

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 10-2021

A BY-LAW TO REGULATE THE KEEPING OF BACKYARD HENS IN THE TOWN OF DEEP RIVER FOR A THREE (3) YEAR PILOT PROJECT

WHEREAS Section 11(3) of the *Municipal Act, 2001* S.O. 2001, c. 25 as amended, authorizes the Council of a municipality to pass by-laws with respect to animals;

AND WHEREAS Council for the Town of Deep River wishes to authorize a time-limited Pilot Project to assess the viability of permitting the keeping of hens within the Township;

AND WHEREAS this will require certain rules and set conditions to minimize any inconvenience to residents in accordance with the regulations set out herein;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River enacts a Backyard Hens pilot project for a period of three (3) years commencing April 26, 2021 and ending on April 26, 2024 as follows:

Note; All current hen owners must be fully compliant with the By-law no later than May 31, 2021.

1. PURPOSE

The purpose of this By-law is to regulate and provide conditions to allow residents to keep hens within the boundaries of the Town of Deep River for a set period of time, and to ensure compliance with the parameters / rules of this by-law, as well as any associated provincial or federal enactments that may apply.

2. DEFINITIONS

“Coop” means a fully enclosed weatherproof building where hens are kept and which the interior of includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers.

“Hen” means a domesticated female chicken.

“Hen Run” means secure fenced area that allows hens’ access to outdoors.

“Owner” includes any person who possesses, harbours or keeps a hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor.

“R-1 Zone” means residential first density (By-law 20-2020 Zoning by-law).

“R-2 Zone” means residential second density (By-law 20-2020 Zoning by-law).

“Rooster” means a domesticated male chicken.

“Yard” means the land other than publicly owned land around appurtenant to the whole or any part of a dwelling or buildings and structures and used or intended to be used or capable of being used in connection with the dwelling or buildings and structures.

3. RULES AND REGULATIONS FOR KEEPING BACKYARD HENS AND COOPS

- a) Residents may apply to keep a maximum of four (4) hens on any designated R-1 and R-2 property by submitting a completed Backyard Hen Permit Application.
- b) The Permit fee of \$50.00 shall be submitted with the initially completed Backyard Hen Permit Application.
- c) The Permit fee of \$50.00 per year for the backyard hens is renewable each calendar year (on or before December 31) during the three-year trial period.
- d) Applicants must provide notification (written or electronic) to residents of all abutting properties.
- e) A Tenant must obtain permission from the property owner to keep hens on the owner's property.
- f) The owner of the hens must reside on the property where the hens are kept.
- g) Hen coops and hen runs must be a minimum distance of 0.91 meters (3 feet) from all property lines.
- h) Hen coops must not exceed 10 square meters (108 square feet).
- i) Hens, when not in their coop, must be kept in a fenced hen run which requires a minimum of 1.4 square meters (15 square feet) and a maximum of 3 square meters (32.3 square feet) per hen.
- j) Fencing for hen runs must be a minimum 1.22 meters (4 feet) and a maximum of 1.83 meters (6 feet) in height and be in accordance with the Corporation of the Town of Deep River Comprehensive Zoning by-law 20-2020, section 3.11.
- k) The applicant is responsible for scheduling an initial inspection of the property, coop and hen run within 30 days of submitting the application with the Municipal Law Enforcement Officer. Follow-up inspections can occur over the three (3) year trial period.
- l) Hen coops and hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.
- m) The keeping of Roosters is prohibited.
- n) Sales of eggs, manure and other products associated with the keeping of hens are prohibited as per the *Health Protection and Promotion Act, 1990*, and the *Food Safety and Quality Act, 2001*.
- o) Manure shall be disposed of in accordance with Property Standards by-law 28-2016.
- p) The owner must ensure the keeping of hens is in accordance with Prohibiting Excessive Noise by-law 37-1993.
- q) Home slaughter of hens is prohibited and any deceased hens or change in flock (increase or decrease) shall be reported to the Municipal Law Enforcement Officer.

- r) Failure to comply with all rules and regulations will result in termination of Permit. No refund will be applied if Permit is terminated prior to Permit end date.

4. ENFORCEMENT

This By-law shall be enforced by the By-law Enforcement Officer of the Town of Deep River.

The Town may require a hen owner to take any necessary disease and/or environmental mitigation measures as may be required.

5. PILOT DURATION

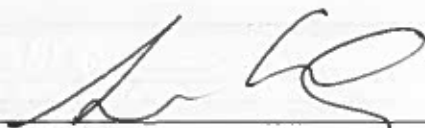
The pilot is for a period of three (3) years ending on April 26, 2024. Should the pilot not continue beyond April 26, 2024, the owner agrees to take all necessary steps to remove the hens from their property not later than May 31, 2024.

6. SEVERABILITY

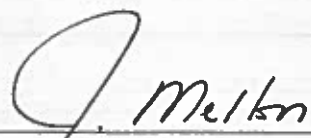
Each provision of this by-law is independent of all other provisions and if any provision of this by-law is declared invalid for any reason, all other provisions of this By-law shall remain valid and enforceable.

This By-law is in force and effect upon its adoption by the Council of the Corporation of the Town of Deep River.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 24th DAY OF MARCH, 2021.



Suzanne D' Eon, MAYOR



Jackie Mellon, CLERK

SCHEDULE 'A' TO BY-LAW 10-2021



TOWN OF DEEP RIVER APPLICATION FOR
BACKYARD HEN PERMIT

Applicant Name: _____
(Print Name)

Permit Address: _____
Deep River, Ontario, K0J 1P0

Phone Number: (____) - ____ - ____ Cell Number: (____) - ____ - ____

Number of Backyard Hens to be kept at the permit address _____ (4 maximum)

What type of Property is the permit address?

SINGLE
SEMI –
DETACHED

The owner has provided Neighbour Notification for the following properties (list all addresses):

1. _____
2. _____
3. _____
4. _____

Does the owner of the Hens reside at the above address?

YES
NO

If a Rental Property, do you have written consent from the property owner?

N/A
YES
NO

Does the Hen Coop and Hen Run comply with the 0.91 meters (3 feet) setback from all property lines?

YES
NO

Does the Hen Coop exceed 10 square meters (108 square feet)?

YES
NO

Does the Hen Run comply with a minimum of 1.4 square meters (15 square feet) and a maximum of 3 square meters (32.3 square feet) per hen?

YES
NO

Does the Hen Run fencing comply with a minimum of 1.22 meters (4 feet) and a maximum of 1.83 meters (6 feet) in height and is in accordance with the Corporation of the Town of Deep River Comprehensive Zoning by-law 20-2020, section 3.11?

YES
NO

SCHEDULE 'B' TO BY-LAW 10-2021

DECLARATION IN THE MATTER OF AN APPLICATION FOR A TOWN OF DEEP RIVER BACKYARD HENS PERMIT:

I, _____ of the Town of Deep River do solemnly declare:

1. That I am the applicant for the grant of a permit authorizing me to keep Backyard Hens pursuant to the Town of Deep River Rules and Regulations Pertaining to Trial Period for Backyard Hens now and hereafter in force. I undertake to conform to the terms, conditions and regulations set out in the Town of Deep River Rules and Regulations Pertaining to Trial Period for Backyard Hens and understand that I must comply with all applicable regulations and requirements.
2. I understand that any permit issued pursuant to the said application is subject to revocation.

Applicant Signature _____

Date _____
Day Month Year

Received By:

(FOR OFFICE USE ONLY)

NOTICE OF COLLECTION: Personal Information collected is pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this application may be used to assist in reporting information when requested. Questions regarding this collection should be forwarded to Robert Labre, Municipal Law Enforcement Officer, 100 Deep River Road, P.O. Box 400, Deep River, Ontario, KOJ 1P0 or by emailing rlabre@deeperiver.ca

Please bring application in person or *mail to:
Municipal Law Enforcement Officer
100 Deep River Road
P.O. Box 400
Deep River, ON K0J 1P0

\$50 fee payable in cash or by cheque. *Cheque only for mail.

PERMIT NO. ISSUED:
PERMIT APPLICATION Number:
ISSUED BY:

\$50 Application Fee collected: YES NO