

# City of Mississauga Corporate Report



Date: April 12, 2021

To: Chair and Members of General Committee

From: Geoff Wright, P.Eng, MBA, Commissioner of  
Transportation and Works

Originator's files:

Meeting date:  
April 28, 2021

## Subject

Urban Hen Review

## Recommendation

1. That the report from the Commissioner of Transportation and Works, dated April 12, 2021 and entitled "Urban Hen Review" be received.
2. That General Committee provide direction to staff on the options outlined in the report.

## Executive Summary

- Staff were directed to assess the feasibility of an urban hen program. Risks were assessed based on impacts to residents, health & safety, costs and wildlife. It is assessed that an urban hen program is feasible and that all risks can be mitigated through regulatory measures. These measures would include licensing, staff training, animal shelter upgrades and an education program.
- This most significant risk is assessed as impacts to wildlife. Urban hens may exacerbate existing wildlife feeding issues, leading to increased rat populations and unwanted wildlife activity, including coyotes.
- Several amendments to the Animal Care and Control By-law 98-04 are required in order to allow for urban hens.
- If the By-law is amended to allow urban hens, there would be a net cost of \$15,000 associated with retrofitting the Mississauga Animal Shelter with appropriate facilities for hens as well as the introduction of licensing and a hen specific education program.

## Background

Keeping hens in residential areas has been raised several times in the last decade. Council discussed whether urban hens should be allowed in 2011 and 2013. In 2011, Council approved a recommendation to not amend the Animal Care and Control By-law 98-04, as amended (the "By-law") to permit the keeping of urban hens. In 2013, in response to public interest both for and against urban hens Council requested a further report. General Committee received that

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report on November 13, 2013 with the following recommendation: GC-0606-2013 “That staff do not recommend that the Animal Care and Control By-law 98-04, as amended, be amended to permit the keeping of urban chickens”.

The matter of urban hens was raised again at the February 19, 2020 Council meeting, and staff were directed to report back to General Committee at a later date to consider the feasibility of an urban hens program in the City of Mississauga.

## **Present Status**

Under the By-law, hens are only permitted to be kept on lands zoned and used for agricultural purposes. Schedule A of the By-law, lists prohibited animals. The list includes any species purely or partially of the order of Galliformes, which includes hens. There are currently no exemptions in the By-law for keeping hens.

Since 2017, Animal Services has received 81 service requests related to the keeping of hens. Reported complaints included issues such as noise, odour, standards of care concerns, running at large or unwanted rodent and wildlife activity believed to be as a result of the prohibited keeping of backyard hens.

In each case where the keeping of hens has been confirmed, the prohibitions in the By-law have been upheld and the rehoming of hens has been enforced and complied with, without incident or charge. When appropriate, an extension to the Notice of Contravention has been provided in order to support the rehoming of the animals.

## **Comments**

Staff have undertaken a comprehensive review of existing by-laws and urban hen regulations in other municipalities, including the City of Brampton and the City of Toronto UrbanHensTO pilot project. Staff have also conducted an analysis of select literature on the public health impact of urban hens in order to consider the impact that permitting urban hens in Mississauga would have.

### **Jurisdictional Scan**

Staff reviewed nine jurisdictions across Canada. Six of the jurisdictions, including Brampton and Toronto, permit urban hens and three do not (See Appendix 1).

All of the jurisdictions that allow urban hens reported low complaint volumes related to the programs, regardless of population. All but Victoria and Toronto have a licensing requirement for keeping hens. The City of Victoria has no requirement for a permit and Toronto has a registration requirement but does not charge a registration fee. The licensing fee is modest, most commonly \$50 and in some jurisdictions is a one time fee. In Brampton and Kitchener, the licensing process includes a notification requirement to neighbouring properties. Edmonton requires potential hen owners to take a Hen Keeping course before they acquire their hens.

Brampton, Kitchener and Toronto involve their Building departments to inspect the chicken coops to ensure compliance with property standards.

The municipalities who do not allow urban hens all cited similar reasons for doing so. These reasons included: concerns about attraction of pests and predators, noise, odor and waste disposal, the transmission of zoonotic diseases such as Listerias and Salmonella and concerns about residents' abilities to properly care for and lawfully dispose of hens.

### **City of Brampton regulations**

Brampton was the first municipality in the Greater Toronto Area to allow residents to keep urban hens in 2012. Residents are able to keep hens as long as the hen coop is at least eight metres (25 feet) from any dwelling, store or shop, and at least two metres (six feet) from each boundary of the property on which it is located. Coops must prevent the escape of hens and be well maintained, with equipment and materials stored elsewhere or out of the view of the public. Owners are required to store food in rodent proof containers and ensure that refuse is contained and properly disposed of. No more than two hens are permitted per property unless a special license is obtained.

Under special licensing, residents are permitted up to a maximum of ten hens and rabbits, which includes notice to the adjoining property owners, and a requirement that the lot be more than one acre in size. Additionally, the coop must be located a minimum of eight metres (25 feet) from the rear lot line and a minimum of eight metres (25 feet) from any side lot line.

Since Brampton introduced regulations to permit hens in residential areas, they have received relatively few complaints. In 2020, Brampton received less than ten complaints and issued one Notice of Contravention (NOC).

### **City of Toronto UrbanHensTO Pilot Program**

In March 2019, the City of Toronto introduced a two-year UrbanHensTO Pilot program (the "Pilot") which allows residents to have urban hens in former Wards 5, 13, 21 and 32 of the City.

The Pilot allows for up to four hens per property. Hens must be at least four months old when acquired in order to guarantee that they are not roosters. Hens are to be kept for egg production, not as livestock, and eggs produced must be for personal consumption only. Residents who would like to keep hens must register with the City prior to purchasing their hens and meet the eligibility requirements

To be eligible, the property must be a residential building with sufficient outdoor space, and within the four wards participating in the Pilot. Residents must also agree to the terms of the Pilot, which include standards of care, zoning, setback and size requirements for the hen coop. Residents must also agree to allow City staff to attend and inspect their property and to take actions at their own expense to reduce the attraction of predators and rodents and the potential

infestation of insects and parasites. Further details of Toronto's Urban Hen Program Requirements are attached to this report as Appendix 2.

### Pilot Feedback

Since 2018, 234 hens in 80 households have been registered with the program. However, the number of households currently participating in the Pilot is unknown since registration is one time and has not been renewed annually. Toronto Animal Services staff have not reported any notable concerns emerging from the ongoing pilot. In 2020, they received 144 service requests related to hens. The most common complaint is the keeping of prohibited hens outside of the pilot areas. The next most common complaint is for straying hens. In 2020, there were 45 notices of violations issued and one prosecution was initiated.

### Current Status of the Pilot

In December 2020, the Pilot was extended under the current terms for an additional year to allow staff's continued assessment of the program, and to undertake additional research and focus resources on more urgent Covid-19 related matters.

City of Toronto staff identified factors that require further consideration prior to making final recommendations about the program. These factors include: determining whether sufficient staff resources exist to support expanding the program; determining the extent to which UrbanHensTO supports food security and food sovereignty in Toronto; further assessing the likelihood of increased nuisance-related concerns, pests (particularly rodents) and predators; monitoring for potential risks of bacteria and disease outbreaks; and a lack of veterinarians in Toronto accredited to care for hens.

### Overview of Required Amendments to By-law

Permitting the keeping of hens in Mississauga would have a significant impact on Animal Services and would require the amendment of a number of regulations in the By-law. The changes are summarized in Appendix 3.

### By-law Enforcement

Animal Services would enforce the recommended by-law provisions, using procedures currently authorized in the By-law. This would include measures for impoundment, seizure, detainment and disposal of animals, as well as descriptions of fees and penalties. The amendments to the By-law would also require the introduction of hen-specific licensing and education programs in order to determine the number of hens in the City and provide guidance and resources on standards of care and best practices to mitigate health, safety and pest concerns. There may also be possible implications on other education and enforcement efforts related to wildlife feeding and nuisance wildlife, including rats and coyotes.

It is expected that some hens will end up at the Mississauga Animal Services Centre, either through surrendering or impoundment of at-large, unwanted, sick or old hens, for adoption or disposition. Currently, the shelter has no facilities for poultry and has had to arrange for rescue

groups to take hens and other fowl who have come into the City's care. If the By-law is amended, appropriate hen facilities would need to be established, which will require an investment of \$10,000 in the Animal Services Centre.

### **By-law Challenges**

Although it has become more common in the last decade, reaction to keeping urban hens remains mixed. A study from the Public Health Agency of Canada concluded that there are risks and benefits associated with the keeping of urban hens. Proposed negative impacts include infectious diseases acquired through rearing practices or consumption of eggs; inappropriate waste management, interactions with pests and predators and nuisance factors such as noise and odor. Proposed benefits include human-animal bond similar to other domesticated non-prohibited animals and autonomy over food selection.

Further, almost all of the hens becoming known to City staff has been through the complaint process. Residents keeping hens have usually not volunteered this information to the City and this practice may not be expected to change should regulation for the keeping of hens be introduced. This presents a risk for larger scale administration of the appropriate regulations in order to effectively mitigate potential issues around standards of care, wildlife feeding and health and safety.

### **Public Health and Welfare**

Public health and welfare is an important concern when considering urban hens, particularly salmonella, which lives in the intestines of infected chickens and can be shed through droppings. Humans who handle birds or clean their enclosures can be exposed to the bacteria, which causes severe gastrointestinal illness if ingested.

Research by the Center for Disease Control and Prevention (CDC) in the United States on outbreaks of Salmonella infections linked to backyard poultry concluded that people can get sick with Salmonella infections from touching backyard poultry and the places they live and roam. In 2019, 1,134 infections with the outbreak strains of Salmonella were reported from 49 states and the District of Columbia. Of the 740 people with information available, 219 (30%) were hospitalized and two deaths were reported.

A two year study by the University of Guelph evaluating pet poultry flocks found high rates of bacteria shedding. Salmonella was present in 3% of the fecal samples. Additionally, Campylobacter, which is a cause of gastrointestinal disease in humans, was present in 36% of tested hens. This rate is higher than that reported in commercial chickens at slaughter plants. The study identified that this risk might be higher with urban hens, since they are often kept as pets and close contact such as petting could further increase the risk of exposure. These results underscore the importance of proper sanitation and hand hygiene measures for flock owners. Public Health Ontario found that illness and outbreaks have been linked to exposure to urban hens but that the risk of transmission can be reduced by avoiding close contact and practicing good hygiene.

### **Nuisance Issues and Wildlife Feeding**

Urban hens raise potential nuisance issues, including increased noise, odours from manure or food scraps and attraction of pets and predators.

More than noise or odor, pests pose the greatest potential consequence to hen-keeping in Mississauga. Hen enclosures can attract unwanted animals, including rodents seeking food scraps. This in turn can attract large predators, such as coyotes seeking prey, which can lead to increased activity and human-wildlife conflicts.

The Region of Peel 'Pest Control Subsidy Framework and Study' identified that rats will increase in numbers rapidly if the environment is supportive, particularly if there is an abundance of food. During consultation for the report, Animal Services in Brampton, Caledon and Mississauga all recommended the elimination of food sources and the effective management of waste and property standards as being the key factors for managing rat and other pest populations. These efforts can control populations by eliminating sources of food, water and shelter on properties.

The approval of urban hens in Mississauga may be counterproductive to the efforts which resulted in the approved 12-month pilot of a rebate subsidy program for pest control services to address rat populations, given that the keeping of urban hens may serve as an additional source of food and water for rats. Rats in turn, may be a root cause of nuisance wildlife activity in the community, including coyotes, which is another significant concern for many residents.

The Public Health Agency of Canada acknowledges that proper care and maintenance of flocks will help minimize nuisance factors. They recommend that education and regulatory strategies should be utilized to avoid or mitigate risks.

### **Risk Analysis**

Based on the considerations above, staff evaluated the benefits and risks of an urban hen program against the following criteria:

1. Impact on residents: The impact to all residents, including those who do not want to see urban hens.
2. Health and Safety: The impact on the health and safety of residents.
3. Cost: The financial impact of implementing an urban hen program.
4. Impact on wildlife: The impact on the City's wildlife populations, including pests and predators.

#### **Impact on Residents – Low Risk**

Although there are residents who would like to keep hens, allowing urban hens may have a negative impact on residents who do not want the noise, odour or other risk factors associated with hens. This presents a strong prospect of complaints from neighbours who are not

proponents of the keeping of hens in residential areas. Many of the benefits of hen ownership can be obtained by purchasing eggs from retailers and farms who sell organic or free range eggs and keeping pets already permitted under the By-law. However, it is expected that permitted uptake for urban hens will likely be low due to the enclosure spacing requirements.

#### Health and Safety – Low Risk

Practices to mitigate health and safety impacts such as avoiding close contact and practicing good hygiene are difficult to regulate or enforce. Allowing urban hens would require public education and awareness activities to promote proper hen care and good hygiene.

#### Cost – Low Risk

Amending the By-law to permit the keeping of urban hens would require Animal Services to develop several new regulations to address licensing, property and zoning requirements, number of animals, distribution and sale of eggs, sheltering and adoption services and standards of care. It may also increase the number of calls Animal Field Services Officers respond to depending on the number of households wishing to keep hens, compliance with the regulations and complaint volume. This option would create additional costs for the City, with a nominal portion of these costs being offset through a licensing or registration fee.

Additionally, allowing for urban hens may prompt requests for other farm animals currently prohibited in the By-law to be allowed in Mississauga (e.g. goats, pigs, geese, and ducks).

#### Impact on Wildlife – Medium Risk

Wildlife feeding issues are prevalent in the City and have been difficult to regulate. Wildlife feeding contributes to nuisance wildlife issues including rats and coyotes. Allowing urban hens may increase wildlife feeding issues, particularly when it comes to pests such as rats, and result in the propagation of other nuisance wildlife. It may also conflict with Peel Region's approved 12-month pilot of a rebate subsidy program for pest control services to address rat populations.

Mitigating these impacts will require strict adherence to a registration process in order to allow for appropriate regulation of matters such as standards of care, wildlife feeding and risks to health & safety.

#### Implementation

Pending direction from Council to amend the By-law to allow urban hens, the following changes would be implemented by staff:

#### Annual License

Residents would be required to obtain an annual license. The Transportation and Works Licensing schedule of the Fees and Charges By-law 0251-2020, as amended, would be amended to include a \$50 licensing fee.

The license would be conditional on several factors. Residents would be subject to an application process including a site visit by an Animal Service Field Office in order to ensure that the property meets the zoning requirements for a hen coop. The By-law requires that outdoor animal enclosures be located on a property's rear yard at least three metres (9.84 feet) from the property line and at least 6.1 metres (20.01 feet) from any school, church, or residential building not located on the same lot.

If the property meets the requirements, a letter would be sent to the adjoining properties to request their approval. If approval is sought, then the resident would be granted a license provided that they meet the By-law requirements for enclosures, number of animals and standards of care.

#### Fees and Penalties

The licensing fee, similar to a cat or dog license, would be used to offset the registration and licensing process, as well as the required site visits by Animal Field Services Officers. The prospective uptake on registrations for the keeping of hens is unknown but revenue through licensing is expected to be nominal. An Administrative Penalty System (APS) penalty of \$100 would be introduced through the Licensing Administrative Penalty By-law 0135-2014, as amended, to enforce the By-law provisions and improve compliance.

#### Staff Training

Standard Operating Procedures (SOPs) would be developed for licensing, site inspections, standards of care inspections, impoundment, seizure, detainment and disposal of hens. Staff would be trained on these procedures as well as hen care and welfare.

#### Animal Service Centre Upgrades

The Animal Services Centre would be retrofitted to provide appropriate shelter for surrendered and impounded at-large, unwanted, sick or old hens for adoption or other disposition.

#### Education Program

Animal Services staff would develop hen specific education and public awareness activities in order to provide guidance and resources on standards of care and best practices to mitigate health, safety and pest concerns. This may also include enhanced education efforts related to wildlife feeding and nuisance wildlife.

#### Implementation

Implementing these changes will take several months. Staff anticipate that the licensing and registration program could be ready in Q4 of 2021. In the interim, staff would freeze enforcement of urban hens.

### **Financial Impact**

There is no determined financial impact to maintaining prohibition of hens. If the By-law is amended to allow urban hens, there would be a net cost of \$15,000 associated with retrofitting



the Mississauga Animal Services Centre with appropriate facilities for hens as well as the introduction of licensing and a hen specific education program. These costs would be funded from the Enforcement Division's existing 2021 operating budget. Any additional funding requirements would be requested through the 2022-2025 Business Plan and Budget process.

## Conclusion

There are potential benefits associated with the keeping of urban hens as well as potential problems and health risks that may be mitigated with appropriate restrictions and controls. It remains a concern that a hen program may serve as an attractant to unwanted pests and other wildlife such as mice, rats and coyotes – potentially contributing to these other community issues. However, other jurisdictions have found these concerns to be manageable and have not experienced significant issues with the keeping of hens in their municipality.

If Council approves amending the By-law to allow for the keeping of urban hens, staff are prepared to implement the necessary program components, including licensing, enforcement, staff training, animal shelter upgrades and an education program.

## Attachments

- Appendix 1: Urban Hens Jurisdictional Scan January 2021
- Appendix 2: Toronto Urban Hen Pilot Program Requirements
- Appendix 3: Required Amendments to Animal Care and Control By-law 98-04



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