

Re: Item No. 12.1

HALIFAX

The Keeping of Egg-Laying Fowl as an Accessory Residential Use

**Regional Council
October 5, 2021**

Origin

July 30, 2019 Region Council motion:

1. Initiate a process to consider amendments to the *Regional Municipal Planning Strategy* and all applicable Secondary Municipal Planning Strategies and Land Use By-laws as necessary to permit the keeping and raising of all egg-laying fowl consistent with the proposed policy direction outlined within the Discussion section of the staff report dated June 12, 2019; and
2. Follow the public participation program as set out in the Community Engagement section of the staff report dated June 12, 2019.

Egg Laying Fowl

- Report examined:
 - Chickens
 - Ducks
 - Geese
 - Guinea Fowl
 - Quail
 - Turkeys
- Centre Plan Package A
 - Permits up to 10 hens per lot
 - Must be kept within an accessory structure in a rear yard, with no side yard setback
 - Does not prohibit slaughter, or sale of meat, eggs, hens



Jurisdictional Review

- 11 Canadian Jurisdictions reviewed, including those in 2019 report
- Common Requirements:
 - Only hens are permitted, roosters are prohibited;
 - On-site slaughtering and the sale of eggs, meat or birds is prohibited;
 - The limit on the number of birds is usually between 4 and 6;
 - Hens must be kept in a coop or fenced area and setback from property lines;
 - Mandatory licensing with a fee is required in 5 cities;
 - Free one-time registration in 6 cities – one of which is mandatory; and
 - Education on hygiene and disease transmission across jurisdictions.
- US regulatory landscape is similar

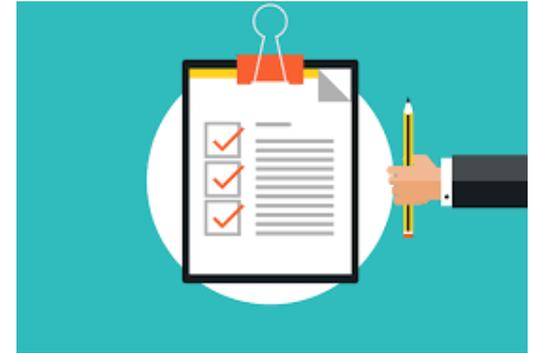
Impacts and Risks



- Compatible birds
 - Hens are considered compatible in a residential setting
 - Other types of fowl present conflicts with noise, smell or their care requirements
- Environment and Human Health
 - Setbacks from watercourses can mitigate impacts
 - Risks associated with disease spread can be mitigated with proper education
- Disposal, slaughter or surrender
 - Carcasses are “non-collectable waste” and cannot be put into any municipal waste stream – must be disposed of by a vet or at animal crematorium
 - On-site slaughtering not permitted
 - There is no organization which routinely accepts unwanted chickens

Community Engagement

- Online Questionnaire – November 2019 to January 2020
- 2,400 respondents
- Key themes:
 - The importance of coop management;
 - Control of odour and noise;
 - Concern for animal welfare;
 - Concern over the attraction of pests;
 - Adequate enforcement; and
 - Requiring training and education for fowl keepers.
- 79% of respondents supported the keeping of chickens, compared to 60% for ducks and 59% for Quail
- Suburban areas reported fewer fowl keepers, fewer people interested in keeping fowl, and more people in opposition to allowing fowl than in the Regional Centre or rural areas



External Stakeholders – Key Feedback

- Provincial Agencies
 - important to keep a registry of bird keepers
 - need for education and awareness
- Chicken-specific interest groups
 - animal welfare is an important consideration
 - keepers must be educated on disease risk mitigation
- Nova Scotia Veterinarians Members Association
 - provided advice on veterinarian limitations and relationships
- The Ecology Action Centre
 - the keeping of egg-laying hens can support household food supply
 - animal well-being and best-practice awareness are important



Proposed Approach – Outside Regional Centre

- Larger scale operations will continue to be permitted in rural areas under resource and rural mixed-use zoning
- Number of hens permitted is based on lot area:
 - a maximum of 10 hens on lots less than 4,000 square metres in size;
 - a maximum of 15 hens on lots 4,000 square metres and over but less than 6,000 square metres in size;
 - a maximum of 20 hens on lots 6,000 square metres and over but less than 10,000 square metres in size;
 - a maximum of 25 hens on lots 10,000 square metres or greater in size;
- fowl to be kept in an accessory building or fenced area in a rear yard;
- accessory building must meet the applicable requirements of the land use by-law;
- accessory building or fenced area must be a minimum of 1 metre from property lines;
- watercourse setbacks as per the local land use by-law;
- on-site slaughtering and the sale of eggs, meat or birds not permitted; and
- hens exempt from development permit

Proposed Approach

- Education
 - Information on a dedicated municipal webpage
 - Modeled off Canadian cities with experience in backyard hens
- Enforcement
 - Municipal compliance enforces noise and animals at-large
 - Animal welfare is the jurisdiction of the Province
 - Nuisance issues challenging to enforce unless it constitutes “dangerous and unsightly premises”
- Registration
 - Free, voluntary online registration in lieu of licensing or permitting
 - Similar approaches in other Canadian municipalities
 - Program setup can be accommodated using existing municipal resources
 - Used to support education and communication, rather than enforcement

Proposed Approach – Regional Centre

- The staff report included a motion concerning incorporating the proposed approach through the Centre Plan Package B adoption process, which is not included at this time
- Due to the overlapping adoption paths, the Centre Plan Package B first reading report clarifies the Council direction for the Regional Centre
- The public hearing for Centre Plan Package B will provide the public with the opportunity to express their views about hens in the Regional Centre

Recommendation

It is recommended that Halifax Regional Council:

1. Adopt the proposed amendments to the *Regional Municipal Planning Strategy* and all land use by-laws with the exception of the *Regional Centre Land Use By-law (Package A)*, the *Downtown Dartmouth Land Use By-law* and the *Halifax Peninsula Land Use By-law*, as set out in Attachment A and Revised Attachment B of the staff report dated June 21, 2021, to allow the keeping of hens as an accessory residential use.