (File No.
1601-002-24)**

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OVERVIEW:

- Following the September 11, 2023 Planning/Building/Environmental Committee meeting and interest for backyard chickens, a public survey was launched from January 9, 2024 until March 15, 2024.
- An online survey collected results from 674 respondents.
- A non-statutory Public Meeting was held on February 12, 2024 followed by the Public Meeting held on October 15, 2024 which provided opportunities for public and agency input.
- Administration has completed a review of area municipalities in and outside of Niagara Region as well as reviewed best practices for the keeping of backyard chickens.
- After considering the public comments received as part of the public meeting, Administration is recommending a number of amendments to the Zoning By-law to permit backyard chickens within the Hamlet Settlement Areas and rural areas of the Township, and continue to prohibit the keeping of livestock within the urban area of Smithville.
- Additionally, Administration recommends to amend the Animal Care and Control By-law 2023-54 to provide additional regulations and care provisions for Backyard chickens.

RECOMMENDATION:

1. That, Recommendation Report PD-04-2025 titled “Recommendation Report – Backyard Chickens – Zoning By-law Amendment and Amendments to the Animal Care and Control Bylaw (File No. 1601-002-24)” dated February 10th, 2025, be received; and,

2. That, Council APPROVE the amending by-law to Zoning By-law 2017-70, as found in Schedule D, that permits backyard chickens within residential zones in Hamlet Settlement areas and in the Agricultural area, subject to the prescribed regulations; and,
3. That, Council APPROVE the amendments to the Animal Care and Control By-law 2023-54, as found in Schedule B; and,
4. That Council Authorize the CAO to enter into an amending agreement with the Niagara SPCA to additionally cover the enforcement of the amended Animal Care and Control By-law.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **Build** – A safe, connected caring and active community
- **Champion** – Strategic and responsible growth

BACKGROUND:

The permissions for backyard chickens has been brought to the attention of Committee/Council and Staff for several years, mainly with respect to bylaw enforcement. Livestock, including chickens and poultry are currently prohibited in residential zones under the Township’s Zoning By-law, including residential zones in all of Smithville, the rural Hamlets, and on Rural Residential lots throughout the agricultural area.

Due to some recent by-law related issues regarding the keeping of chickens within Smithville, Council provided direction to Administration to review the current regulations around backyard chickens and present a recommendation back to Council for consideration.

Administration has presented to the Committee with information related to policies for livestock and chickens in February of 2024 in report [PD-11-2024](#). A Public Meeting was held and the feedback and comments received by members of the public at the Public Meeting were presented in October 2024 in report [PD-50-2024](#). A Statutory Public Meeting was also held in October of 2024 and additional comments were received by members of the public.

Administration has now completed an environmental scan and comparison of area municipalities in and outside of the Niagara Region regarding backyard chickens, have reviewed best practices and have completed a review of the applicable Provincial, Regional and Local planning policy to determine the best approach to regulate backyard chickens.

CURRENT SITUATION:

What Are Other Municipalities Doing?

Niagara Region Municipalities

In Niagara only the City of Niagara Falls and the Town of Pelham currently permit backyard chickens.

The City of Niagara Falls (By-law 2019-35, Schedule D) allows for 10 chickens with no minimum lot area requirement but must have a detached dwelling, with at least 12 metres lot frontage and 30 metres lot depth, and setbacks of 7.6 metres from the rear lot line and 4.6 metres from an interior lot line.

The Town of Pelham (By-law 44-2023) allows up to 6 chickens although requires a license and minimum lot area of 0.4 hectares, and 5 metres from an interior lot line and 10 metres from the rear lot line.

Some of the municipalities like the Town of Fort Erie proposed to undertake a pilot project in 2019 and was denied by Council with concerns for odour, predators, conflicts between neighbours and the cost to implement such a program.

Administration contacted the Town of Pelham and City of Niagara Falls to understand how their backyard chicken programs were implemented and staff indicated that there have been very low update on licenses for backyard chickens and very low to no complaints since the by-laws were enacted.

Other Municipalities Permitting Backyard Chickens

The other municipalities that were examined that have permissions for backyard chickens on residential lots include:

Municipality	Details	License/Permit Required
City of Kitchener	Permanent program 2016 – 4 hen limit, 2.5 metres from side yard lot lines, 1.2 metres from rear lot lines	Yes
City of Guelph	Permanent program 1985 – 10 hen limit	Yes
Halidmand County	Permanent program 2020 – 4 hen limit, minimum lot area of 0.4 hectare and Hamlet Rural zone	No
City of Brantford	Permanent program 2022 – 10 hen limit, 7.5 metres from structures on other lots	Yes

Other Sources of Information

Administration contacted the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) Guelph Office and the agency provided the educational fact sheet package on how to care for backyard flocks. Refer to Schedule A for the OMAFRA information sheet.

Additional information for consideration was provided to the Township in the development of the by-laws and regulations around permitting backyard chickens, such as:

- Limit to the number of hens
- Licencing or permits
- No roosters
- Establishing minimum lot size
- Identify setbacks from lot lines
- Sale of eggs prohibited and only for owner consumption
- Disposal of manure
- Requirements for slaughtering of the birds
- By-law enforcement and complaints

Information on how to care for the backyard chickens and the associated health risks for Avian Influenza and Salmonellosis was also provided and recommended to be provided to the public for educational purposes to prevent any spread of disease. Some basic considerations like regular handwashing with soap and water, touching with mouth or eating and drinking in the area of the chickens, remove wet manure, sanitize equipment, remove clothes after cleaning coop, seek veterinarian help in case of illness, store feed in rodent proof containers, ensure proper disposal of dead poultry, and no home slaughtering. Regulations regarding the care and husbandry of backyard chickens have been added to the Animal Care and Control By-law as drafted in Schedule B.

Township of West Lincoln Public Survey

The Township held a public online survey, which ran from January 9 to March 15, 2024. The survey was widely promoted through the Township social media channels, Council newsletter, posters and local print and broadcast media.

The survey garnered a total of 674 responses. Of the total respondents, 637 (95%) identified themselves as residing within West Lincoln and 37 (5%) identified themselves as residing outside of West Lincoln (or other).

The survey questions to gage the public interest around backyard chickens included:

Question	Yes	No
1. When asked whether backyard chickens should be permitted on residential lots in West Lincoln's urban centre?	498 (73.89%)	176 (26.11%)

Question	Yes	No
2. When asked whether backyard chickens should be permitted on residential lots in West Lincoln’s rural hamlets?	607 (90.06%)	67 (9.94%)
3. When asked whether backyard chickens should be permitted on residential lots in the agricultural area of West Lincoln?	619 (91.84%)	55 (8.16%)
4. When asked whether those wishing to keep backyard chickens should be required to apply for a special permit or license so conditions can be monitored through the Township’s By-law Enforcement Services?	228 (33.83%)	446 (66.17%)
5. When asked to rank potential restrictions/considerations to backyard chickens, respondents ranked the given options in order from highest to lowest importance:		
<ol style="list-style-type: none"> 1. Cleanliness standards 2. Hens only – no roosters 3. Size of coops and run areas 4. Lot size 5. Minimum distance and visibility from other houses 6. Location of where chickens are contained within the yard area 7. Permission from immediate and/or abutting neighbours 8. Prohibition of commercial sale of eggs and chickens 		
6. When asked what the maximum number of permitted chickens should be?		
<p>328 (48.66%) said 7-10</p> <p>207 (30.71%) said 4-6</p> <p>71 (10.53%) said 1-3</p> <p>68 (10.09%) said 0</p>		

Public Petition

Prior to the October 15, 2024 Planning/Building/Environmental Committee Meeting, an independent public petition was completed by an area resident located in Smithville and canvased their neighbourhoods to gather support or no support for the permissions to allow for backyard chickens.

Based on the signed petition lists that was submitted to the Township including written comments, there were 83 residents in favour of allowing backyard chickens on residential lots in the Smithville and 163 residents were opposed to allowing backyard chickens on residential lots in the Smithville.

Public Meeting Comments

After analyzing the survey comments and the oral and written comments from the public, several prominent themes emerged about the resident’s views on allowing backyard chickens:

Theme	Comments/Concerns
Food Security and Self-Sufficiency	Backyard chickens are seen as a valuable resource for food security, especially with rising grocery costs. Chickens are seen as a source of fresh, high-quality eggs, and believe they should be able to supplement their food with home-raised chickens.
Sustainability and Environmental Benefits	Supporters highlight environmental benefits, noting chickens help reduce waste by consuming food scraps and provide natural fertilizer. Some believe chickens align with sustainable living values, such as reducing the community's carbon footprint and helping control pests like ticks.
Health and Mental Wellness	Comments about mental health and well-being, pointing out that chickens offer companionship and engage families in outdoor activities and promote responsible animal care and a deeper connection to nature.
Concerns over Noise, Odor, and Cleanliness	Concerns about the noise, especially from roosters, as well as potential odors and cleanliness issues. Fear of improperly maintained coops could attract pests, like rats, which could impact neighborhood sanitation.
Biosecurity and Disease Concerns	Concerns about disease, particularly avian flu, and the potential threat it poses to nearby commercial poultry operations. Concerns that backyard chickens could pose biosecurity risks if strict regulations are not enforced.
Predators and Wildlife Attraction	Presence of chickens, especially in residential areas, is thought to attract predators like foxes and coyotes, posing a perceived risk to pets and people.
Zoning and Regulation Preferences	Comments received suggest urban areas should have stricter limits on flock size or exclude chickens altogether, while rural or larger lots could permit more flexibility. Some advocate for limits based on property size and location.
Desire for Limited Government Oversight	Comments that property owners should have the freedom to raise chickens without excessive regulation or permitting requirements. Self-sufficiency and property rights, viewing regulations as government overreach.
Community Harmony and Neighbor Relations	Concerns about potential disputes with neighbors are common, especially around cleanliness and noise. Allowing chickens might strain neighborly relations or that owners should seek neighbor consent to maintain harmony.

When providing notice for the Statuary Public Meeting, a draft zoning by-law amendment was circulated and posted on the Township's website for review. This draft by-law was drafted to continue prohibiting livestock, including chickens, in the urban

area of Smithville. This may have impacted those who attended the public meeting, and if further consideration was to be given to the urban area, another public meeting would be required.

Based on the public feedback, consideration of policy and the consideration of by-law enforcement, Administration is recommending that backyard chickens be permitted in the rural hamlets and on rural residential lots in the agricultural area. Administration is recommending that livestock, including chickens continue to be prohibited in the Township's Zoning By-law in order to reduce the number of by-law issues that could arise from backyard chickens. Council and Administration could further review the regulations around backyard chickens at a future date following another public meeting.

Administration is proposing the amendments to the Zoning By-law including definitions and furthermore the amendments to the Animal Care and Control By-law for the regulations on the enclosures (chicken runs and coops) and the proper storage and disposal of manure.

PLANNING POLICY CONTEXT:

The 2024 Provincial Planning Statement (PPS) provides the policy foundation for regulating development and land uses. The PPS states that rural lands are the focus for agricultural, agricultural related, on-farm diversified uses, and normal farm practices. Backyard chickens are livestock and an agricultural use and the keeping of chickens on rural residential lots in agricultural areas and rural hamlets are considered to be compatible with the surrounding agricultural operations and practices in the Township.

The Niagara Region Official Plan (NOP) provides the strategic policy framework for managing growth in Niagara. The Plan provides policies for the protection and enhancement of the vital agri-food sector and agricultural uses while fostering integration with sustainable growth and resiliency in the region. The NOP policies for the agricultural system are focused on the long term protection of principal agricultural uses although flexibility for uses that is appropriate for the site and do not generate conflicting and incompatible issues with farming operations. Backyard chickens and having the permissions for such livestock in rural residential lots in the agricultural area and in rural hamlets generally complies with the intent for maintaining agricultural uses subject to the specific regulations for such use.

The Townships Official Plan provides policies for the continued viability of agriculture in the Township, including flexibility to adapt new techniques and farm practices to sustain agriculture and related services and supportive accessory uses, value added, and tourism related agricultural uses are encouraged.

Section 3.13 (h) of the Township's Zoning By-law 2017-70, as amended currently prohibits livestock on any residential lot or in any building or structure in a residential zone.

3.13 PROHIBITED USES

Unless otherwise specified in this By-law, the following uses are prohibited in any zone:

h) Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential lot or in any building or structure in a Residential Zone, but this shall not prevent the keeping of up to three (3) of any type of household pet, such as dogs, cats, hamsters, mice, rabbits, turtles.

Therefore, Administration is proposing to amend the by-law to permit the backyard chickens on rural residential lots in the agricultural area and low density residential lots in rural hamlets. Refer to Schedule D.

FINANCIAL IMPLICATIONS:

Administration is not proposing a licensing system for chickens as done by other municipalities as that would have a financial impact and take up considerable staff resources. Other municipalities have indicated these licenses programs are not effective and the uptake is low.

Administration is also proposing amendments to the Animal Care and Control By-law 2023-54. These amendments include adding an additional Administrative Monetary Penalty for non-compliance with the By-law with respect to backyard chickens, as indicated in Schedule B to this report. This will create a simpler bylaw enforcement process for the Township and for the Niagara SPCA who is currently contracted to carry out enforcement under the Township's Animal Care and Control By-law.

INTER-DEPARTMENTAL AND AGENCY COMMENTS:

Region of Niagara provided comments early in the process indicating that the Region supports urban agricultural uses such as the keeping of chickens subject to the individual municipalities rules on chicken coop construction, location and disposal of dead chickens and waste and the storage of feed.

Niagara SPCA and Humane Society – Administration met with staff from the Niagara SPCA and Humane Society in early January. The SPCA is currently contracted by the Township to enforce the Animal Care and Control Bylaw. As such, any future bylaw complaints will be sent to the Niagara SPCA for enforcement.

Further, as mentioned previously in this report, by adding additional regulations to the Animal Care and Control Bylaw, the agreement for enforcement services between the Niagara SPCA and Township will need to be amended including increased remuneration costs for enforcement of backyard chicken's regulations. At the time of writing this report, this cost is not yet known; however Administration expects it to be minimal.

PUBLIC COMMENTS:

As noted in the report, several opportunities to solicit feedback and comments/concerns from the public as well as the petitions for and against backyard chickens in residential areas in the Township were used to prepare this recommendation report and to provide the proposed amendments to the Zoning By-law. Public comments and the survey results are found in Schedule C.

CONCLUSION:

Administration is recommending that the Township's Zoning By-law and Animal Control By-law be amended to permit backyard chickens in the Township's hamlets and agricultural areas. Administration is proposing to maintain the existing prohibition of livestock within the urban area of Smithville.

Administration is requesting that Council approve the proposed amendments to the Zoning By-law 2017-70 and Animal Care and Control By-law 2023-54 contained in this report.

SCHEDULES:

- A. OMAFRA Education Information Sheet
- B. Animal Care and Control By-law 2023-54
- C. Public Comments and Survey
- D. Amending Zoning By-law 2017-70

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