

TOWNSHIP OF ADMASTON/BROMLEY
PLANNING AND DEVELOPMENT COMMITTEE

AGENDA

February 16, 2023

At 6:30 pm

1. Call meeting to order
2. Declaration of Pecuniary Interest
3. Approval of Agenda
4. Keeping of Backyard Hens
5. Next meeting – to be determined
6. Adjournment

Township of Admaston/Bromley
477 Stone Road, R.R. #2
Renfrew, ON
K7V 3Z5
E-Mail Address – info@admastonbromley.com

613-432-2885 Stone Road Office
613-432-4052 Fax

613-432-3175 Stone Road Garage
613-646-7918 Cobden Road Garage

REPORT

Date: February 16, 2023
To: Planning and Economic Development Committee
From: Jennifer Charkavi
Re: Keeping of Backyard Hens - Discussion

Background:

Staff have received many calls over the years regarding the keeping of chickens. Most individuals who move to the township believe that the keeping of chickens is already permitted on all properties and are quite astonished that this rural township does not allow for this except on lands where a farm is an allowable use.

Discussion:

In Renfrew County, specifically during the Covid Pandemic, the keeping of chickens became another topic for those trying to find things to do at home. Many investigated and had meetings concerning it with the public but only Whitewater Region went ahead with an amendment to their Animal Control By-law. In 2015, McNab/Braeside did pass a chicken specific by-law for the keeping of hens.

The County of Renfrew does suggest that the allowing for chickens can be done either through a Zoning By-law Amendment (ZBA) as done in Petawawa, (section attached), or through a direct by-law such as done in McNab/Braeside, (attached) or by amending the Animal Control By-Law to include chickens, as done by Whitewater Region, (attached). The only drawback is that the ZBA cannot regulate specific items such as the number of chickens, disposal, roaming, roosters, etc. The County Planning Division does recommend receiving public comments either through a survey or a public meeting, required if a Zoning By-Law Amendment, to provide an opportunity for those for and against the keeping of chickens to make comment.

Our By-Law Enforcement (MLES) has commented on the prospect of allowing for the keeping of chickens and does suggest a stand-alone by-law. A stand-alone by-law has been drafted and attached to this report.

“From an enforcement perspective in the two municipalities that do have “Chicken” bylaws, Bylaw Enforcement hasn’t had any significant problems. Considering the nature of the Township of Admaston/Bromley I cannot foresee any problem with

permitting Chickens, raised as meat birds or for eggs, provided there is a good governing bylaw.”

There are many things to consider when deciding upon a by-law for the keeping of chickens. The County of Renfrew Planning Division has outlined the following:

Benefits:

- Locally produced food
- Greater control over food sources
- Reduction of municipal solid waste through consumption of table scraps and other organic waste by hens
- Food safety – better quality, fresh, no pesticides or antibiotics
- Better conditions for hens in comparison to industrial farms
- Better tasting eggs
- Manure can be composted and used for fertilizer.
- Companionship
- Pest control
- Home raised agriculture avoids the energy usage and carbon emission typically associated with transporting food.
- Provide lessons for children about responsibility and where food comes from
- Lower food bills for owners
- Accessible protein
- Global environmental sustainability begins with local initiatives such as backyard hens.

Drawbacks:

- Nuisance such as odors and noise
- Animal Health and Public Health – poultry can be a source of disease and require health management and veterinary care as well as basic biosecurity measures to protect the health of livestock by preventing the spread of disease.
- Attraction of predators and pests such as rodents, flies, stray dogs, coyotes, racoons, foxes, etc.
- Trespassing – Chickens at large
- Food Safety – unregulated sale of eggs
- Slaughter of animals and disposal of dead animals
- Animal care – poultry need proper shelter, and adequate space to stay healthy.
- Disposal of manure must be in a safe and environmentally responsible manner.

Requirements and Controls:

- Lot size requirement
- Number of hens permitted.
- Egg production / meat production
- Personal consumption – no sales
- Permit or prohibit roosters / permit for a limited time period.
- Minimum/maximum coop size / run size / permit required – Building Code any building under 120 ft² does not require a permit.
- Controls for food supply
- Controls for waste
- Controls for disposal and slaughter

- Minimum setbacks for coops/runs from any property line, from specific property lines, from windows/doors/building on abutting properties / from schools, churches, businesses.
- Will the municipality notify residents, as would be done through a ZBA. This can also be incorporated in a standalone by-law.

Provincial Policy Statement (PPS)

- Section 2.3.3.3 of the PPS requires that new or expanding livestock facilities comply with the Minimum Distance Separation (MDS) formula. The location of any chicken coop, which is considered a livestock facility, must meet the Minimum Distance Separation Guidelines (MDSII)
- Notwithstanding this By-law to the contrary, Minimum Distance Separation (MDS1) shall not apply to the keeping of backyard chickens and related structures. This section does not limit the number of chickens where a farm is a permitted use. The chickens are to be maintained in a secure enclosure and are not permitted to be free range.

Financial Implications:

Revenue could be generated through a fee for a permit with a stand alone by-law.

People Consulted:

County of Renfrew Planning Division
MLES – By-Law Enforcement
Neighbouring Municipalities

Recommendation:

There are a few recommendations for Council to review:

BE IT RESOLVED THAT the Planning and Economic Development Committee direct staff to create a survey for public comment on the keeping of Backyard Chickens;

AND BE IT FURTHER RESOLVED THAT the Planning and Economic Development Committee direct staff to summarize the surveys and bring the information back to a future committee meeting.

Or

BE IT RESOLVED THAT the Planning and Economic Development Committee direct staff to hold a public meeting to receive comments on the keeping of Backyard Chickens.

Or

BE IT RESOLVED THAT the Planning Committee directs staff to work with the County of Renfrew Planning Division to have chickens permitted in more areas when the Zoning By-Law Amendment is reviewed in 2023, this endeavour is to take place before the end of 2023 and there will be public meetings held by the County of Renfrew Planning Division.

CORPORATION OF THE TOWNSHIP OF ADMASTON/BROMLEY

BY-LAW No. 2023-xx

A BY-LAW TO REGULATE BACKYARD CHICKENS.

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, permits a municipality to enact a by-law respecting matters within the animal sphere of jurisdiction;

AND WHEREAS Township of Admaston/Bromley Council considers it advisable to pass such a by-law;

THEREFORE the Council of The Corporation of the Township of Admaston/Bromley enacts as follows:

1. Definitions:

1.1 In this by-law,

"Administration Department" means the Building and Licensing Department, or another unit designated by Council to carry out the Department's responsibilities for the administration and enforcement of this by-law, and includes the Manager.

"Agricultural property" means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

"Animal" means any member of the animal kingdom, other than a human;

"Animal Control Officer" means an authorized employee or agent of the Township of McNab/Braeside who is responsible for the enforcement of the provisions of this by-law;

"At large" in the case of a chicken, means being outside a coop or run.

"Backyard Chicken" means a pullet or hen kept for the purpose of providing food for the personal consumption of occupants of a dwelling on the same lot kept in the rear yard of a property which does not specifically permit a farm use pursuant to the Zoning By-law. A hen is a domesticated female chicken that is at least four months old. Roosters are not permitted.

"Chicken run" means covered secure enclosure that allows backyard chickens' access to outdoors

"Coop" means a fully enclosed weatherproof building where backyard chickens are kept and which the interior of includes nest boxes for egg laying, perches for the chickens to sleep on and food and water containers;

"Council" and "Township Council" mean the Council of the Township of Admaston/Bromley; **"Dwelling"** means a self-contained residential unit;

"Highway" includes all land between the lateral boundaries of every provincial and municipal highway within the Township;

"Home occupation" has the same meaning as in the zoning by-law that applies to the property;

"Keep" means to have temporary or permanent custody or control of an animal, and **"keeps"** and **"Kept"** have corresponding meanings;

"Minor" means a person who has not attained the age of eighteen years;

"Owner" includes any person who possesses, harbours or keeps an animal or chicken and, where an owner is a minor, includes the person who is responsible for the custody of the minor;

"Property" means a parcel of land and any buildings or other structures on the land;

"Residential property" means a property that is zoned for residential use in the zoning by-law that applies to the property;

"Rural area" means the areas that are designated in the Township's Zoning By-law as rural use.

"Under the control of its owner" means being physically restrained by some other effective method by its owner or by another person acting on the owner's behalf;

"Veterinarian" means a person licensed under the Veterinarians Act;

"Veterinary hospital or clinic" means premises operated under the supervision of a veterinarian for the medical treatment of animals; and

"Zoning by-law" means a by-law passed under Section 34 of the Planning Act that restricts the use of land.

2. Application:

- 2.1 Except as otherwise provided, the regulations established by this by-law apply to all backyard chickens within the boundaries of the Township and to the owners of such backyard chickens.

3. Administration:

- 3.1 The Township Office Staff is responsible for the administration of this by-law.
- 3.2 Municipal Law Enforcement Services (MLES) is responsible for the enforcement of this by-law.
- 3.2 Every application (attached as Schedule 'B') for a chicken coop permit or for the renewal of such a permit shall be submitted to the Township Office in the form provided.
- 3.3 Every application for a permit will be reviewed by the MLES to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Chief Building Official and County of Renfrew Planning Division.
- 3.4 These agencies and individuals, as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.
- 3.5 If it is determined that an application meets the requirements of this by-law, the Township Office will issue the permit.
- 3.6 There is a fee to obtain a permit.
- 3.7 If, at any time, the MLES or their designate determines, as a result of evidence that is provided, that the operation of a chicken coop does not conform to the requirements of this by-law, it may suspend or revoke the permit.

4. Regulations for the Keeping of Chickens:

- 4.1 (a) No person shall keep backyard chickens anywhere within the Township unless they have first obtained a chicken coop permit;

(b) Every person who holds a chicken coop permit shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the Township 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.

(c) All permits shall be subject to a public notification process for comments. Public notification shall be through the Township's website and social media accounts and shall be for a period of ten (10) days, including weekends and holidays. The Planning and Economic Development Committee will review all permits and all comments at a meeting following the submission of a permit and the public notification process. The Planning and Economic Development Committee shall be the Authorizing Body for permits for By-Law 2023-xx.

(d) The total area of all chicken coops and chicken runs are to be less than 120 square feet (12 square metres) and must be limited to one story and less than 10 feet high.

(e) Chicken coops and chicken runs shall be a distance of at least 3.0 metres from the rear lot line and at least 3.0 metres from any side lot line of the dwelling lot on which the chicken coop is located.

(e) Chicken coops and runs are not permitted in any front or side yard.

(f) Chicken coops and chicken runs shall be located at least thirty (30) metres from a school, church or business.

(g) The keeping of backyard chickens shall be permitted as an accessory use to a dwelling unit. A maximum of 6 chickens shall be permitted on a residential property that is less than two (2) hectares in area, located on lots serviced by private well and private septic.

(h) The keeping of Roosters is prohibited.

(i) A maximum of 12 backyard chickens will be permitted on lots in the rural designation that are a minimum of 2 hectares and less than 5 hectares in area.

(j) Tenants must obtain written permission from the property owner to keep backyard chickens on the owner's property and to be submitted at the time of applying for the permit.

(k) The owner of the backyard chickens must reside on the property where the backyard chickens are kept.

(l) Home slaughter of backyard chickens is prohibited and any deceased backyard chickens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

(m) Backyard chickens shall be kept in their coops between 9:00 p.m. and 6:00 a.m.

(n) Backyard chickens shall always be secured by a fence on properties that are less than 2 hectares in area.

- (o) Chicken coops and chicken runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odors, substances and vermin.
- (p) Stored manure shall be kept in an enclosed structure such as a compost bin, and no more than three cubic feet shall be stored at any one time.
- (q) No owner shall cause or permit his or her chicken to become a public nuisance by persistently clucking.
- (r) No owner shall cause or permit his or her chicken to be at large.

- 4.2 The regulations set out in section 4.1 do not apply to an agricultural property or to a property of five (5) or more hectares.

S. Offence and Penalty Provisions:

- 5.1 Every person who contravenes any provision of this by-law and any person who fails to comply with an order issued under this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.2 Every owner of an animal who contravenes any provision of this by-law or whose animal contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.3 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.

6. Validity:

- 6.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. Commencement:

- 7.1 This by-law comes into force on the final day of passing

READ a first and second time this XX day of XXXX, 2023.

READ a third time and finally passed this XX day of XXXX, 2023.

Mayor

CAO/Clerk