



<i>Mike Sol.</i> Division Manager	<i>Mike Sol.</i> for Gary Emile P... Director	<i>K2</i> City Manager
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The Corporation of **THE CITY OF NORTH VANCOUVER**
COMMUNITY DEVELOPMENT DEPARTMENT

REPORT

To: Mayor D.R. Mussatto and Members of Council

From: Brad McRae, Manager, Bylaw Services
Alex Kurnicki, Streetscape Planner

SUBJECT: BYLAW AMENDMENTS FOR THE REGULATION OF DOMESTIC
CHICKENS

Date: July 19th, 2012

File No: 4020-01

The following is a suggested recommendation only. Please refer to Council Minutes for adopted resolution.

RECOMMENDATION:

PURSUANT to the report of the Manager, Bylaw Services and the Streetscape Planner, dated June 19, 2012, entitled "Bylaw Amendments for the Regulation of Domestic Chickens":

THAT staff be directed to proceed with amendments to the Zoning and Small Creatures Limitation Bylaws and completing the draft Urban Chicken Guidelines;

AND THAT "Small Creatures Limitation Bylaw, 1970, No. 4213, Amendment Bylaw 2012, No. 8251" be considered;

AND THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw 2012, No.8250" (To allow Hens in One-Unit Residential Zones) be considered and referred to a Public Hearing.

ATTACHMENTS:

1. Zoning Amendment Bylaw No. 8250
2. Small Creatures Limitation Amendment Bylaw No.8251 (2012)

3. CLUCK presentation material, April 2, 2012 Council Meeting
4. Draft City of North Vancouver Urban Chicken Guidelines

INTRODUCTION:

On April 2, 2012, Council received a delegation from the North Vancouver Chapter of the Canadian Liberated Urban Chicken Klub (CLUCK), which presented a proposal to amend current bylaws to allow City residents to keep chickens at their place of residence. As a result of this presentation and the Council discussion that followed, Council passed the following resolution:

THAT Council approve in principle the urban chicken proposal presented by the Canadian Liberated Urban Chicken Klub (CLUCK);

AND THAT staff be directed to report back to Council on this proposal and to prepare bylaw revisions based upon it.

DISCUSSION:

Through research, consultation with other municipalities, a review of the CLUCK presentation material and a review of relevant precedents, staff recommend limited bylaw revisions and limited municipal regulations, as follows:

1. **Amend Zoning Bylaw to permit hens in one unit residential zones only.** (Attachment #1) While the materials submitted by CLUCK recommend allowances for other zones with residential use (See Attachment #3, Executive Summary: Zoning) staff recommend limiting the permitting of chickens to one-unit residential zones only at this time. Zoning Amendment Bylaw 8250 has the effect of permitting henkeeping as an accessory use in one-unit residential zones only.
2. **Amend Small Creatures Limitation Bylaw.** (Attachment #2). Bylaw No. 8251 permits the keeping of a maximum of eight (8) hens, which is in line with recommendations brought forth by CLUCK. Criteria surrounding hens will also include a requirement that all hens are a minimum age of four (4) months. Prohibition on the sale of eggs, the keeping of roosters, and the slaughter of chickens are also included in the proposed amendment to the Small Creatures Limitation Bylaw.
3. **Provide additional guidance through the drafted Urban Chicken Guidelines** (Attachment #4). These Guidelines are based upon CLUCK's research material and existing guidelines from municipalities who already allow for urban chicken keeping. These Guidelines outline criteria for coop structures (size, ventilation, security, etc), placement on property, maintenance of hens, protection from predators, suggestions for cleaning and feeding and numerous suggestions for healthy and successful chicken keeping. The development of these Guidelines involved

Vancouver Coastal Health providing input on public health issues. Staff also incorporated consideration of best practices from the bear aware community and other predator awareness groups. These Guidelines would provide the City's residents with active guidance on the care of their hens and information about applicable bylaws. Staff anticipate periodic revisions may have to be made to these Guidelines, which will be posted on the City's web site.

4. **No Registration or Permits.** Staff recommend limiting municipal regulations while permitting the keeping of chickens. Under this regulatory model, the City would not require registration or licensing. Prospective chicken owners would be encouraged to follow the City's guidelines, attend a workshop or course about the keeping of chickens, and would be referred to further information that is available through CLUCK.

Anticipated Number of Coops

Since the City of Vancouver has permitted residents to keep domestic chickens beginning in June, 2010, approximately 80 residents have registered with that municipality. As of 2011, Vancouver's population was 603,000. As a percentage of total population and taking into account that there would be a similar number of unregistered owners, the number of residents keeping chickens is a fraction of one percent of total population. City staff anticipate that the percentage of residents who will take advantage of this same opportunity will be similar to that of the City of Vancouver.

To keep chickens, keepers need to invest in building a coop & run, buying chickens, providing ongoing care and maintenance as well as monitoring chicken health and hygiene. This is not a commitment many residents are willing to make. Additionally, this is still a relatively new phenomenon in urban agriculture which still carries a stigma (public health and odour) among most people. Finally, chicken ownership will be limited to only one unit residential areas, which comprises only approximately 20 percent of the City's population.

Bylaw Services

The City of Vancouver's Animal Control Services receive approximately 20 complaints a year in relation to the keeping of hens, mostly related to odour (due to improper siting of coops) and roosters (which would not be permitted in the City of North Vancouver under the small animal bylaw). It should be noted that the City of Vancouver's purpose built chicken shelter, designed to accept 'stray' chickens, has not once been used. In fact, the approximate 4-10 chickens received have been housed to date in dog runs. These chickens are either roosters or broilers which have fallen off of delivery trucks. Staff anticipates the number of 'stray' chickens to be significantly lower in this City as chickens are not being delivered for slaughter in this municipality.

Public health concerns

During the creation of Vancouver's regulations pertaining to the keeping of urban hens, Vancouver staff completed substantial analysis on real and perceived public health

concerns. Specifically, the City of Vancouver looked at Avian Influenza and Salmonella and the possible impacts on the municipality. The City of Vancouver consulted with Vancouver Coastal Health and, after these discussions, were provided with information presented in a report Published by the *Journal of Community Health* (2012, 37:734-742) entitled 'Raising Chickens in Backyards: The Public Health Role'. The report stated:

"Overall, the risk of pathogen transmission given backyard chicken keeping appears to be low and does not present a greater threat to the public's health compared with keeping of other animals allowed... such as dogs and cats".

Regarding the concerns surrounding Avian Influenza, the report noted:

"While the potential for air droplet transmission exists for Avian Influenza in commercial poultry operations, it is less relevant for urban backyard chicken scenarios (limited number of birds, outdoor confinement and less potential for reaching high pathogen loads for adjacent air)."

Bear activity concerns

Staff advise that the risk from bears in the City is minimal due to the general low level of bear activity. The City is buffered by the District, which borders directly onto natural areas. Furthermore, the prevalence of other attractants, such as unsecured garbage and unpicked fallen fruit, has been sighted by the Bear Aware Network as more pressing and widespread issues to address.

City staff have been provided a synopsis of a meeting between District of North Vancouver staff and a local Conservation Officer (CO). According to his own personal field experience, as well as the experience of other CO's across the Province, the CO articulated that chickens do and will attract dangerous wildlife, including cougars, coyotes, wolves and bears as well as other wildlife such as racoons and skunks. However, he did note that if effective and enforceable measures were put in place, then conflict would be minimized. Proposed bylaw amendments to permit hens in the City meet the concerns raised by the Conservation Officer. Proper pen construction, secure enclosures, feed storage, cleanliness, etc., all contribute to upholding the harmony between wildlife and humans.

Echoing the Conservation Officer's comments, the Bear Aware Network is concerned with the reduction of all bear attractants, including garbage, which is the most significant bear attractant. The Network mentioned at a previous Council meeting Public Input Period the use of electrical fencing however this suggestion is fraught with safety and legal concerns and is not recommended by staff.

OPTIONS FOR CONSIDERATION

1. Waive Public Hearing

On April 2, 2012, Council resolved unanimously to proceed to bylaw consideration for the permitting of chickens in the City of North Vancouver. Given this unanimous support, Council has the option to waive Public Hearing by **substituting as the last active clause** of the resolution:

AND THAT "Zoning Bylaw 1995, NO. 6700, Amendment Bylaw 2012, No. 8250" (To allow Hens in One unit Residential Zones) be considered and that the Public Hearing be waived.

2. Additional Public Consultation Prior to Public Hearing

During its delegation on April 2, 2012, CLUCK spoke about the benefits of keeping chickens in the urban environment and gave reasoned responses to various issues and concerns that are typically raised (e.g. with regard to rodents, predation, diseases, noise, etc.) A Public Hearing will offer another opportunity for residents to voice to Council their support, opposition or questions related to the proposed City initiative.

Staff note that local media articles as well as on-line discussions and electronic petitions represent possible significant opposition to CLUCK's proposal. Although these comments, especially an on-line petition, are in response to the District of North Vancouver's consideration of hen keeping, staff anticipate that City residents may have similar reservations about the proposal.

Further public consultation prior to Public Hearing would provide supplementary opportunities for staff and Council to hear from those individuals who may have concerns about hen keeping occurring in their neighbourhoods.

Should Council wish to pursue an additional public consultation process, Council has the option of **adding an additional active clause** to the resolution:

AND THAT staff report back to Council with the results of an additional public consultation process prior to scheduling a Public Hearing.

3. Regulation and Registration of Hen Keeping

While the staff recommended option of limited regulation of hen keeping was based on CLUCK recommendations and the practices of municipalities such as the City of Nanaimo and District of Sannich Council may prefer a higher level of regulation, which is more consistent with the approach taken by the City of Vancouver and the City of Burnaby. This more regulatory approach consists of the following elements:

1. **Amend Zoning Bylaw to permit hens in one unit residential zones only and Amend Small Creatures Limitation Bylaw.** Same amendments as the staff recommended option.
2. **New Hen Regulation Bylaw.** Creating a new bylaw specifically for urban chicken husbandry. By creating a specific bylaw for the regulation and maintenance of hens, the City would thus be taking a more active role in the regulation of this activity. This bylaw would put into regulatory enactment the recommendations from CLUCK and be very specific as to what will be permitted. The new Urban Chicken Bylaw would also attach a specific fine structure according to varying degrees of violation.
3. **Registration and Licensing.** A method of both registration and licensing of hens, similar to the registration and licensing in effect for City dogs, would be created. In order to ensure compliance with the applicable bylaws. City staff would be required to inspect both the constructed coop and run to ensure compliance, and only after the area was inspected and found to be in compliance, would a licence be issued. With assistance from Animal Control, licenses would be renewed yearly to allow for monitoring.

Should Council wish to pursue this option, an **alternative resolution** should be adopted:

PURSUANT to the report of the Manager, Bylaw Services and the Streetscape Planner, dated June 5, 2012, entitled "Bylaw Amendments for the Regulation of Domestic Chickens":

THAT staff be directed to report back to Council with a new Hen Regulation Bylaw and a proposed registration and licensing process, as well as amendments to the Zoning Bylaw and the Small Creatures Limitation Bylaw.

LEGAL IMPLICATIONS

Bull Housser (BH) has advised that, while a more regulatory approach allowed the municipality to retain more control over "urban chicken husbandry", the staff recommended option of limiting regulation to the Zoning Bylaw and the Small Creatures Limitation Bylaw, without any new bylaw specifically for urban chicken husbandry nor any registration and licensing of chickens, was a viable option for the City.

Some modifications to the proposed amendment to the Small Creatures Limitation Bylaw (Attachment #2) were made in response to the legal advice received.

FINANCIAL IMPLICATIONS:

Staff time and resources would be required for any additional public consultation process to ensue (Option #2 above). Should the staff recommended option of limited regulation be the will of Council, then staff time would be based on complaints received.

A more regulatory approach (Option #3 above) would involve more staff and financial resources in order to enact a new City licensing and inspection process for hen keeping. As staff would be required to complete inspections and licensing, the costs of staff hours is approximated at \$200.00 per application. This approximation takes into account initial application, processing, inspection, licence issuance, and follow-up. This total does not account for identified violations or any possible enforcement action.

INTER-DEPARTMENTAL IMPLICATIONS:

The recommendation in this report is supported by the Civic Projects Team.


SUSTAINABILITY COMMENTS:

Food security and urban agriculture are integral components to creating a sustainable approach in the urban environment. Hen eggs are a source of food for City residents, and chickens provide a good source of fertilizer for gardens while consuming food waste.

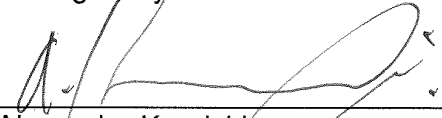
CORPORATE PLAN AND/OR POLICY IMPLICATIONS:

The permitting of hens on one-unit residential properties supports the draft Food Security and Urban Agriculture Strategy. Food security and urban agriculture have been discussed with the public in Stage 2 of the CityShaping Process.

RESPECTFULLY SUBMITTED:



Brad McRae
Manager, Bylaw Services



Alexander Kurnicki,
Streetscape Planner