

**The Corporation of the Town of Deep River**  
**REPORT**  
**2021-CBO-001**

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**Council Meeting Date: March 24, 2021**  
**Council Meeting Time: 6:00 PM**  
**Council Meeting Place: Electronic Meeting**

<b>File Storage</b>

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**Subject: Backyard Hens Pilot Project Update**

**Author: Robert Labre, Chief Building Official**

**David McCarthy, Infrastructure & Contract Manager**

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**RECOMMENDATION(S):**

**BE IT RESOLVED THAT** report number 2021-CBO-001 “**Backyard Hens Pilot Project Update**” be received,

**THAT** Council approves a Keeping of Backyard Hens pilot project for a period of three (3) years commencing March 24, 2021 and ending on March 24, 2024, and

**THAT** the attached Keeping of Backyard Hens By-Law be adopted as the guiding document for the Three-Year Pilot Project.

**BACKGROUND:**

The following resolution was passed at the September 23<sup>rd</sup>, 2020 Council meeting:

***“BE IT RESOLVED THAT** report number 2020-CAO-008 **“Backyard Hen Pilot Project”** be received,*

***THAT** staff be directed to develop regulations for a 1–3-year pilot project for the keeping of backyard hens within the residential areas of Town of Deep River,*

***THAT** Council continues to suspend the levying of fines against existing owners until March 2021 and*

***THAT** Staff report to Council with a proposed program no later than March, 2021”*

Staff have researched similar by-laws throughout the province to develop the Rules and Regulations for Keeping Backyard Hens and Coops.

**RATIONALE:**

Staff have developed the Rules and Regulations for Keeping Backyard Hens and Coops based on the research that was conducted. A trial period of three years is recommended as an appropriate amount of time to evaluate the program and provide Council with information regarding its performance. This will provide evidence to Council on the merits of a potential permanent program.

The proposed By-Law is intended to mimic what a permanent by-law would be to ensure that the pilot project accurately represents the “likely” outcome of what a permanent by-law is likely to achieve.

**OTHER ALTERNATIVES CONSIDERED:**

A permanent program was considered but not recommended as the three-year trial period for the pilot project will provide evidence to evaluate the pros and cons of a permanent program.

**FINANCIAL CONSIDERATIONS:**

It is not known the level of uptake to determine the full financial costs however, the keeping of backyard hens will consist of a permit fee of \$50.00 per year for the backyard hens which is renewable each calendar year (on or before December 31) during the three-year trial period. It important to note that the revenues have been proposed as a means to offset the cost for initial inspection and any subsequent inspections. The fees proposed for the pilot project are consistent with what we would expect for a permanent program.

**STRATEGIC AREAS OF FOCUS:**

The adoption of the proposed recommendation will support Council's strategic Area of Focus to enhance "*Transparent, Fair and Effective Governance*"

**CONSULTATIONS:**

Internet research

**ATTACHMENTS:**

Attachment 1 - Proposed By-Law

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER XX-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 March 24, 2021 and ending on March 24, 2024 as follows:

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.

**“Density, Gross Residential”** means the ratio between the number of dwelling units located or proposed to be located on a lot and the area of the lot where the area to be measured includes all lands within the lot used or proposed to be used for roads or any other purpose other than an industrial use, and may be determined by dividing the lot area by the number of dwelling units.

**“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.

**“R-2 Zone”** means residential second density.

**“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 three (3) hens on any designated R-1 and R-2 property by submitting a completed Hen Coop Permit Application and Neighbour Consent Forms.
- b) The Permit fee of \$50.00 shall be submitted, initially with the completed Hen Coop Permit Application and Neighbour Consent Form.
- c) The Permit fee of \$50.00 per year is renewable each calendar year (on or before December 31) during the three-year trial period.
- d) Applicants must have residents of all abutting properties complete the Neighbour Consent form.
- e) Abutting neighbours are permitted to withdraw their Neighbour Consent form at any time during the trial period. This withdraw will result in a revocation of approval and associated permits. No refund of paid permits fees will be provided.
- f) A Tenant must obtain and submit with application written permission from the property owner to keep hens on the owner's property.
- g) The owner of the hens must reside on the property where the hens are kept.
- h) Hens, when not in their coop, must be kept in a fenced hen run in accordance with the Corporation of the Town of Deep River Comprehensive Zoning by-law 20-2020, section 3.11.
- i) Hen coops must be a minimum distance of three (3) feet from all property lines and not exceed 108 square feet.
- j) The applicant is responsible for scheduling an initial inspection of the property, coop and hen run within 30 days of initial application. Follow-up inspections can occur at any time unannounced over the three (3) year trial period.
- k) 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.
- l) The keeping of Roosters is prohibited.
- m) 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*.
- n) Manure shall be disposed of in accordance with Property Standards by-law 28-2016.
- o) The owner must ensure the keeping of hens is in accordance with Prohibiting Excessive Noise by-law 37-1993.

- p) Home slaughter of hens is prohibited and any deceased hens or change in flock shall be reported to the Municipal Law Enforcement Officer.
- q) 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 March 24, 2024. Should the pilot not continue beyond March 24, 2023, the owner agrees to take all necessary steps to remove the hens from their property not later than April, 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 24<sup>th</sup> DAY OF MARCH, 2021.

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Suzanne D' Eon, MAYOR

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Jackie Mellon, CLERK

SCHEDULE 'A' TO BY-LAW XX-2021



**TOWN OF DEEP RIVER APPLICATION FOR  
HEN COOP 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 \_\_\_\_\_ (3 maximum)

What type of Property is the permit address: SINGLE  SEMI – DETACHED

Does the Applicant have completed Neighbour Consent forms for all abutting property owners?

YES  NO

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

Do you meet the three (3) foot setback from all property lines? YES  NO

Does the Hen Coop exceed 108 square feet? YES  NO

Does the Hen Run comply with fencing requirements set out in the Corporation of the Town of Deep River Comprehensive Zoning by-law 20-2020, section 3.11?

YES  NO

**SCHEDULE 'B' TO BY-LAW XX-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, K0J 1P0 or by emailing [rlabre@deeperiver.ca](mailto: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

SCHEDULE 'C' TO BY-LAW XX-2021



**TOWN OF DEEP RIVER NEIGHBOUR CONSENT FORM  
TRIAL PERIOD FOR BACKYARD HENS**

I, \_\_\_\_\_ GIVE CONSENT for my neighbour who resides at:

\_\_\_\_\_, Deep River, Ontario, to locate their Hen Coop in a manner that follows the Town of Deep River Rules and Regulations pertaining to a trial period for backyard hens. I understand that I am able to withdraw my consent at any time by notifying the Town in writing.

The owner will have to remove the Hen coop no later than one (1) month following revocation notification being given. All neighbours currently residing at the adjacent properties must consent to the Trial Period for Backyard Hens.

\_\_\_\_\_  
Signature of adjacent Property Owner / Occupant giving consent

\_\_\_\_\_  
Address

Telephone No. \_\_\_\_\_

Date \_\_\_\_\_

I, \_\_\_\_\_, as the owner of the Hen Coop, understand that should any neighbour (including new owners / occupants) decide they no longer consent to this agreement, I must remove the existing coop and hens.

\_\_\_\_\_  
Signature of Hen Coop Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address of Hen Coop Owner

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
E-mail of Hen Coop Owner