



Subject: *Plan Update - Roosters*
To: CAO for Planning Advisory Committee, May 17, 2022
Date Prepared: May 12, 2022
Related Motions: C21(327), PAC22(17), PAC22(18), C22(59), PAC22(37), C22(149)
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Approved by: John Woodford, Director of Planning and Development

Summary

As part of the ongoing plan update, Planning staff are preparing background papers to discuss and propose approaches to different land use issues within the Municipality. A background paper on roosters was presented to Planning Advisory Committee (PAC) in February 2022, which addressed Motion C21(327). As a result of the February background paper, Motion PAC22(18) was passed and Motion C22(59) was approved by Council.

Motion PAC22(18)

Moved that the Planning Advisory Committee recommends that Council direct staff to bring back a report to Council with other alternatives considering density and lot sizes (Use of Community Standards Bylaw or Noise By Laws etc.) for the keeping of Roosters.

Planning staff presented a second staff report on roosters at the April 2022 Planning Advisory Committee meeting. The report recommended to amend the LUB to prohibit roosters on properties that are 6,000 m² or less, in Growth Management Areas where Municipal services are available. As a result, PAC passed the following Motion.

Motion PAC22(37)

Move staff review any other regulations rural municipalities have in place and look at the average lot size in the GMA to come up with a solution to managing roosters.

Financial Impact Statement

The Community Plan Update has been budgeted for in the 2022/2023 Municipal Budget.

Recommendation

That PAC review the chart of proposed regulations, select a method of regulating roosters in the Corridor and authorize staff to amend the LUB as part of the Plan Update.

Recommended Motion

There is no recommended motion from Planning Staff.

Background

In response to Motion C21(327), at their February PAC meeting, Planning staff proposed amendments to the Land Use Bylaw to prohibit property owners from owning roosters in the areas of the Municipality where Municipal water and wastewater services are provided. In response to this proposal, Council passed the following motion:

“...that Council direct staff to bring back a report to Council with other alternatives considering density and lot sizes (Use of Community Standards Bylaw or Noise By Laws etc.) for the keeping of Roosters.”

Alternative amendments to staff’s initial report were presented to Planning Advisory Committee at their April 2022 meeting. As a result, PAC decided not to accept the proposed amendment and instead directed staff to conduct a further review and come up with alternative solutions.

Motion PAC22(37)

Move staff review any other regulations rural municipalities have in place and look at the average lot size in the GMA to come up with a solution to managing roosters.

Discussion

As per Council’s motion, staff have completed a jurisdictional scan of other rural Municipalities that have Municipal water and wastewater services and have determined the median lots size of residential lots in the Corridor.

AVERAGE LOT SIZE IN THE GMA

As per Council’s direction, staff have determined that the median lot size of all R1/R2 zoned lands in the Corridor, which includes the communities of Enfield, Elmsdale, Lantz, Milford, and Shubenacadie is 1,172 m². If 1000 m² was used as a measurement for whether a residential property owner could have a rooster or not, over 50% of the R1/R2 property owners in the Corridor would be able to have a rooster. There is always the potential to have larger lots in more densely populated neighbourhoods, where a rooster could still be disruptive to surrounding property owners.

JURISDICTIONAL SCAN: NON HRM COMMUNITIES WITH SERVICES

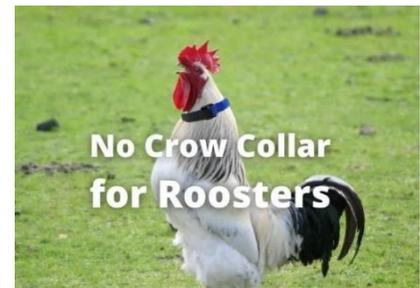
As per Council’s request, staff have completed a jurisdictional scan of Municipal units with a similar density as the Corridor area of East Hants.

Municipality	Regulation	Are Roosters Permitted?
Antigonish Town	No Roosters permitted only four laying hens.	No
Truro	Roosters and swine (excluding pot-bellied pigs) are prohibited in all Zones excluding the Rural Residential Zone (R8) and Watershed Residential Zone (R9). Min. lot size in the R8 and R9 Zones is 3,716 m ² .	Only permitted in two zones that have larger lot size requirements.
Wolfville	No roosters permitted only four laying hens.	No

Digby	In the Town of Digby, no person shall: a) keep a Rooster; b) keep a Hen, other than an Urban Chicken for which a valid Chicken License has been issued.	No
Amherst	The keeping of agricultural animals is prohibited in Town except for the following lots which have agricultural uses existing at the date of this bylaw: i) PID# 25047010 ii) PID# 25037219 iii) PID# 25358086	No, except for three lots.
County of Kings	Controls Animals, cats and urban chickens with an Animal Control Bylaw, which allows urban roosters but requires them to be kept in a fully enclosed Chicken Coop, which is impervious to light, between the hours of 4 a.m. to 8 a.m.	Yes, but under certain provisions.
Windsor	The keeping of roosters and/or the slaughtering of animals is prohibited	No

ROOSTER COLLARS

After the last meeting of PAC, a resident suggested the use of rooster collars as a method to prevent a rooster from crowing. A rooster collar is a belt/band that goes around a rooster’s neck that limits the force of air coming from the rooster and reduces the crowing noise. Videos of the device in action are available on YouTube. There are mixed reviews on the product, with some claiming that it works, while others indicate that it is torture to the animal, while still other users have indicated that the product doesn’t work and that its use has ended in the death of the rooster.



<https://chickenjournal.com/>

Planning staff reached out to the Nova Scotia Farm Animal Welfare Program for their comments on the use of rooster collars. Animal welfare inspectors don’t determine whether a product is humane or not humane, it depends on if the product is used correctly or not. For example, they would have concerns if a rooster wearing the collar appeared to be in distress. Staff also requested legal advice; it was recommended that the Municipality do not directly regulate the use of a product. If East Hants directly regulated the use of a rooster collar, we could be called upon to justify the standards we have selected, and rooster collars are likely to be controversial. In addition, enforcing the use of a rooster collar would be extremely difficult. Therefore, staff do not recommend the use of rooster collars as a method of preventing the crowing of roosters.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by “Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

Depending on the alternative selected by PAC there may be a financial consideration.

Alternatives

Given that PAC has passed on Planning staff’s previous recommendations and asked for additional alternatives without providing further direction, staff have developed the following chart to assist PAC in determining a direction for the keeping of roosters in serviced areas. When developing a regulation, it is the Municipality’s responsibility to ensure the regulation does not discriminate against one or two property owners in its action.

Proposed Regulation	Are Roosters Permitted?	Issues
The median residential lot size (R1/R2) in the Corridor is 1,172 m ² (12,615 ft ²). Propose that any lot that is 1,000 m ² or under would not be permitted to have a rooster. This would mean that over half of the population in the Corridor would still be permitted to have a rooster. <i>*Or any other lot area identified by PAC.</i>	Yes, on some lots in the serviced GMAs.	Could still end up with a rooster in a densely populated neighbourhood, if one or more of the lots in a subdivision exceeded the min. lot size requirement.
Amend the Land Use Bylaw to prohibit roosters in the South Corridor and Commercial Growth Management Area. Roosters would still be permitted in other serviced GMA’s such as Milford and Shubenacadie.	Not in the South Corridor and Commercial GMA. Yes, in Milford and Shubenacadie.	Prohibits roosters in the fastest growing and most densely populated area of the Municipality. But does nothing for residents in other parts of the Municipality.
Create an animal control Bylaw that requires roosters to be kept in a fully enclosed chicken coop to prevent or minimize crowing.	Yes, inside a coop.	Would require extra Bylaw Enforcement staff time outside of regular office hours to enforce the Bylaw.
Maintain the current Land Use Bylaw Regulations.	Yes	Permits roosters everywhere, even in dense subdivisions.
Prohibit chickens in Growth Management Areas that have Municipal Services.	No	If a property owner has a large lot in the serviced area, they would not be permitted to have a rooster.

Attachments

There are no attachments associated with this report.

Conclusion

Planning staff have responded to Council Motion C22(149) and have provided a jurisdictional scan of other Municipalities, excluding Halifax; have determined the median residential lot size in the Corridor; and have developed a list of potential methods of regulating roosters. Staff recommend that PAC, review the list of alternative regulation methods and direct staff to prepare amendments in accordance with one of the items on the list.