

**THE CORPORATION OF THE TOWN OF SMOOTH ROCK
FALLS**

BY-LAW # 2024-24

**BEING A BY-LAW TO REGULATE AND LICENSE THE KEEPING OF BACKYARD
CHICKENS IN RESIDENTIAL ZONES WITHIN THE TOWN OF SMOOTH ROCK
FALLS**

WHEREAS Section 5(3) of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that powers of every Council are to be exercised by by-law unless specifically authorized to do so otherwise;

AND WHEREAS Section 8(3) of the *Municipal Act*, S.O. 2002, c.25, as amended, provides municipalities with the broad authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11(3) of the *Municipal Act*, S.O. 2001, c.25, provides that a lower-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals;

AND WHEREAS Section 128 of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that by-laws may be passed by Council of local municipalities to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause a public nuisance and further, that by-laws may be passed for purposes related to the health, safety and well-being of inhabitants of the municipality;

AND WHEREAS Council of the Corporation of the Town of Smooth Rock Falls is desirous of implementing a Backyard Chicken Pilot Project for a two (2) year period;

AND WHEREAS Council of the Corporation of the Town of Smooth Rock Falls deems it expedient, necessary and in the public's best interest to regulate the keeping of backyard chickens in accordance with the Town's Zoning By-law, as amended, for the purpose of public health and safety.

NOW THEREFORE Council of the Corporation of the Town of Smooth Rock Falls enacts as follows:

1. DEFINITIONS

"Backyard Chickens" means the accessory keeping of hens for the purpose of companionship as a pet or providing eggs for personal consumption by occupants of a dwelling on the same lot, and does not include accessory livestock, or agricultural uses otherwise defined by the Town of Smooth Rock Falls' Zoning By-law.

"Clerk" means the Municipal Clerk of the Town of Smooth Rock Falls or their designate.

"Coop" means a fully enclosed weatherproof and ventilated 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.

"Council" means the Council of the Corporation of the Town of Smooth Rock Falls.

"Dwelling" means a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on.

"License" means a license issued under this By-law.

“Officer” means an Animal Control Officer or a By-law Enforcement Officer for the Town of Smooth Rock Falls.

“Outdoor Run” means an area enclosed by wire screen intended for permitted chickens to be outdoors.

“Property Owner” means the registered owner(s) of a property within the Town of Smooth Rock Falls.

“Slaughtering” means the killing of livestock for purposes that include the use of meat for food.

“Tenant” means a person who rents or leases a property or dwelling from a landlord.

“Town” means the Corporation of the Town of Smooth Rock Falls.

“Zoning By-law” means a by-law passed under Section 34 of the *Planning Act* that restricts the use of land in the Town of Smooth Rock Falls.

2. ADMINISTRATION

- 2.1 The Corporation of the Town of Smooth Rock Falls is responsible for the administration and enforcement of this by-law.
- 2.2 The provisions of this By-law shall apply to the keeping of Backyard Chickens in accordance with the Zoning By-law within the boundaries of the Town of Smooth Rock Falls.

Pilot Project Duration

- 2.3 The pilot project is for a period of two (2) years, commencing on September 1, 2024 and ending on August 31, 2026. If the pilot project is not continued beyond August 31, 2026 and the Town’s Zoning By-law is not further amended to provide for backyard chickens, the property owner and/or applicant agrees to take all necessary steps to remove the chickens from their property by August 31, 2026.
- 2.4 The owner and/or applicant understands and agrees that upon notice, the Town may revoke the license/permission to keep chickens in the municipality anytime during the pilot program, and the keeping of chickens after this date is an offence under the by-law as set out in Schedule “B”.

3. APPLICATION FOR BACKYARD CHICKEN LICENSE

- 3.1 No person shall be permitted to have a backyard chicken coop or chickens on a Residential and non-Agricultural property without first having been issued a license.
- 3.2 Any person applying for a backyard chicken license must comply with the provisions relating to accessory structures for the respective zone in the Town’s Zoning By-law.
- 3.3 No person shall keep backyard chickens pursuant to this By-law, unless that person has submitted an application and receives a license from the Town of Smooth Rock Falls.

- 3.4 The applicant/owner of the backyard chickens must reside on the property where the backyard chickens are kept.
- 3.5 No person shall be permitted to have a backyard chicken coop in the following areas: areas zoned for commercial, industrial or multi-residential zones.
- 3.6 An application for such license must be signed by the applicant and/or landowner and shall include, but is not limited to, the following mandatory fields and declarations:
- 1) Applicant information including name, address (mailing and physical), postal code, telephone number, and email address;
 - 2) Property Owner's information including name, address (mailing and physical), postal code, telephone number, and email address;
 - 3) Site sketch/plan illustrating the location and size of the coop and manure storage area on the property, complying with the coop regulations set out in the By-law;
 - 4) Checklist of specific regulations contained in the By-law confirmed by the applicant; and
 - 5) A declaration that the applicant:
 - a) Has reviewed the Factsheet "Rodent Control in Livestock and Poultry Facilities" distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA);
 - b) Has reviewed Public Health Ontario's Evidence Brief titled "Reducing Health Risks Associated with Backyard Chickens";
 - c) Has reviewed the Government of Canada Canadian Food Inspection Agency's "Bird Health Basics" Poster;
 - d) Has reviewed the Government of Canada Canadian Food Inspection Agency's "Keep your Birds Safe" Poster;
 - e) Has reviewed the Government of Canada Canadian Food Inspection Agency's "Basic Principle of Biosecurity";
 - f) Will provide suitable housing and shelter for the backyard chickens in their care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Chicken Owners;
 - g) Will provide the backyard chickens with appropriate food, water, space, and environmental conditions conducive to good health as well as the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting, and dust bathing; and
 - h) Will abide by the regulations contained within the Backyard Chickens Licensing By-law.

- 3.7 It is understood that different ministries and organizations may update their resource kits and factsheets from time to time. Staff has the authorization to make updates to the education package applicants are to review as outlined above in section 3.6, based on new information provided and/or recommended by OMAFRA, the Ministry of Health and the Government of Canada Canadian Food Inspection Agency.
- 3.8 Tenants must obtain written permission from the property owner to keep backyard chickens on the owner's property.
- 3.9 Every application for a backyard chicken license shall be submitted to the Town on the form provided (application form or renewal form), together with the annual license fee as outlined in Schedule "A" to this By-law. Every license issued pursuant to this By-law shall expire on the 31st day of December for the year in which it was issued for. Applicants are required to renew their license annually to keep backyard chickens.

Initial Application

- 3.10 An initial application shall be submitted by all new applicants for any property proposing to receive a license, providing all the required documentation as outlined in section 3.6 of this By-law.
- 3.11 A change in occupancy or ownership of the property shall make the Backyard Chicken License null and void. The new occupant and/or owner shall submit a new initial application, not a renewal application.

Renewal Application

- 3.12 For applicants who have submitted an initial application for a property and received a license, in the following years if no changes have been made since the initial application was submitted for that property, the applicant may submit a renewal application accompanied with the prescribed fee.
- 3.13 The renewal application and applicable license fee shall be submitted by January 31st of the year in which the license is to be issued. Failure to do so may result in the Town issuing a fine for failure to obtain a license.
- 3.14 If an applicant submitted an initial application and received a license but has not submitted a renewal application by January 31st following the expiration of the initial license, the applicant will be required to re-submit an initial application again and not a renewal.

General

- 3.15 Every application for a license will be reviewed to determine whether it meets the requirements of this By-law.
- 3.16 The review may require an inspection of the property, other than a room or place used as a dwelling.
- 3.17 If it is determined that an application meets the requirements of this By-law, the Town will issue a license once the license fee has been paid in accordance with the fees set out in Schedule "A" of this By-law.

- 3.18 If it is determined that an application does not meet the requirements of this By-law, the Town will refuse to issue the license.
- 3.19 If at any time the Town determines, as a result of evidence that is provided, that the operation of a backyard chicken coop does not conform to the requirements of this By-law, it may suspend or revoke the license.
- 3.20 In the event of any changes to the conditions to which the license approval was based on, the applicant shall notify the Town immediately of the above changes and shall be required to submit additional information, as requested, including but not limited to a new site sketch/plan of the coop location and an administrative processing fee of \$10.00.
- 3.21 As outlined in section 2.3 of this By-law, licences will not be issued past August 31, 2026 ending the two (2) year pilot project, unless Council of the Town of Smooth Rock Falls permits backyard chickens beyond the completion of the pilot project and amends the Town's Zoning By-law to provide for backyard chickens.

4. PROPERTY REGULATIONS

- 4.1 A person is not eligible for a Backyard Chicken license or the renewal of such license unless:
- 1) The use or proposed use conforms with the Town's Zoning By-law and zone provisions that apply to the property;
 - 2) The property conforms to all applicable law, including the *Health Protection and Promotion Act*, laws regarding animal cruelty, and the *Fire Protection and Prevention Act*.

5. BACKYARD CHICKENS REGULATIONS

- 5.1 A maximum of four (4) backyard chickens shall be allowed on each permitted property.
- 5.2 All backyard chickens shall be at least four (4) months old.
- 5.3 The keeping of roosters is strictly prohibited.
- 5.4 Chickens must be kept in a locked chicken enclosure from 9:00 pm to 6:00 am.
- 5.5 Free roaming of chickens on the property is prohibited.
- 5.6 All deceased backyard chickens shall be disposed of promptly in a sanitary manner.
- 5.7 The slaughtering of backyard chickens on the property is strictly prohibited.
- 5.8 The selling of eggs, manure, meat, or other products derived from backyard chickens is prohibited.

6. BACKYARD CHICKEN COOP REGULATIONS

6.1 A license issued to permit a Backyard Chicken Coop does not remove any obligation of a person and/or property owner to comply with the Building Code or any requirements for a building permit.

6.2 A maximum of one (1) backyard chicken coop and one (1) outdoor run shall be permitted per property.

A backyard chicken coop shall be provided that has:

- 1) A maximum ground floor area of 9.0 m²
- 2) At least 0.37 m² of floor area for each hen
- 3) A maximum height of 4.5 m.

6.3 Chicken coops shall only be permitted in the rear yard.

6.4 The backyard chicken coop and manure storage area, exclusive of the outdoor enclosure, shall not cumulatively exceed an area of 10 m².

6.5 All backyard chicken coops shall be a fully enclosed weatherproof structure or enclosure with ventilation and a heat source, built to prevent any rodent(s) from harboring underneath or within the walls and to prevent entrance by any other animal. The interior shall include:

- 1) At least one nest box for egg laying;
- 2) At least one perch giving 0.3 m of space per chicken;
- 3) At least one food and water container.

6.4 The backyard chicken coop shall have a heat source that is a Canadian Standards Association (CSA) rated products and meets the Electrical Safety Authority (ESA) standards upon installation. It is the owner's responsibility to follow the manufacturer's instructions for the heat source to ensure proper use.

6.5 All backyard chicken coops must be kept in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances, and in good repair.

6.6 All backyard chicken coops and outdoor runs shall be secured against the entry of predators.

6.7 Backyard chickens must be provided, at all times, with food, clean water, shelter, light, and ventilation to assist in keeping the chickens in good health. Food and water shall be kept in solid, rodent proof and weatherproof containers. Uneaten feed shall be removed in a timely manner.

6.8 All stored manure shall be covered by a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed daily from the chicken coop and outdoor run.

7. RIGHT OF ENTRY

- 7.1 Every person who holds a Backyard Chicken license shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or agent of the Town to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this By-law are being complied with.
- 7.2 No person shall obstruct, hinder or attempt to hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this By-law.

8. OFFENCE AND PENALTY PROVISIONS

- 8.1 Every person who contravenes any of the provisions of this By-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 8.2 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9. SEVERABILITY

- 9.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or part thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.
- 9.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

10. INDEMNITY

- 10.0 The Owner shall save and hold harmless the Town, its servants, agents, successors or assigns, and ensure the same shall not be held liable for any injury, loss or damage, however caused, arising out of the granting of the permissions in these terms and conditions. The owner further agrees that it will from time to time, and at all times hereafter, truly save, keep harmless and full indemnify the Town, its servants, agents, successors and assigns from any and all actions, causes of actions, claims and demands whatsoever which may be brought against or made upon the Town, its servants, agents, successors and assigns and against all loss, liability, judgements, costs or expenses which the Town, its servants, agents, successors or assigns may sustain, incur or be put to resulting from or arising out of any act or omission on the part of the Owner, its servants, agents, successors or assigns which was done, or purported to

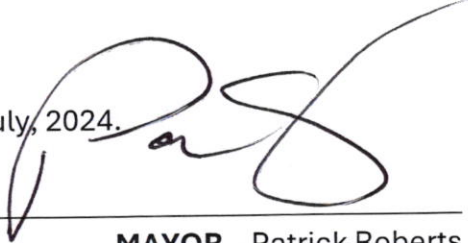
have been done, in relation to the granting of the permission to keep hens or the keeping of hen by the Owner.

11. FORCE AND EFFECT

11.1 This By-law shall take force and effect upon final passage thereof.

11.2 The **Backyard Chicken Pilot Project** is for a period of two (2) years, commencing September 1, 2024 and ending on August 31, 2026. If the pilot project is not continued beyond August 31, 2026 and the Town's Zoning By-law is not further amended to provide for backyard chickens, the property owner and/or applicant agrees to take all necessary steps to remove the chickens from their property in the Town of Smooth Rock Falls by August 31, 2026.

READ a first and second time this 15th day of July, 2024.

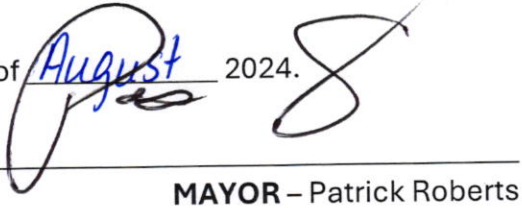


MAYOR – Patrick Roberts



MUNICIPAL CLERK – Nathalie Vachon

READ a third and final time this 6th day of August 2024.



MAYOR – Patrick Roberts



MUNICIPAL CLERK – Nathalie Vachon



CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BACKYARD CHICKEN LICENSING BY-LAW 2024-___

To regulate and licence the keeping of Backyard Chickens within the Town of Smooth Rock Falls

Schedule "A"

Licence Fees

Licence Type	Annual Fee
Initial Application	\$ 25.00
Renewal Application	\$15.00
Amendment to Licence	\$10.00

CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BACKYARD CHICKEN LICENSING BY-LAW 2024-___

To regulate and licence the keeping of Backyard Chickens within the Town of Smooth Rock Falls

Schedule "B"

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1	Fail to obtain licence	s. 3.1	\$100.00
2	Possess more than four (4) chickens	s. 5.1	\$100.00
3	Possess a rooster	s. 5.3	\$100.00
4	Permit slaughtering of chickens on property	s. 5.7	\$200.00
5	Permit the sale of products derived from chickens	s.5.8	\$100.00
6	Fail to comply with coop location setbacks	s. 3.2	\$100.00
7	Permit more than one (1) coop or outdoor run on property	s. 6.2	\$100.00
9	Fail to maintain sanitary conditions	s. 6.5	\$200.00
10	Fail to keep coop and/or outdoor run secure	s. 6.6	\$100.00
11	Fail to keep manure in property fully enclosed container	s. 6.8	\$100.00
12	Permit storage of manure over three (3) cubic feet	s. 6.8	\$100.00
13	Permit chickens to run at large	s. 6.9	\$100.00
14	Hinder or obstruct the Town, its employees, officers or agents	s. 7.2	\$300.00