



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
COUNCIL REPORT

DATE: October 13, 2015
TO: Linda Tynan, Chief Administrative Officer
FROM: Jeremy Denegar, Director of Corporate Services
SUBJECT: Animal Control Bylaw Amendment No. 2015-022 (Backyard Chickens)

STAFF RECOMMENDATION:

That Council pass the following resolution:

*THAT the "Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-022",
be read a third time.*

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 researched relevant information, analyzed and compared the bylaws of various municipalities across BC, and then drafted a proposed amendment to the District of Summerland's Animal Control Bylaw to allow for chickens in Residential Zones. This proposed bylaw received first and second reading at the Regular Meeting of Council on August 24, 2015.

Further, Council directed staff to implement a process to encourage public input regarding the proposed Backyard Chickens Bylaw, prior to third reading. Notice of this proposed bylaw was published on the District's website, Facebook, Twitter, the monthly newsletter (mail and email), and in the local newspaper as a sizable advertisement.

Feedback was received from the public via email and letter mail over the duration of a month. There were 68 responses received (25 in support and 43 opposed), attached as Schedule A.

Common points of concern from respondents that provided comments were:

1. Cleanliness, hygiene and smell
2. Bylaw enforcement

Concerns only from those opposed were:

1. Attraction of vermin, pests and wild animals
2. Noise from the chickens
3. Unsightliness
4. Increased conflict / proximity to neighbours
5. Inappropriate / unwanted in residential areas

As expected, the concerns voiced by respondents to the proposed backyard chickens bylaw—even from supporters—primarily relate to the concern that the guidelines and restrictions contained within the proposed bylaw will not be followed. The bylaw was crafted to directly address the concerns of cleanliness, hygiene, smell, and attraction of vermin, pests, and wild animals, through numerous specific stipulations concerning health, welfare, pathogens, disposal, etc. The issues of noise, and potential annoyance and conflict with neighbours due to proximity of chicken coops is also addressed in the bylaw through limits on the size of coops, numbers of chickens, and requirements for meeting setbacks defined in the Zoning Bylaw.

The application of conscientious animal care practices by backyard chicken owners, encouraged through education and timely and firm enforcement by the District, should address the underlying potential issues that cause the majority of concerns voiced by the respondents.

Some respondents appear to be opposed on principal, e.g. that backyard chickens are “gross”, that they do not want to live next door to chickens regardless of the number, and that chickens simply don’t belong in residential areas. Some concern is to be expected as this is a new concept for the community. The proposed bylaw addresses as many of the underlying reasons as possible that might cause concerns for these respondents.

The sensitivity of this change and its potential impact on residential neighbourhoods is understood and it will be imperative that the District responds to concerns in a timely manner.

An alternative to the current complaint-based bylaw enforcement practice is the implementation of a permitting system to create a registry of households with backyard chickens. Implementing a permitting system would increase staff workload and administration related to the bylaw but would not be expected to improve compliance without also implementing active enforcement. Such active enforcement would require increased staffing and funding. Research findings from other municipalities do not indicate any strong connection between implementation of a permit system and increased control. It does not appear that other municipalities are facing difficulty addressing the concerns related to backyard chickens, therefore staff do not feel that a permitting system is required.

LEGISLATION and POLICY:

The proposed Backyard Chickens Bylaw is attached to this report as Schedule B.

FINANCIAL IMPLICATIONS:

There are no significant financial implications foreseen should Council approve the bylaw as presented. If a permitting system is adopted, then there would be an increased requirement for staff resources and thus related costs to provide them.

OPTIONS:

1. That the “Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-022” be read a third time, 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 Oct 6, 2015

Schedule A

Summary of Responses

Support	Concerns	Other Details
yes		
yes		provide eggs for the family, chores for kids to build responsibility
yes		
yes	keep things clean	
yes	exciting	
yes		
yes		promotes food security
yes	how to dispose of chickens safely when finished laying eggs	
yes		good way to get rid of table scraps, and then fresh eggs too
yes		
yes		
yes	smell, keep things clean	eat table scraps, good pets, fertilizer for gardens
yes		food sustainability and teach children where food comes from
yes		it will allow people to produce their own food source
yes	regulate regulate regulate/hygiene clean	fines if all levels of bylaw are not adhered to and followed/consequences
yes	but ensure that fences are high enough/chicken wire used.	Concerns that people will add to the mix, goats/sheep etc.
yes	should be allowed to sell eggs	organic mulch
yes	keep restrictions to lot size	
yes	nice life for chickens to be backyard chickens, eggs are fantastic, wonder enjoyment, life lesson for children,	no roosters
yes	great forward step for Summerland	
yes	love to listen to hens 'visit' good for the soul	chickens before dogs, dogs BARK
yes	love the idea	
yes	do not attract predators, chickens eat bad bugs, well behaved	they only poop at home on their roosts
yes	fresh eggs,	people have in place, they are not a nuisance
yes		shows people the ideals of how food happens (sustainable living)
no	just gross	
no	noisy messy regulate slaughter predators rodents who will regulate	
no	rats, inspections for containment , who will enforce	taxpayers money out the window to monitor for a few people to have chickens
no	mice and rats	cleanliness of property
no	roosters, smell, noise it will happen	no one to enforce the rules
no	vermin, odour, property values will decrease	extra cost for bylaw enforcement
no	coyotes cougars raccoons	unsafe for pets

Support	Concerns	Other Details
no	attract rats, mice, raccoons, skunks and other animals, roosters	could cause conflict between neighbours, who will enforce, extra cost to taxpayers, unsightly building/pens
no		just leave in the Agricultural zones where they belong
no	noise, coops would be too close to his yard	already has issues with neighbours and their heat pump
no	noisy and smelly	they should be on mini farms /ALR
no	coyotes, bears/loss of pets, odours	complaint based will not work, who will enforce, how quickly will it be enforced
no	noisy, makes dogs bark adding to the noise, rodents, chickens are escape artists	If people want to raise chickens let them do so in the country, not next to my home.
no		when they bought their property they had no intention of living near farm animals. If this was our desire we would have purchased a farm
no	Livestock animals should remain in rural	difficult to manage or monitor
no	unwanted pests will be attracted, who will strictly enforce this, how often will inspections be made, will there be penalties imposed if not under compliance	will there be extra bylaw enforcement staff hired
no	who will police, noisy, smelly, rooster, ducks, geese, dogs attacking them, coyotes, bears, cougars, will they be contained at all times	people don't and won't follow the bylaws and they will do whatever they can get away with
no	does not want to live next door to any # of chickens	they belong on farms or acreages not in town
no	sanitation issues and rats	
no	smell, rodents attracted more than the allowable number of fowl on property, dispose of the carcasses	who will enforce
no	chicken manure stinks, rats, noise, smell	who will enforce
no	smell does not stay on chicken owners property only	keep chickens on agricultural property where they belong
no	chickens and coops will encroach upon others property, messy	who will monitor the bylaw
no	smell not pleasant, they witnessed it this summer here in Summerland, will attract animals from the hills, raccoons, wild dogs, safety of small dogs	Summerland and safety is at risk
no	mess and noise or risk neighbour confrontation by complaining	who will enforce,
no	smell, vermin, cages and noise	
no	coyotes	
no	noisy and smelly, do not want to see a coop	there are enough 'farmers' in town already
no	Let's have cows too then, chicken eggs are not an only sustainable food source, waste in landfill, bad odour, they complained to Bylaw nothing done	who will enforce, how often will it be enforced, not everyone will follow the rules, do they have the knowledge and skill to care for them
no	are they educated to raise healthy poultry/eggs, more Bylaw Officers will need to be added very expensive, what happens when the owner doesn't want to do it anymore-neglect, chicken manure is unpleasant, encourages predators,	there are enough 'farmers' in town already, do we need more?
no	chickens and their feed DO attract vermin and varmints, already plenty of agricultural land around does not need to be in Residential, Bylaw will struggle to ensure that everyone is complying.	neighbours will start fighting amongst themselves and it will be very uncomfortable
no	the food will attract rats, impossible to keep them away, people will not conform to regulations, there will be an influx of complaints	
no	unfair to your neighbour, it is inappropriate (I used to have chickens), manure smell, keep it on the Agricultural land please	why should other tax payers pay for extra enforcement if needed for a handful of chicken farmers

Support	Concerns	Other Details
no	manure, 450lbs a year produced by a 4lb laying hen, it is a 'novelty' idea for lots of people until reality sets in, are they educated, experienced to properly care for the hens? Food source of table scraps attracting other animals and wildlife,	grain fed to chickens will attract rats weasels mice raccoons, how many will actually follow protocol and guidelines, what happens when the chickens become ill or have a communicable disease, SPCA states individuals with little or no knowledge or experience in chicken care that this is not a suitable practice, eggs should be from a certified farmer, ton of work, pest control, introducing new hens is a challenge. recognizing disease, dealing with dead chickens, cleaning the coop every few days, what about compliance and regulations, how long would response time be to a complaint, social distress, neighbours will feud, odours, devalue properties, devalue surrounding properties, how about supporting farmers already in business?
no	neighbour has chickens it is a bad situation, hard feelings now, all sorts of issues have arisen, coop is on the property line, messy, smelly. They have had lots of warning from other issues and nothing happens, no one will comply with bylaw, attracts vermin, attracts coyotes, pigsty not a chicken coop	bad scene
no	if people want chickens buy a farm, rats and flies, too many bylaw issues to list,	do not let this pass
no	will attract unwanted wildlife, weasels, cougars and more, plus the mess and upkeep does not warrant 3-4 eggs, get real	
no	this program only caters to a small special interest group while infringing on others, dirty, what about the compost, there already is plenty of local farms, selling organic, free range eggs buy from them, more rats will come, coyotes will come, smelly	this is not needed and will be a nuisance.
no	need correct construction of coop to deter predators, need to be cared for DAILY, sometimes TWICE DAILY weather dependant, (cold or hot) rodents come for the food no matter how well stored, rattlesnakes came and ate the chickens, coyotes too, skunks came and ate the eggs, lots of flying predators (owls) and lots of digging predators dogs, coyotes, weasels	we used to keep chickens and no longer do as they were a lot of work
no	they are for farms not residential areas	
no	rats, mice, coyotes, racoons will come, already people in the city area with chickens and the bylaw is not enforced now, if people want chickens they need to be in a rural setting, people will not follow the rules,	unmanageable and unaffordable
no	how will bylaw keep up, will all the rules and regulations in place be regulated? Disposing of dead animals, cleanliness, no selling of eggs or meat, must be kept in a coop, smell yuck, what about the real estate factor if you live beside someone with chickens, not really a selling feature for potential buyer, keep them on Agricultural land, extra taxes to everyone in Summerland if more Bylaw officers to be hired to monitor this issue.	
no	does not feel that this can be monitored or reinforced, large health issue in residential areas	

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(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 second paragraph of Section 1(a) be deleted and replaced with the following:
“Notwithstanding the foregoing, 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)(iv) and 1(a)(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(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:
- i. the property has at least one residential dwelling on it and that dwelling is either a single family dwelling or a duplex;
 - ii. the owner of the backyard chickens resides at the property where the backyard chickens are kept;
 - iii. no more than five backyard chickens are kept per property;
 - iv. 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;
 - v. backyard chickens may not be slaughtered on the property;
 - vi. deceased backyard chickens may not be buried or otherwise disposed of on the property;
 - vii. storage and disposal of feces must be hygienically managed;
 - viii. backyard chicken food must be stored securely to prevent attracting vermin;
 - ix. backyard chickens must not run at large;
 - x. 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:
 1. the coop must be located in the rear yard of a lot and must provide a fully enclosed area for the backyard chickens;
 2. the coop must be located within a required setback;
 3. the coop must not exceed 2 metres in height;
 4. the coop must not exceed 9 square metres in total area;
 5. the coop must not be located closer than 3 metres from any window or door of any residential building; and
 6. the coop must be maintained and cleaned regularly to minimize odour and prevent attracting vermin; and
 - xi. 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,
 - xii. 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(d), 1(e), and 1(f).
2. This Bylaw may be cited as "Animal Control Amendment (Backyard Chickens) Bylaw No. 2015-022".
 3. This Bylaw will take effect upon adoption.

Read a first and second time this 24th day of August, 2015.

Read a third time this day of , 2015.

Adopted by the Municipal Council this day of , 2015.

Mayor

Corporate Officer