

By-Law No. X-2024
of The Corporation of The Municipality of Chatham-Kent
A By-Law to Amend By-Law Number 170-2021, of The Corporation of The
Municipality of Chatham-Kent Responsible Animal Ownership By-law
Finally passed the day of , 2024.

Whereas Council of the Corporation of the Municipality of Chatham-Kent passed By-Law Number 170-2021 at its meeting on the 4th day of October, 2021.

And Whereas under section 15 Prohibited Animals it states: No person shall keep animals belonging to the following order or genus: Galliformes (e.g. pheasants, grouse, guinea fowls, quail, turkeys, chickens and peafowls); except button quail or except Galliformes located on premises zoned agricultural under the Municipality's Zoning By-law permitting such use;

And Whereas the Corporation of the Municipality of Chatham-Kent now deems it expedient to amend certain sections of By-Law Number 170-2021 with respect to permitting backyard chickens (hens) on rural residential and/or village residential zoned properties provided certain setbacks and regulations are met.

Now Therefore the Municipal Council of the Corporation of the Municipality of Chatham-Kent enacts as follows:

1. Addition of section 5.7 to read as follows:
5.7 No **person** shall **keep** or permit to be **kept**, on any one premise owned or occupied by them, more than ten (10) **hens** on properties zoned rural residential and/or village residential under the **Municipality's** Zoning By-law.
2. The paragraph beginning with "Galliformes" in section 15.1 is hereby deleted and replaced with the following:
Galliformes (e.g. pheasants, grouse, guinea fowls, quail, turkeys, chickens and peafowls):
 - (1) except button quail or **Galliformes** located on **premises** zoned agricultural under the **Municipality's** Zoning By-law permitting such use; and
 - (2) except **hens** on **premises** zoned rural residential and/or village residential under the **Municipality's** Zoning By-law permitting such use, subject to:
 - a. the limitations set out in section 5.7 of this By-law;
 - b. the requirements and restrictions set out in Schedule A; and,
 - c. the issuance of a permit, as set out in Schedule A.
3. That Schedule A – Backyard Chickens is hereby declared to form part of By-law 170-2021.

This By-law shall come into full force and effect upon the final passing thereof.

Read a first, second and third time this day of , 2024

Mayor Darrin Canniff

Clerk- Judy Smith

Schedule A – Backyard Chickens

Chickens are permitted on properties zoned agricultural in the Municipality. Schedule A of this By-law are regulations specific to the keeping of hens at properties zoned rural residential and/or village residential under the Municipality’s Zoning By-law.

1. Definitions

“**coop**” means a fully-enclosed weatherproof structure where **hens** are **kept** and the interior of which includes nest boxes for egg laying, perches for **hens** to roost on and food and water containers;

“**dispose**” in this Schedule, dispose means the removal and destruction of a deceased **hen’s** remains or the removal of a **hen’s** waste;

“**hen**” means a domesticated female chicken;

“**hen permit**” means a permit that is issued to the applicant under this Schedule;

“**hen run**” means a covered, secure enclosure that provides **hens** with access to the outdoors;

“**owner of hens**” means any **person(s) who possesses, harbours or keeps hens** on property zoned rural residential or village residential under the **Municipality’s** Zoning By-law but shall not include an **owner of hens kept** on land zoned Agricultural under the **Municipality’s** Zoning By-law;

“**person**” means a natural **person**, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context may apply;

2. Application

2.1 This Schedule shall apply to any **person** who **keeps** or who applies to **keep** hens on property zoned rural residential or village residential under the **Municipality’s** Zoning By-law.

2.2 This Schedule shall not apply to any **person** who **keeps hens** or roosters on property zoned Agricultural under the **Municipality’s** Zoning By-law, to the extent that such **hens** or roosters are **kept** thereon.

3. Eligibility for the **Keeping of Hens**

3.1 A **hen permit** may be issued for the **keeping of hens** on properties zoned rural residential and/or village residential provided the regulations in this Schedule and related sections in the **Municipality’s** Responsible Animal Ownership By-law are followed.

3.2 No **person** shall **keep**, harbour, or possess, or cause to **keep**, harbour, or possess **hens**, without first obtaining a valid **hen permit** issued in accordance with this Schedule.

3.3 No **person** shall **keep hens** in apartment buildings, condominium buildings, nor properties without sufficient outdoor space to house the **hens**, as determined by the **Poundkeeper**.

3.4 The **owner of hens** must reside on the **premises** where the **hens** are **kept**.

3.5 Every **owner of hens** shall ensure that their **hens** are **kept** in a manner to not cause a nuisance to any adjacent neighbour.

3.6 **Hens** are **kept** in accordance with all other laws including the **Municipality’s** by-laws respecting noise, lot maintenance, property standards, and **animals** as well as provincial legislation respecting the **keeping of animals**.

4. Number of **Hens** Restricted

4.1 No **owner of hens** shall **keep** more than ten (10) **hens** at any property zoned rural residential and/or village residential under the **Municipality’s** Zoning By-law.

- 4.2 No **owner of hens** shall **keep** a rooster.
5. **Hen Permit Application – Initial and Renewal**
- 5.1 The **owner of hens** shall complete an initial **hen permit** application, file any information as may be required by the **Poundkeeper**, and pay the required fee as set out in the **Municipality's** User Fee By-law prior to a **hen permit** being issued.
- 5.2 If the applicant for a **hen permit** is a tenant of the **premises**, the applicant must obtain the **property owner(s)** written consent to **keep hens** on the **premises** and must provide a copy of such written consent to the **Poundkeeper**, if requested.
- 5.3 A **hen permit** shall be issued to a person whose application meets all the requirements of this Schedule, unless refused in accordance with section 13 of this Schedule.
- 5.4 **Hen permit** fees shall not be refunded.
- 5.5 A **hen permit** shall not be transferable from one **person** to another.
- 5.6 A **hen permit** shall not be transferable from one property to another.
- 5.7 The licensee shall, on the renewal of the **hen permit**,
- apply on or before the expiry date set out on the **hen permit**, and
 - furnish to the **Municipality** such information that would be required for an original **hen permit** or as the **Poundkeeper** may direct.
- 5.8 The **hen permit** renewal fee shall be in accordance with the **Municipality's** User Fee By-law.
- 5.9 An applicant for a **hen permit** under this Schedule must be an individual and must be at least eighteen (18) years of age.
6. Non-Commercial use only
- 6.1 No **person** shall sell or offer for sale any part of a **hen** or its eggs or manure or engage in **hen** breeding or fertilizer production for commercial purposes.
- 6.2 No **person** shall give or provide a **hen**, a part of a **hen**, eggs, or manure to any other **person** or entity, save and except a person residing in the same household as the owner of hens.
7. **Hen Coop/Run - Setbacks**
- 7.1 No **owner of hens** shall permit a **hen coop** or **hen runs** in any front yard or side yard, as those terms are defined in the **Municipality's** Zoning By-Law.
- 7.2 An **owner of hens** shall ensure that the **hen coop** and **hen run** must be:
- located at least 2 metres from the rear property line and at least 2 metres from any side lot line or exterior side lot line of the **premises** on which the **hen coop** or **hen run** is located.
 - located at least 15 metres from any point of a school.
 - located at least 7.5 metres from any point of a church or business.
 - located at least 3 metres from any sewage works.
- 7.3 When a **hen coop** is built within a shed or other structure, only the portion actually used to house **hens** shall be required to meet the setback requirements of this section.
- 7.4 No **hen coop** or **hen run** shall exceed 2 metres in height as measured from the highest point of the structure and the ground directly below such point.
- 7.5 In the event of any conflict between the terms of Section 6.2 above and the terms of the **Municipality's** Zoning By-Law that applies to the **premises**, the greater distance or setback shall prevail.
8. **Hen Coop/Run - General Terms**
- 8.1 No **person** shall permit more than 1 **hen coop** and 1 **hen run** per **premises**.
- 8.2 An **owner of hens** shall ensure:
- the **coop** is fully enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Any windows and vents must be predator-proof and bird-proof.
 - to **keep** the **hen coop** and **run** in a clean, dry, odour-free, neat and sanitary condition at all times, and in a manner that will provide healthy living conditions for the **hens** while minimizing adverse impacts to other residents in the neighborhood to the satisfaction of the **Poundkeeper**. The

owner of hens agrees to undertake any repairs directed by the **Poundkeeper** at the **owner of hens** sole cost and expense in order to comply with this section.

- c) to deep clean the **coop** two times yearly, at minimum, including disinfecting of troughs, perches, and nests.
 - d) the **coop** has appropriate bedding i.e. shavings, straw or other appropriate materials, to absorb manure and facilitate cleaning and help reduce smells within the **coop**.
 - e) the **coop** has a perch area sufficient to accommodate all **hens**.
 - f) the **coop** has nest boxes for **hens** to lay eggs.
 - g) **hens** are provided with appropriate space and environmental conditions conducive to good health, including but not limited to, the opportunity to socialize and engage in fundamental behaviours such as scratching, pecking, roosting and dust bathing.
 - h) **hens** are **kept** in an enclosure or fenced area on the **premises** of the **owner of hens** at all times. During daylight hours, **hens** may be allowed outside of their **coop** in a securely fenced yard on the **premises** of the **owner of hens**, if supervised. **Hens** shall be secured within a locked **coop** during non-daylight hours.
 - i) the **coop** has adequate and appropriate ventilation and protection from the elements including harmful temperatures suitable for the health of the **hens**. In addition, the **owner of hens** shall ensure the **coop** is impermeable to rodents, birds, and predators, including dogs and cats, to the satisfaction of the **Poundkeeper**. The **owner of hens** agrees to undertake any repairs directed by the **Poundkeeper** at the **owner of hen's** sole cost and expense in order to comply with this section.
9. Predators, Rodents, Insects and Parasites
- 9.1 The **owner of hens** shall take necessary action at the **owner of hen's** sole cost and expense to reduce the attraction of predators and rodents and the potential infestation of insects and parasites to the satisfaction of the **Poundkeeper**. **Hens** found to be infested with insects and parasites that may result in unhealthy conditions to human habitation must receive treatment in consultation with a veterinarian in a timely fashion. Non-compliance with this section may result in notice that the permission to **keep hens** in the **Municipality** is revoked and continued **keeping** of **hens** in an offence under this By-law.
- 9.2 The **Poundkeeper** must be notified immediately of any disease or welfare issues that arise that may affect the public and the steps taken to rectify the situation.
10. Feed and Water
- 10.1 The **owner of hens** shall ensure that:
- a) **hens** are provided with access to clean water at all times.
 - b) uneaten or spoiled feed must be removed in a timely manner.
 - c) feeders and water containers are provided and are cleaned and disinfected regularly.
 - d) all stored feed is **kept** in rodent proof containers and secured at all times to prevent rodents and other **animals** from accessing it.
 - e) feeding of **hens** is done in a manner that minimizes the attraction of rodents or other **animals**.
11. Disposal of **Hens**
- 11.1 No **person** shall permit the home slaughter or butchering of **hens** on the **premises**.
- 11.2 The **owner of hens** shall ensure that all dead **hens** are disposed of within one (1) business day in a sanitary manner at the **owner of hen's** sole cost and expense. For clarity, such disposal may include disposing any dead **hen** at a livestock disposal facility or through the services of a veterinarian or through a facility as approved by the Ministry of Agriculture, Food and Agribusiness and are disposed of in accordance with all laws such as but not

limited to O. Reg. 106/09: Disposal of Dead Farm Animals and the Nutrient Management Act, 2002, S.O. 2002, c. 4.

12. Waste/Manure

12.1 The **owner of hens** shall ensure that all manure and waste is removed daily and stored in a secured container or composted or disposed of safely from the **coop**.

12.2 Stored manure shall be **kept** in an enclosed structure, such as a compost bin, in accordance with all applicable compost regulations, and no more than three (3) cubic feet of manure shall be stored at any one time.

13. Revoke or Refusal to Issue **Hen Permit**

13.1 The **Poundkeeper** shall refuse to issue a **hen permit** where:

- a) the applicant does not meet the requirements for a **hen permit** as set out in this Schedule.
- b) the issuance of the **hen permit** will cause the applicant to not be in compliance with any other By-law of the Municipality.
- c) the applicant fails to pay any fee charged in accordance with this Schedule.
- d) the licensee fails to pay a fine imposed by a court for a contravention of this By-law.

13.2 The **Poundkeeper** may refuse to issue a **hen permit** where:

- a) the applicant has previously been convicted of an offence under this By-law.
- b) the applicant furnishes false information or misrepresents any fact or circumstance in their application or in any document provided or statement made in support of their application.
- c) the issuance or holding of the **hen permit** would, in the opinion of the **Poundkeeper**, be contrary to the public interest in respect of:
 - i. the health and safety of any **person** or **animal**; or
 - ii. a nuisance affecting any land or **person** in the **Municipality**.
- d) The applicant fails to provide to the **Poundkeeper** any information or document in support of their application required by this Schedule.

13.3 The **Poundkeeper** may revoke or refuse to renew a **hen permit** where:

- a) the applicant or licence holder does not meet or no longer meets the requirements for a **hen permit** as set out in this By-law.
- b) the applicant or licence holder furnishes false information or misrepresents any fact or circumstance required pursuant to this By-law.
- c) the licensee fails to pay a fine imposed by a court for a contravention of this By-law.
- d) the licensee is convicted of an offence under this By-law.

13.4 If, at any time, the **Poundkeeper** has reasonable grounds to believe that the holder of a **hen permit** is not complying with the requirements of the By-law or this Schedule, the **Poundkeeper** may suspend or revoke the **hen permit** or impose conditions.

14. Right of Appeal

14.1 Where the **Poundkeeper** has refused to issue, renew, or has revoked a **hen permit**, the applicant may appeal to the **Municipality's** By-law Appeal Committee in accordance with procedures established by By-law 132-2018 as amended, or successor by-laws thereto.

15. Pilot Program Duration

15.1 The Backyard Chickens Pilot Program will come into effect at the time of passing of this By-law and will continue for a two-year period. If the pilot is not continued beyond this period, the **owner of hens** shall take all necessary steps to remove the **hens** from the **premises** within 6 months of the end date of the pilot. The **owner of hens** understands and agrees that upon notice, the **Poundkeeper**, may revoke the permission to **keep hens** in the **Municipality**

during the pilot period, and the continued **keeping of hens** after the date of such a notice shall be an offence under this By-law.

16. Inspections

16.1 Every **person** who holds a **hen permit** shall allow, at any reasonable time, an **Officer** to attend and inspect the **premises** to assess and ensure compliance with all requirements of this Schedule and the Responsible Animal Ownership By-law.

17. Contact Information and Notice

17.1 If the contact information provided in the application, Backyard Chickens Pilot Program Application Form, changes, the **owner of hens** will update the **Municipality** forthwith. The **owner of hens** also understands and agrees that the **Municipality** may contact the **owner of hens** and provide information or official notices by mail or by email to the **owner of hens** at the addresses in the Backyard Chickens Pilot Program Form and any notice so made or given shall be deemed to have been duly and properly made or given and received on the day on which it shall have been so delivered or, if mailed, then, in the absence of any interruption in postal service in the **Municipality** affecting the delivery or handling thereof, on the day following three (3) clear business days following the date of mailing.

18. Non-Compliance with Terms and Conditions

18.1 Any violation of the provisions of these terms and conditions shall be grounds for a notice by the **Poundkeeper** revoking permission for the **owner of hens** to **keep the hens** and ordering the **owner of hens** to remove the **hens** from the **premises**. Continued **keeping of hens** after the date of such a notice is an offence under this By-law.