

The Corporation of the Town of Deep River
REPORT
2024-CBO-01

Council Meeting Date: April 10, 2024
Council Meeting Time: 6:00 PM
Council Meeting Place: Deep River Town Hall

Subject: Backyard Hens Pilot Review

Author: Christian Kaiser, Director of Growth and Sustainability

Robert Labre, Chief Building Official / By-law Enforcement Officer

RECOMMENDATION(S):

BE IT RESOLVED THAT report number 2024-CBO-01 “**Backyard Hens Pilot Review**” be received, and

THAT Council directs staff to present a by-law to continue allowing the keeping of Backyard Hens, using the proposed wording presented in Attachment 1 to this report.

BACKGROUND:

In April 2021, Council adopted *By-law 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*.

This by-law launched a three-year pilot to assess the impact and benefits of allowing residents in the R1 and R2 zones to keep backyard hens. The main features of the by-law include:

- Limited to the Residential 1 and Residential 2 zones
- A maximum of four hens; no roosters
- An initial license fee of \$50 at time of application, following by an annual renewal fee of \$50.
- Applicants required to notify their immediate neighbours at time of original application.
- An on-site inspection of hen coops and runs on initial application, followed by regular inspections on an as-needed basis
- Regulations related to the size and location of coops and runs

Since 2021, the Town has received between eight and nine applications per year. Four complaints related to hens were lodged in this period, with two being related to non-compliance with the by-law (coop in the wrong location; rooster being kept). All complaints have been resolved to the satisfaction of the parties. Staff have spent approximately 15 hours per year on the processing of applications, inspections, investigating and resolving complaints.

In Attachment 1 staff have recommended the following amendments to the By-Law:

- The addition of a \$100 fine for the keeping of hens without a permit.
- The addition of a \$50 administrative fee over and above the permit fee should existing permit holders who wish to continue keeping hems not renew their license by February 28th of each year.
- The addition of a requirement where owners no longer wish to keep hens to clean all coops and runs and remove any manure and contaminated materials within 3 months of a permit expiring, and to inform the Town when completed.

RATIONALE:

The purpose of the pilot was to assess the potential negative consequences of allowing a limited number of hens to be kept in residential areas. The limited up-take of the program and high levels of compliance with the regulations indicate that the negative impact on residential neighbourhoods was limited. The recommended changes to the by-law strengthen the town's enforcement options and disincentivize non-compliance.

OTHER ALTERNATIVES CONSIDERED:

Staff considered the following alternative in the preparation of this report:

- **Recommending ending the pilot program and not allowing backyard hens:**
The results of the pilot, while limited, do not show significant negative impacts on immediate neighbours.

FINANCIAL CONSIDERATIONS:

There are no direct financial implications of the proposed amendments.

STRATEGIC AREAS OF FOCUS:

The adoption of the proposed recommendation will support Council's strategic theme of *Transparent, Fair and Effective Governance*.

CONSULTATIONS:

No consultations were held in the preparation of this report.

ATTACHMENTS:

Attachment 1: Proposed By-law Regulating the Keeping of Backyard Hens.

ATTACHMENT 1

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER XX-2024

<p style="text-align: center;">A BY-LAW TO REGULATE THE KEEPING OF BACKYARD HENS IN THE TOWN OF DEEP RIVER</p>

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 on March 24, 2021 Council passed By-Law 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 which ends on April 26, 2024;

AND WHEREAS the results of the Pilot Project did not show significant negative impacts to residents of the Town of Deep River and Council now wishes to continue to permit the keeping of hens within the Township and to continue to require certain rules and set conditions 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 hereby **ENACTS** the following:

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, 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 24-96 Zoning by-law, as amended).

“R-2 Zone” means residential second density (By-law 24-96 Zoning by-law, as amended).

“**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 of the previous year). An administrative fee of \$50.00 will be charged in addition to the Permit fee where permits are on or after February 28 of the calendar year the permit applies to.
- 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 at any time.
- 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) Where a permit is not renewed, all coops and runs will be cleaned, and any manure and contaminated materials removed within three months of the permit expiry date, and the Town informed upon completion.
- n) The keeping of Roosters is prohibited.
- o) 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*.
- p) Manure shall be disposed of in accordance with the Property Standards by-law 28-2016 as amended.

- q) The owner must ensure the keeping of hens is in accordance with Prohibiting Excessive Noise by-law 37-1993.
- r) 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.
- s) 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.

A fine of \$100.00 will be charged for the keeping of hens without a valid Permit, or for the violation of the regulations described in this by-law.

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

5. 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.

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 is hereby REPEALED.

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 XXTH DAY OF _____, 2024.

Suzanne D' Eon, MAYOR

Jackie Mellon, CLERK



SCHEDULE 'A' TO BY-LAW XX-2024

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 24-96, section 3.11, as amended?

YES
NO

SCHEDULE 'B' TO BY-LAW **XX**-2024

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

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 Permit Fee collected: YES NO