



City of
Peterborough

To: Members of the General Committee

From: Richard Freymond,
Commissioner of Corporate and Legislative Services

Meeting Date: September 9, 2019

Subject: Report CLSFS19-043
Urban Hens

Purpose

A report to respond to Council's May 27, 2019 direction to report on the feasibility of considering backyard chickens.

Recommendations

That Council select one of the two following alternative recommendations outlined in Report CLSFS19-043 dated September 9, 2019 of the Commissioner of Corporate and Legislative Services respecting the keeping of hens in the City of Peterborough:

Recommendation A:

That Council receive for information Report CLSFS19-043 dated September 9, 2019 of the Commissioner of Corporate and Legislative Services respecting the keeping of hens in the City of Peterborough.

Alternatively:

Recommendation B:

- i) That Council pass a by-law in the form attached as Appendix B to Report CLSFS19-043 dated September 9, 2019 of the Commissioner of Corporate and Legislative Services to establish a two-year pilot system to regulate the keeping of hens in the City of Peterborough.

- ii) That the Mayor and Clerk be authorized to execute an agreement to amend the agreement for the provision of animal control services between Peterborough Humane Society and the City of Peterborough for Peterborough Humane Society to administer and enforce the two-year pilot system to regulate the keeping of hens including a one-time payment to Peterborough Humane Society from the 2019 General Contingency of \$27,500 and the retention by Peterborough Humane Society of the proceeds of permit fees at \$250 per permit in a form of amending agreement acceptable to the City Solicitor in consultation with the Commissioner, Corporate and Legislative Services.
- iii) That staff report back to General Committee respecting the pilot system prior to its expiry.

Budget and Financial Implications

There are no budget or financial implications associated with Recommendation A.

Peterborough Humane Society advises that its anticipated costs to administer and enforce a two-year pilot system to regulate the keeping of hens would be \$27,500 plus \$250 per permit if the total number of permits were limited to 150. If Council were to approve alternative Recommendation B, it is proposed that the contract between Peterborough Humane Society and the City of Peterborough for the provision of animal control services would be amended to provide for a one-time payment from the 2019 General Contingency provision to Peterborough Humane Society of \$27,500 and to permit Peterborough Humane Society to retain permit fees of \$250 per permit. Peterborough Humane Society advises that it would agree to the amendment of the contract on these terms.

On June 24, 2019, Council directed that “unless new, sustainable funding becomes available from another level of government or outside source, no new services are to be added to our municipal tax base for the 2020 budget.” Alternative Recommendation B has been structured to be consistent with Council’s June 24, 2019 direction.

Background

At its meeting on May 27, 2019, Council directed that staff report to Council in September on the feasibility of considering backyard chickens.

In Report OCS17-005 dated September 11, 2017, “Comprehensive Animal By-law Amendments”, staff recommended a by-law to permit the keeping of hens in residential zones and an amendment to the agreement with The Peterborough Humane Society to increase the annual payment to it by \$53,800 plus a one-time payment of \$35,000 for start-up costs.

On September 11, 2017, in response to Report OCS17-005, Council directed, in part:

“[...] c) That chickens be prohibited in the City except for in agricultural zones and that a provision be included allowing existing chickens for up to two years, from the date of passing of this by-law, be included in this by-law; [...]”.

Pursuant to Council’s direction, Animal By-law 17-096 was passed September 11, 2017 prohibiting the keeping of chickens except in agricultural zones subject to the following:

Article 3 – Grandfathering

3.1 Any person who keeps, possesses or harbours chickens other than in an agricultural zone in the City shall within 90 calendar days of the passing of this By-law, remove the animal, or make application and provide to the Humane Society proof that the animal was lawfully owned prior to the passage of the By-law. Upon being satisfied that the animal was lawfully owned prior to the passage of the By-law, the animal may be deemed “grandfathered” and may be kept by the owner for two years from the passing of this By-law. Information pertaining to the animal and its owner shall be entered into a registry of grandfathered animals.

3.2 Special terms or conditions on the keeping of any grandfathered animals (e.g. housing), may be determined by the Humane Society in consultation with and approval from the Clerk.

Peterborough Humane Society advises that since 2017, two applications were made pursuant to section 3.1 of the Animal By-law and that eight chickens were in the “registry of grandfathered animals” as at September 9, 2019 for the “grandfathering” period ending September 11, 2019. On September 11, 2019, the grandfathering period for the eight chickens ends.

For the purpose of this report, staff have consulted with Peterborough Public Health and Peterborough Humane Society. Staff also met with several individuals representing a community based urban hens working group that is supportive of a system to permit and regulate the keeping of hens. Otherwise, staff have not repeated the research or consultation outlined in Report OCS17-005.

Council has the jurisdiction to license and regulate the keeping of urban hens and a system to do so is feasible. However, as noted, there are additional costs to responsibly license and regulate the keeping of urban hens.

Recommendation A is consistent with a Council decision to continue to prohibit the keeping of chickens other than in an agricultural zone.

If Council determines to permit the keeping of chickens in urban areas of the City, then staff recommend that Council approve Recommendation B to establish a two-year pilot system to regulate the keeping of hens in the City of Peterborough. Appendix B is the form of proposed by-law prepared in consultation with Peterborough Humane Society. Following are its key features:

- Requires a permit to keep a hen (section 9);
- Limits the total number of permits at any time to 150 (section 11);
- Permits the keeping of a minimum of 2 and a maximum of 4 “Hens” (domesticated female chicken that is at least 16 weeks of age) (paragraphs 8.g) and 12.a);
- Establishes a permit fee for the duration of the two-year pilot of \$250 (section 10);
- Permit available only for a property owner’s principal residence that is a single unit dwelling (paragraphs 8.k), 8.l), and 12.c));
- Establishes minimum standards for keeping hens (section 12);
- Delegates authority to “Managers” to administer the proposed By-law including related to administration of permits and exemptions (paragraph 8.i) and sections 14-17);
- Delegates authority to “Officers” to enforce the proposed By-law (paragraph 8.j) and sections 18 and 20);
- Establishes a system of fines (sections 19 and 21); and
- Establishes the proposed system to regulate the keeping of hens as a two-year pilot (sections 24 and 25).

Submitted by,

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Attachments:

Appendix A – Report OCS17-005 including its Appendices A, B and C
Appendix B – Proposed form of By-law to give effect to alternative Recommendation B