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Item No. 6
Halifax Regional Council
January 23, 2024

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: December 13, 2023

SUBJECT: **Hens Accessory to a Residential Use – 2-Year Update**

INFORMATION REPORT

ORIGIN

August 31, 2021 Halifax Regional Council motion (Item No. 7.2 – Case 22227):

MOVED by Councillor Hendsbee, seconded by Councillor Blackburn THAT Halifax Regional Council:

...

2. Direct the Chief Administrative Officer to monitor the impacts of the proposed Regional Plan and Land Use By-law amendments concerning the keeping of hens and report back to Regional Council 24 months after adoption, including potential recommendations aimed at addressing any areas of concern.

MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008 SNS c 39, Part VIII, Planning and Development

BACKGROUND

On August 31, 2021 Halifax Regional Council approved allowing Egg-Laying Fowl Accessory to a Residential Use in all land use by-laws outside the Regional Centre (Item 7.2). This permitted between 10 and 25 hens per lot, depending on lot size. Centre Plan permits up to 10 hens per lot within the Regional Centre. The Council decision also included regulations for activities and enclosures, and called for public education on best practices and establishment of a voluntary registry for backyard fowl keepers.

This report responds to Regional Council's request for staff to monitor the impacts of the Regional Plan and Land Use By-law amendments concerning the keeping of hens and report back to Regional Council 24 months after adoption, including potential recommendations aimed at addressing any areas of concern.

DISCUSSION

Municipal Backyard Hen Registry

The municipal website provides an on-line form so backyard hen owners can opt to register their flocks¹. The form requests owners' postal address, phone number, email address and the number of chickens to be kept. The registry was publicized through social media after Council adopted the new regulations, and continues to be monitored by Planning and Development staff.

As of September 8, 2023, six properties have registered, for a total of 30 hens. Registered flock sizes range from two to eight birds. Locations are in Bedford (1 property), Cole Harbour (1 property), Dartmouth (2 properties), Halifax Mainland North (1 property) and the northern end of Hammonds Plains (1 property). Most fowl owners do not register their hens, as the program is voluntary. As a result, it does not indicate the degree of response to the new regulations, nor is it valuable for enforcement.

Public Education

The Municipal website also includes a web page linked to the "Home & Property" – "Animal Services" portions of the Municipality's website². The web page provides an overview of the rules, external links on caring for the health and safety of hens, permit information and the link for voluntary registration noted above.

The web page also encourages prospective backyard hen owners to consider taking a free workshop on chicken keeping offered by Halifax Chicken Keepers, an independent, non-profit educational and networking group in the Halifax area. The course includes information on day-to-day care, essential elements of a chicken coop and run; protection from predators; health and safety; and applicable by-laws. The course is not affiliated with the Municipality itself.

Community Response

Halifax Chicken Keepers reports that since April 2018, when the introductory workshops began to be offered every month, over 340 households have registered. The organization retains the email address of every participant, and is able to inform chicken keepers quickly in the event of any avian health emergency. There was an increase in workshop registrations after Halifax Regional Council adopted the new rules allowing backyard hens. More recently, workshop registrations have slowed, possibly because people most interested in backyard hens have already attended. Current registrations include more students and newcomers. Halifax Chicken Keepers sees potential for more pro-active publicity, and would like to add more advanced workshops focused on specific sub-topics.

Municipal staff recently asked the convenor of Halifax Chicken Keepers for feedback on the new rules allowing backyard hens. In general, participants seem satisfied with the program, which has legalized what many had already been doing. Other households have taken up backyard chicken keeping as a result of the new rules. For some international cultures, chicken keeping is a traditional accessory use, so the new municipal policy is welcomed by recent immigrants. There would be value in translating key public educational materials into other languages.

Community-Based Partnerships

In addition to the above activities, Halifax Chicken Keepers has partnered with Every One Every Day Kijipuktuk / Halifax, a Truth and Reconciliation initiative being led by the [Mi'kmaw Native Friendship Centre](#). In its own words, "Every One Every Day is working to create opportunities for neighbours to connect and

¹ <https://www.halifax.ca/form/backyard-hens-registration>

² <https://www.halifax.ca/home-property/animal-services/backyard-hens>

learn over shared interests, and where everybody from across the neighbourhood can get to know each other. Central to these interactions is respectful learning and sharing across the histories and cultures that make up the places we call home.” The organization has started advertising the backyard hen workshops³.

Halifax Chicken Keepers is also working with Veith House, a community hub in North End Halifax, on a chicken keeping project for their urban farm⁴. Veith House has also been awarded a Feed Nova Scotia grant to supply low-income families with chickens and coops, together with education on how to care for hens.

As an example of relevant social media networks, a Facebook group known as [Halifax Chickens](#) had been formed “to lobby for Halifax Regional Municipality Council to amend city bylaws and allow for the responsible keeping of a small number of backyard hens.” Since adoption of the new by-laws, this online site serves as a hub for problem solving among chicken keepers. For example, the site has been instrumental in returning stray fowl to their owners, providing advice to care for ailing hens, and re-homing roosters. In an avian health emergency, this Facebook group could be used to disseminate any urgent messages. The group is administered by the convenor of Halifax Chicken Keepers, though there is no formal affiliation.

Regulatory Suggestions

Halifax Chicken Keepers provided the following potential regulatory changes that could be considered through the upcoming suburban and rural plan reviews:

- **Extend a flock size exemption for educational farms to all areas of the Municipality**, including a definition of “educational farm” which currently only exists in the Regional Centre Land Use By-Law to support innovative food security projects on a performance-standard basis.
- **Exempt all chicken coops from the permitting process.** Requiring permits imposes a fee which may pose a barrier to participation. Rules on development permit requirements for accessory structures under 20 square metres in size vary between plan areas. Most require a permit for such structures, but the Regional Centre Land Use By-Law exempts small accessory structures from a development permit, unless used as a backyard suite (Part I, Chapter 2, Section 9(1)). The structures would still need to meet all Land Use By-Law requirements, including setbacks and height.

In September 2022, two earlier regulatory concerns had already been raised through correspondence with municipal staff, who responded as outlined below:

- **Why are only adult hens allowed?** Some people want to raise them from chicks on-site, and schools sometimes do so as an educational program. This restriction was included because it is difficult, especially for amateur keepers, to determine the sex of a chick. There would be a risk that the chicks grow into roosters which would then be violating the by-law and a potential source of nuisance. Schools keeping chicks for educational purposes are not affected, as provincial institutions are not subject to municipal land use by-laws.
- **Why is the selling of eggs, meat or hens on-site not permitted?** The provincial Department of Agriculture, Department of Health, as well as the Department of Environment brought up concerns on food safety. For a person to sell eggs or meat requires a permit to ensure food is being handled safely. Current municipal policy on backyard hens is for personal use and household food supply. Feedback from the public supported this approach as most responses focused on the benefits of personal consumption, not selling or breeding. These limits apply only to backyard chicken keeping.

³ <https://www.halifaxiseveryone.ca/sessions/backyard-bird-workshop>

⁴ <https://www.veithhouse.com/urban-farm>

There are many areas of the municipality where agricultural uses are permitted which would enable larger scale chicken keeping for personal, communal or commercial reasons.

Property Complaints

Staff has compiled the locations and types of complaints received by the Municipality related to fowl, from Oct. 5, 2021 when the new backyard hen regulations were adopted by Council, through July 31, 2023. Data and maps are provided in Attachment 1.

Tabulations for the entire Municipality, including the Regional Centre and many rural zones where chickens and other fowl have long been allowed as agricultural uses, identified:

- a total of 114 complaint locations, of which:
 - 51 involved hens only, of which:
 - 32 involved complaints about hens roaming at large
 - 9 involved animal distress (mainly dog attacks)
 - 7 involved rodents
 - 1 suggested that a fowl enclosure might be too close to a watercourse

Focusing on complaints most likely to be associated with the October 5, 2021 Council resolution enabling the keeping of egg-laying fowl *accessory to residential* uses *beyond* the Regional Centre, there were:

- a total of 28 complaint locations, of which:
 - 6 involved illegal fowl, typically roosters creating noise or wandering at large
 - 22 involved hens only, of which:
 - 15 involved chickens wandering at large
 - 3 involved rodents
 - 2 concerned oversized flocks
 - 1 involved complaints of noise or animal distress

Animal Welfare Enforcement

Formerly under the provincial Department of Environment and Climate Change, responsibility for animal welfare has recently been moved to the Nova Scotia Department of Agriculture⁵. Municipal staff has reached out to this provincial department, which replied that animal welfare complaint data is not public information, and data specific to hens may be difficult to identify. In the eight months since the department assumed responsibility for animal welfare, the contact person for complaints could recall only one instance related to backyard hens within the municipality.

Property Enforcement

The Municipality may enforce Land Use By-Law requirements which govern the location of coops and enclosures on a lot, require that chickens be retained in a coop or fenced area, and limit related activities as well as the type and number of fowl. Part XV of the Halifax Regional Municipality Charter requires every property in the municipality to be maintained so as not to be dangerous or unsightly. The Municipality also enforces existing by-laws regarding nuisance and noise. Enforcement is complaint-driven.

Complaints related to egg-laying fowl in residential areas are followed up through Land Use By-Law compliance staff. Typically, the process involves checking the zoning with planners, followed by a site visit after which, where appropriate, a violation notice is issued giving 30 days for the situation to be rectified. A follow-up site visit then determines whether the property has been brought into compliance.

Most noise complaints are related to roosters, so rather than pursuing a complex process under the Noise

⁵ <https://novascotia.ca/agri/programs-and-services/farm-animal-welfare>

By-Law, the Land Use By-Law compliance process is followed to remove the rooster. A significant proportion of rooster offences have involved repeat complaints, but almost all of these arise because it is difficult to discern the sex of chicks. In an attempt to avoid this problem, the raising of chicks is not a legal accessory residential use, but enforcement is difficult if the chicks are kept in the owner's home. After follow-up of a complaint over a rooster making noise or wandering at large, in almost all cases the owner has removed the rooster within the 30-day violation notice period. Other issues resolved through compliance follow-up have included fowl at large, incorrect enclosure setbacks, and oversized flocks.

Conclusions

The policy and regulations adopted by Council on October 5, 2021 have generally been successful, though there is a need for more public awareness of effective containment and feed management. Stricter regulations are not warranted, nor would they be effective without more resources for enforcement. A strong community network of backyard hen keepers is already in place and complements the public education web page and voluntary registration.

To facilitate community oriented educational operations exemplified by Halifax Chicken Keepers, upcoming plan reviews or housekeeping amendments will provide opportunities to add exemptions for Educational Farms from limits on flock size, and expand definitions for educational farms to include instruction and demonstration of current best practices and innovations suitable for small-scale food security. To provide more inclusive online public education, the Municipality could translate key educational materials into other languages. Minor regulatory inconsistencies between the Centre Plan and other by-laws can be addressed through the upcoming suburban and rural planning processes.

FINANCIAL IMPLICATIONS

There are no financial implications, as all recommendations in this report can be implemented within existing operating budgets.

RISK CONSIDERATION

No risk considerations were identified beyond those associated with the complaints and comments described in the Discussion section of this report.

COMMUNITY ENGAGEMENT

Staff has considered the public complaints related to the 114 locations noted in the Discussion section of this report as part of the analysis leading to the Recommendations. Staff has also spoken with the convenor of Halifax Chicken Keepers and with staff from the Nova Scotia Department of Agriculture in preparing this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified beyond those already discussed in the staff recommendation report dated June 21, 2021 (Case 22227).

ATTACHMENTS

Attachment 1 HRM 311 Complaint Locations

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Marcus Garnet, LPP, MCIP, Planner III, Planning & Development, 902.476.5502

Attachment 1

HRM 311 Complaint Locations - Hens Accessory to Residential Use (2021-2023)

- HRM 311 complaint locations, from Oct. 5, 2021 to July 31, 2023
 - from SAP and POSSE records
 - Repeated complaints for same site are shown only once
 - does not include provincial data on animal welfare
 - “Distress” includes dog attacks, illness, poor accommodation
 - does not include wild animal attacks
- Map locations and tabulations are approximate:
 - may reflect complainant’s address, problem site or where found
 - some data may overlap
 - protect privacy
- Not meant to show:
 - whether each complaint was valid
 - whether each issue was resolved
 - inquiries

Legend

Complaint	Hens Only (+ ZONE)	Hens + other zoned fowl	Hens + illegal fowl	Other zoned fowl	Other illegal fowl
At large					
Noise					
Rodents					
Odour					
Oversize Flock					
Distress					

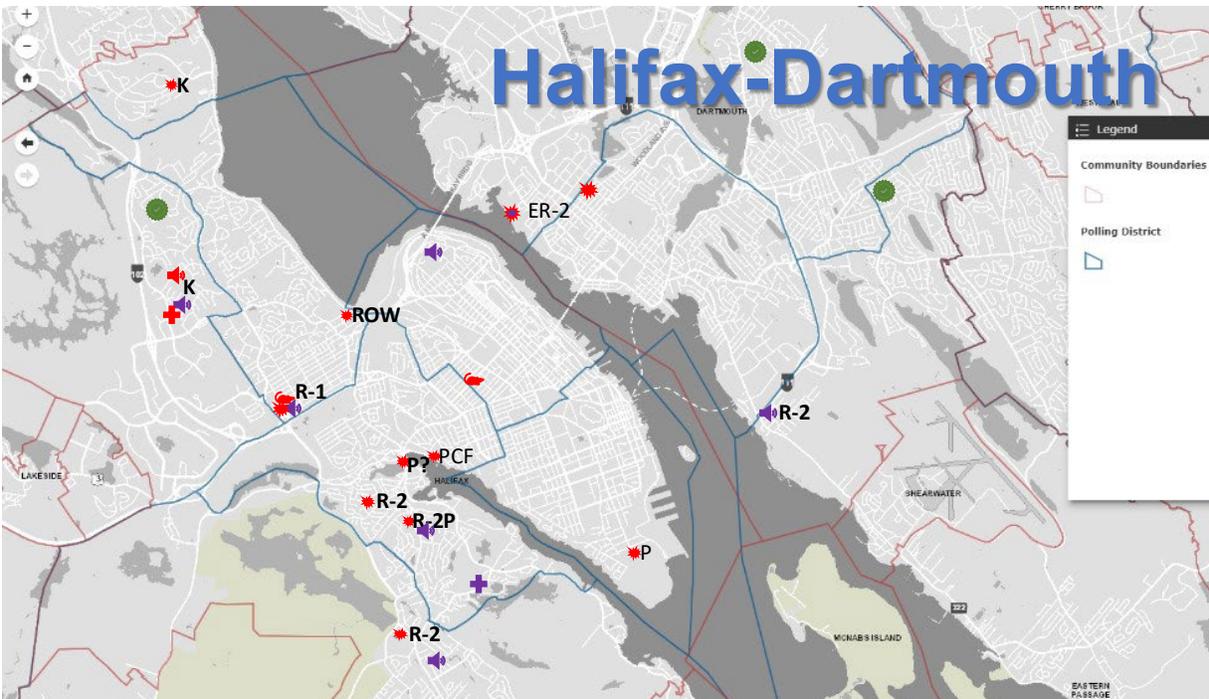
Approximate location of properties in the Municipal Backyard Hen Registry:



Halifax - Dartmouth Fowl Complaint Locations

Oct. 5, 2021 - July 31, 2023

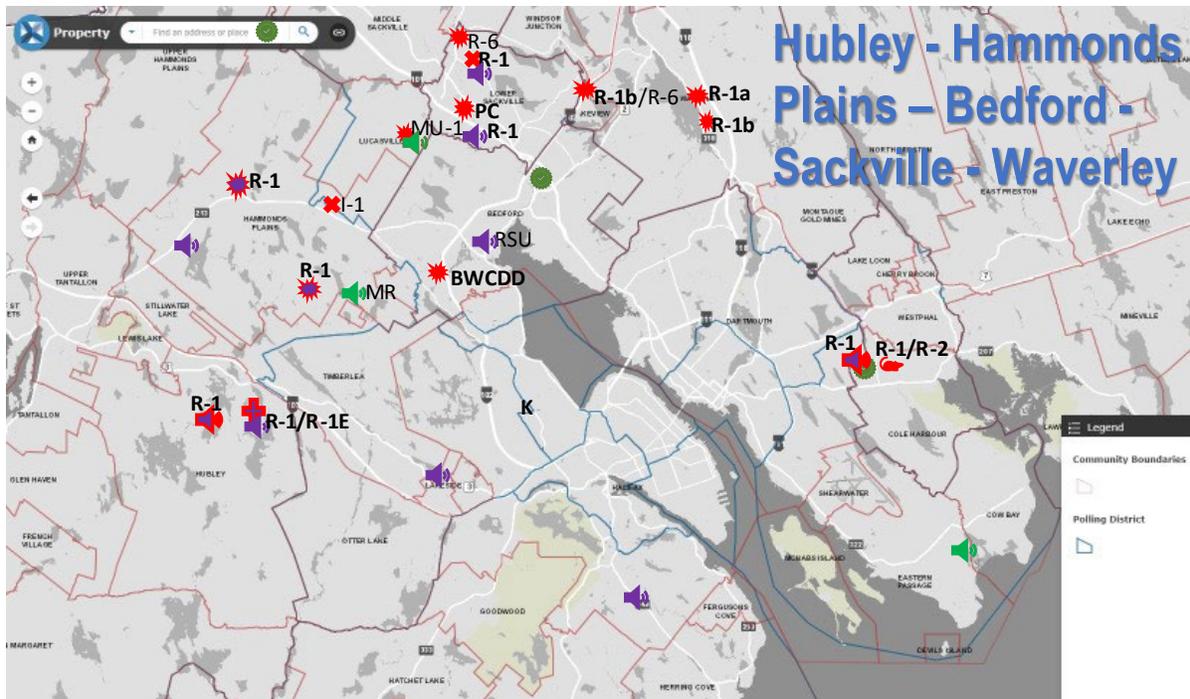
Complaint	Hens Only (~ZONE)	Hens + other zoned fowl	Hens + illegal fowl	Other zoned fowl	Other illegal fowl
At large	10 	0 	1 	0 	0 
Noise	1 	0 	0 	0 	5 
Rodents	2 	0 	0 	0 	0 
Odour	0 	0 	0 	0 	0 
Oversize Flock	1 	0 	0 	0 	1 
Distress	0 	0 	0 	0 	0 
TOTALS	14	0	1	0	6



Hubley - Hammonds Plains – Bedford – Sackville - Waverley Fowl Complaint Locations

Oct. 5, 2021 - July 31, 2023

Complaint	Hens Only (+ ZONE)	Hens + other zoned fowl	Hens + illegal fowl	Other zoned fowl	Other illegal fowl
At large	7 	0 	2 	0 	0 
Noise	0 	0 	2 	3 	7 
Rodents	1 	0 	0 	0 	0 
Odour	0 	0 	0 	0 	0 
Oversize Flock	0 	0 	1 	0 	0 
Distress	2 	0 	0 	0 	0 
TOTALS	10	0	5	3	7

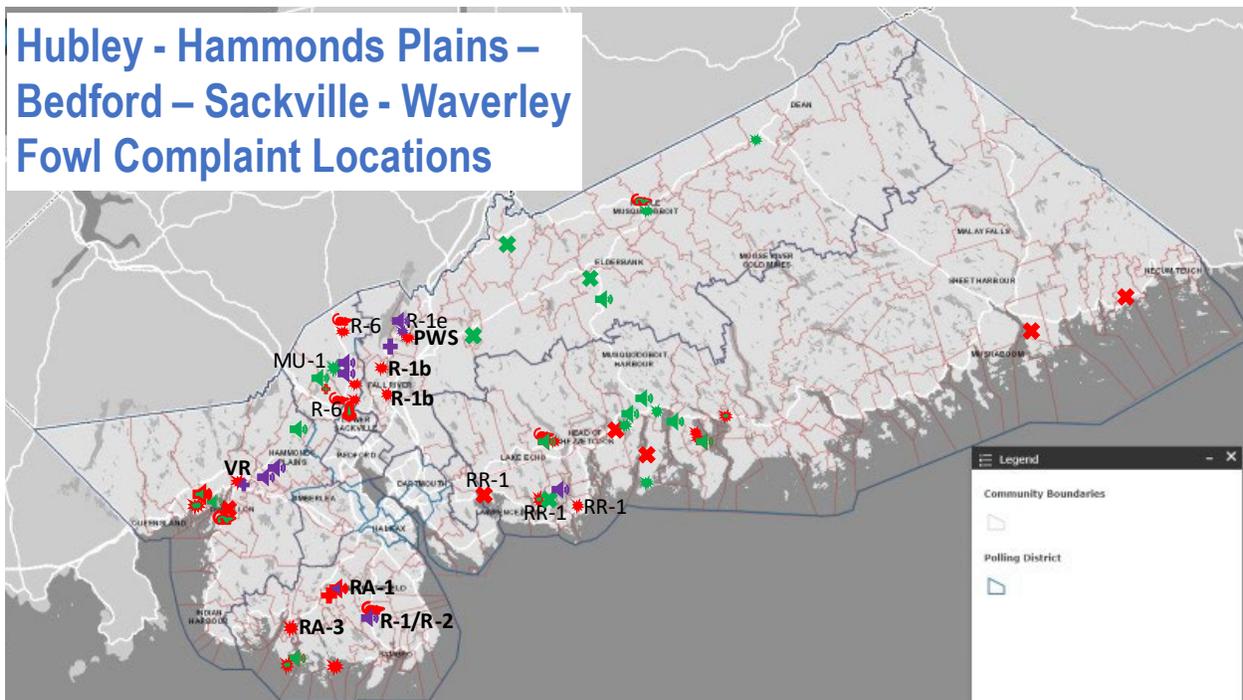


Hubbards – Tantallon - Beaver Bank - Fall River - Eastern Shore Fowl Complaint Locations

Oct. 5, 2021 - July 31, 2023

Complaint	Hens Only (+ ZONE)	Hens + other zoned fowl	Hens + illegal fowl	Other zoned fowl	Other illegal fowl
At large	10 	5 	0 	6 	1 
Noise	0 	1 	1 	10 	7 
Rodents	4 	2 	0 	0 	0 
Odour	0 	1 	0 	0 	0 
Oversize Flock	1 	1 	0 	0 	2 
Distress	6 	0 	0 	4 	0 
TOTALS	21	10	1	20	10

Hubley - Hammonds Plains – Bedford – Sackville - Waverley Fowl Complaint Locations



All HRM 311 Fowl Complaint Locations

Oct. 5, 2021 - July 31, 2023

Complaint	Hens Only (+ ZONE)	Hens + other zoned fowl	Hens + illegal fowl	Other zoned fowl	Other illegal fowl	TOTALS
At large	32 	5 	3 	6 	1 	47
Noise	1 	1 	3 	13 	19 	37
Rodents	7 	2 	0 	0 	0 	9
Odour	0 	1 	0 	0 	0 	1
Oversize Flock	2 	1 	1 	0 	3 	7
Distress	9 	0 	0 	4 	0 	13
TOTALS	51	10	7	23	23	114

Unknown Location Fowl Complaints

Oct. 5, 2021 - July 31, 2023

Complaint	Hens Only	Hens + other fowl	Other fowl	TOTALS
At large	5 	1	2	8
Noise	0 	0	0	0
Rodents	0 	0	0	0
Odour	0 	0	0	0
Oversize Flock	0 	0	0	0
Distress	1 	0	0	1
TOTALS	6	1	2	9

311 Complaints Likely Arising from Oct. 5, 2021 Backyard Fowl Resolution

Oct. 5, 2021 - July 31, 2023

Complaint	Residential Accessory Hens	Residential Hens + illegal fowl	TOTALS
At large	 15	 2	17
Noise	 1	 3	4
Rodents	 3	 0	3
Odour	 0	 0	0
Oversize Flock	 2	 1	3
Distress	 1	 0	1
TOTALS	22	6	28