

CORPORATION OF THE TOWNSHIP OF BILLINGS

BYLAW 2022-29

Being a bylaw to regulate the keeping and licensing of Backyard Chickens

WHEREAS *Section 8 of the Municipal Act, 2001, c. 25* provides municipalities with the broad authority to govern affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS *Section 11 of the Municipal Act, 2001, c. 25* provides that a municipality may provide any services or thing that the Municipality considers necessary or desirable for the public in respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

AND WHEREAS *Section 10 (2) (9) of the Municipal Act, 2001, c. 25*, provides that a municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals;

AND WHEREAS *Section 8(3) Of the Municipal Act 2001, c. 25* provides that a municipality may pass bylaws providing for a system of licensing respecting matter;

AND WHEREAS The Council of the Corporation of the Township of Billings deems it necessary and in the public interest to regulate the keeping of Backyard Chickens for public health and safety and for nuisance and noise purposes.

Now Therefore the Council of the Corporation of the Township of Billings enacts as follows:

1.0 Definitions

- 1.1 "Application" means a document of request.
- 1.2 "Backyard Chickens/Hens" means female chickens that are raised for the purpose providing companionship, eggs or as a meat source.
- 1.3 "Clerk" means the Clerk of the Corporation of the Township of Billings or their designate.
- 1.4 "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.
- 1.5 "Council" means the Council of the Corporation of the Township of Billings.
- 1.6 "Custodian" means a person who was responsible for the care of and had control over an animal that is deadstock immediately before the animal died but does not include an operator as defined in Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*, with respect to an animal the operator is required to dispose of under that regulation; ("gardien")
- 1.7 "Deadstock" means an animal that is specified in the regulations and that has died from a cause, other than slaughter; ("animaux morts"). Specified animals includes Poultry.
- 1.8 "Declaration" means a document that is a written statement in which the writer swears 'under penalty of perjury' that the contents are true.
- 1.9 "Dwelling" means one or more rooms in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and containing living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment and has an independent entrance. For the purpose of this By-law, a dwelling unit does not include any commercial accommodation or a recreational trailer.
- 1.10 "Officer" means a Bylaw Enforcement Officer for the Township a person designated by the Council or an Officer of the O.P.P.
- 1.11 "Outdoor Run" means an area enclosed by wire screen intended for permitting a hen or hens to be outdoors.
- 1.12 "Person" means a human being or a corporation treated as having the rights and obligations.
- 1.13 "Permit" means a permit that is issued by the Township that allows the permit holder to raise Backyard Chickens at the address identified on the Permit.

- 1.14 "Poultry" means one or more of any of the following: Chickens, Turkeys, Geese, Ducks, Guinea fowl, Quail, Pigeons, Partridges, Pheasants; ("volaille")
- 1.15 "Property" means a parcel of land and any buildings or other structures on the land.
- 1.16 "Property Owner" means the registered owner(s) of a property within the Township of Billings.
- 1.17 "Rooster/Cock" means an adult male chicken.
- 1.18 "Sanitary Condition" means a condition that is not offensive to the senses, not injurious to the health of any person and conditions that prevent the spread of communicable diseases and protect the public health and welfare.
- 1.19 "Settlement Area" means urban areas within municipalities such as cities, towns, villages and hamlets that are: built up areas where development is concentrated and which have a mix of land uses.
- 1.20 "Slaughtering" means the killing of livestock for purposes that include the use of meat for food.
- 1.21 "Tenant" means a person who rents or leases a dwelling from a Property Owner.
- 1.22 "Township" means the Corporation of the Township of Billings.
- 1.23 "Zoning By-law" means Bylaw 1980-11, being a by-law passed under Section 34 of the Planning Act that restricts the use of land in the Township of Billings.

2.0 General Requirements

- 2.1 Persons who are wishing to raise Backyard Chickens, at a Dwelling, for personal egg and meat consumption purposes in designated Residential Zones and Shoreline Residential Zones within the Township of Billings shall obtain a Permit issued by the Township prior to having chickens on there property. (See Schedule "C")
- 2.2 To obtain a Permit to raise Backyard Chickens the applicant must complete an Application (See Schedule "A") and a Declaration (See Schedule "B") that includes the following:
 - a. Date; Name, Address (Mailing and physical). Postal Code, email address & Telephone Number. If the applicant is not the property owner, contact information for the Property Owner must be provided.
 - b. Site sketch illustrating the location size, size and location of the Coop, location of the manure storage and the location and size of the Outdoor Run.
 - c. Prior to issuing a Permit the applicant will be required to pass a site inspection by the Bylaw Enforcement Officer or designate of the Chicken Coop, the Chicken Run and the location of the of these items on the property.
 - d. There will be a \$40.00 (one time) administrative fee upon submission of the application
 - e. A Declaration that states that the applicant has reviewed the Township of Billings raising Backyard Chickens information package.
 - f. A Declaration that the applicant will provide suitable housing and shelter for the Backyard Chickens in their care and will maintain such housing in a clean and Sanitary Condition, having regard for Biosecurity Recommendations for Small Flock Chicken Owners;
 - g. A Declaration that the applicant will provide the Backyard Chickens with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing; and,
 - h. A Declaration that the applicant will abide by the provisions contained within this bylaw.
- 2.3 The Backyard Chicken/Hen requirements are as follows:
 - a. A maximum of six Backyard Chickens/Hens shall be allowed on each permitted Property.
 - b. The keeping of Roosters is strictly prohibited.
 - c. All deceased Backyard Chickens/Hens shall be disposed of promptly in a manner consistent with Ontario Regulation 106/09 Disposal of Deadstock. (See information sheet)

- d. Entrails and other non-used Chicken/Hen parts from slaughtered Chicken/Hens shall be disposed of in a sanitary manner that will not cause offensive conditions for neighbouring property, attract rodents or vermin or in a manner that prevents the spread of any communicable diseases that would be injurious to people, pets or other wildlife.
- e. The selling of eggs, manure, meat or other products derived from Backyard Chickens/Hens is prohibited.

2.4 The Property set-back location requirements for Coop dimensions and Outdoor Run sizes for properties where Backyard Chickens will be kept are as follows:

2.4.1 Within a Settlement Area, no Backyard Chicken/Hen coop (including manure storage area) or outdoor run, shall be located within:

- a. A front yard or exterior side yard;
- b. 3 m (9.8 ft.) of any dwelling;
- c. 1.2m (3.9 ft.) of any lot line;
- d. 1.5 m (4.9 ft) of any structure;
- e. 3 m (9.8 ft.) from and downgradient of any well location to avoid potential water source contamination;
- f. 3 m (3.9 ft.) of any private sewage system (including tile bed).
- g. 50m (164 ft.) from a shoreline road allowance.

2.4.2 Outside of a Settlement Area, no Backyard Chicken/Hen Coop (including manure storage area) or Outdoor Run, shall be located within:

- a. A front yard or exterior side yard;
- b. 5 m (16.4 ft.) of any dwelling;
- c. 3 m (9.8 ft.) of any lot line;
- d. 3 m (9.8 ft.) of any structure;
- e. 3 m (9.8 ft.) from and downgradient of any well location to avoid potential water source contamination;
- f. 3 m (9.8 ft) of any private sewage system (including tile bed).
- g. 50m (164ft.) from a shoreline road allowance.

2.4.3 A maximum of one (1) Backyard Chicken/Hen coop and one (1) Outdoor Run shall be permitted per property. A Backyard Chicken/Hen Coop shall be provided that has:

- a. A maximum of one (1) Backyard Chicken/Hen coop and one (1) Outdoor Run shall be permitted per property. A Backyard Chicken/Hen Coop shall be provided that has:
- b. A maximum ground floor area of 9.0 m² (96.7 sq. ft.)
- c. At least 0.37 m² (3.96 sq. ft.) of floor area for each hen;
- d. A maximum height of 4.5 m (14.75 ft).
- e. The Backyard Chicken/Hen Coop and manure storage area, exclusive of the outdoor enclosure, shall not cumulatively exceed an area if 10 m².
- f. All Backyard Chicken/Hen Coops shall be a fully enclosed weatherproof structure or enclosure with ventilation and built to prevent any rodent(s) from harbouring underneath or within its 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 (8" to 12") of space per hen
 - 3. At least one food and water container
- g. All Backyard Chicken/Hen Coops must be kept in a clean and Sanitary Condition at all times, free of vermin, obnoxious smells and substances and in good repair.
- h. A Backyard Chicken/Hen Outdoor Run shall provide a minimum of 4 square metres (4.7 sq. yds.) up to a maximum of 10 square metres (11.9 sq. yds.) per Backyard Chicken/Hen
- i. All Backyard Chicken/Hen Coops and Outdoor Runs shall be secured against the entry of predators.

- j. Backyard Chickens/Hens must be provided with food and clean water at all times, shelter, light, and ventilation to assist in keeping the hens in good health. Food and water shall be kept in solid, rodent proof and weather proof containers. Uneaten feed shall be removed in a timely manner.
 - k. 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 Hen Coop and Outdoor Run.
 - l. All Backyard Chickens/Hens must be kept securely in a Coop or Outdoor Run at all times. Backyard Chickens are not permitted to run at large.
 - m. The Backyard Chicken/Hen Coop must be locked from sunset to sunrise.
- 2.4.4** The inspection requirements for this bylaw are as follows:
- a. Every person who holds a Backyard Chicken licence shall allow, at any reasonable time, a Bylaw-Enforcement Officer or other authorized designate of the Township to inspect the Property, other than any room or place used as a dwelling, to determine whether all requirements of this Bylaw are being complied with.
 - b. No person shall obstruct or hinder or attempt to obstruct or hinder a Bylaw Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.

3.0 Exemptions

- 3.1** For the purpose of this Bylaw, sections 6.3 Township Zoning bylaw (1980 – 11) which states that accessory buildings shall not be used for the keeping of animals other than domestic pets and sections 7.3 through 7.6 (Hamlet, Hamlet Residential, Shoreline Residential, Tourist Commercial) of the Zoning bylaws, does not identify any structures for raising domestic animals as being allowed, shall be exempt.
- 3.2** This Bylaw does not apply to properties that are zoned as Rural or Agricultural as identified in Billings Township Zoning Bylaw (as amended from time to time).

4.0 Prohibitions

- 4.1** No person shall raise Backyard Chickens without a Permit, unless it is on a Property identified in section 3.1.
- 4.2** No person shall raise more than 6 Backyard Chickens on their property at one time.
- 4.3** No person (Custodian) shall dispose of Deadstock Backyard Chickens in a manner which is not consistent with Ontario Regulation 106/09 Disposal of Deadstock.
- 4.4** No person shall slaughter Backyard Chickens on their Property.
- 4.5** No person shall sell products i.e., eggs, meat or manure, that are derived from the raising of Backyard Chickens.
- 4.6** No person shall raise Backyard Chickens without providing appropriate food and water.
- 4.7** No person shall raise Backyard Chickens without providing sanitary shelter and living environment.
- 4.8** No person raising Backyard Chickens in a Residential Settlement shall locate Coop and Outdoor Runs in a manner that is not consistent with the provisions identified in section 2.4.1 of this Bylaw.
- 4.9** No person raising Backyard Chickens in area Outside of a Settlement area shall locate a Coop and Outdoor Run in a manner that is not consistent with the provisions identified in section 2.4.2 of this Bylaw.
- 4.10** No person raising Backyard Chickens shall have a Coop that is built in a manner that is not consistent with the provisions identified in section 2.4.3 of this Bylaw.
- 4.11** No person raising Backyard Chickens shall allow Backyard Chickens to run at large.
- 4.12** No person raising Backyard Chickens shall have a Rooster.
- 4.13** No person raising Backyard Chickens shall hinder or obstruct an Officer from entering onto a property to inspect a Coop, Outdoor Run locations and Sanitary Conditions.

5.0 Offence and Penalty Provisions

- 5.1** 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. (See Schedule "D").

5.2 This bylaw will be enforced by the Bylaw Enforcement Officer, a person designated by Council or an Officer of the O.P.P

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.

6.0 Severability

6.1 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 section or parts 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.

6.2 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.

7.0 Administration

7.1 This By-law shall take force and effect upon final passage hereof.

7.2 This Bylaw shall apply to the areas within Billings Township identified within this Bylaw.

7.3 This Bylaw shall be referred to you as the Backyard Chicken Bylaw.


READ A FIRST TIME this 7th day of June, 2022.

READ A SECOND TIME this 6th day of September, 2022.

READ A THIRD TIME AND ENACTED this 19th day of September, 2022.



Ian Anderson, Mayor



Kathy McDonald, CAO/Clerk

CORPORATION OF THE TOWNSHIP OF BILLINGS

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Schedule "A"

Application for Permit to raise Backyard Chickens



BACKYARD CHICKENS PERMIT APPLICATION

Applicants Name:

Address of Applicant (Mailing):

Permit Address:

Phone/Text/Email Number:

Property Owner: Yes ___ No ___

(If you are a tenant, you must provide the contact information of the Property Owner)

Property Size:

On the reverse side, please provide a property diagram of lot dimensions, location of structures, location of proposed Coop and Outdoor Run.

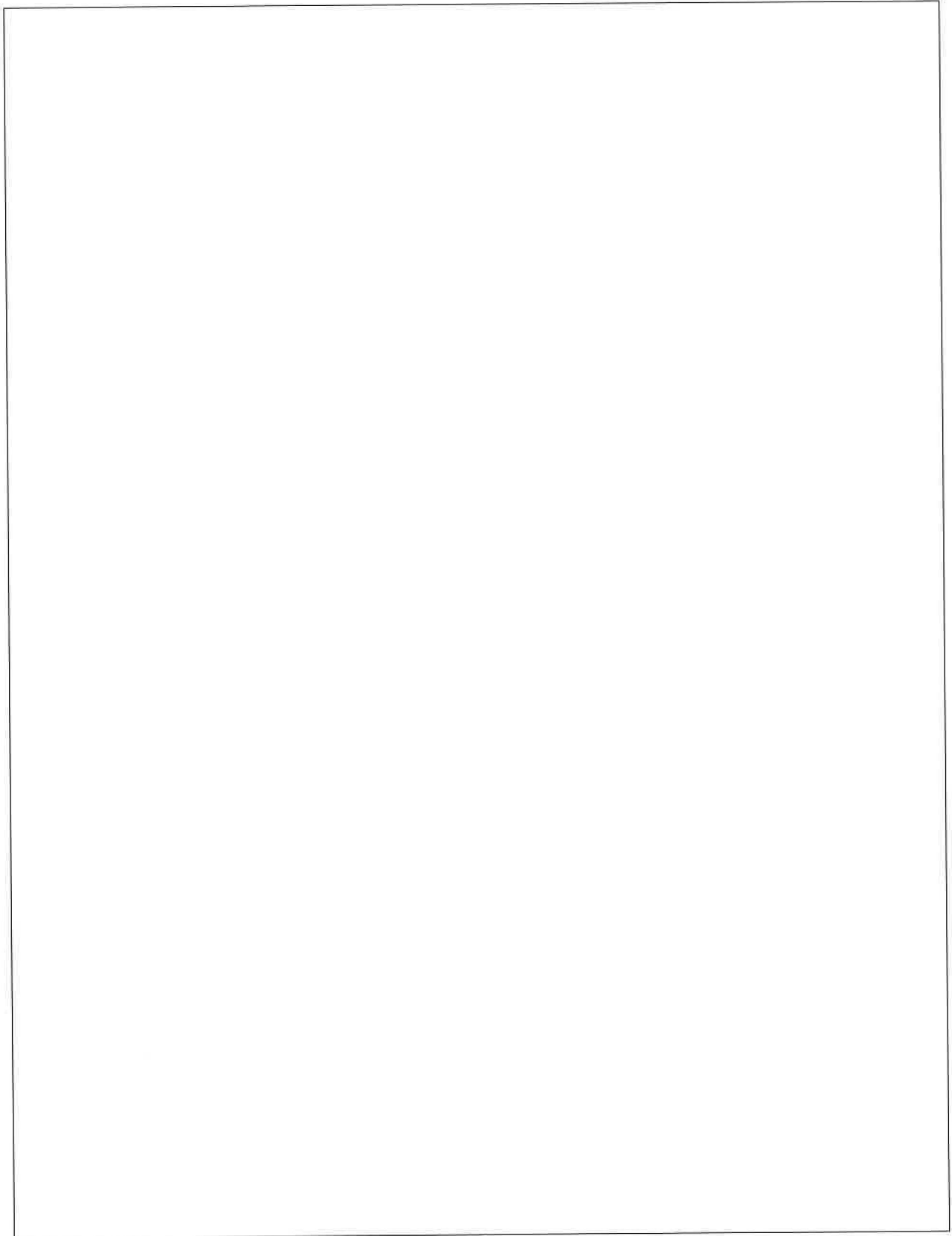
Applicant Signature: _____

(Application Fee: \$40.00)

(False statements will void the approval of the Application and forfeit the Application Fee)

Property Diagram

(Please identify any well heads, septic tank, or septic bed locations)



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Schedule "B"

Backyard Chicken Declaration



BACKYARD CHICKEN DECLARATION

I _____ agree with and that I will abide by the following declarations:

1) I have reviewed the Township information package regarding the raising of Backyard Chickens which includes the following OMAFRA Factsheets.

- a) "Keeping Your Birds Healthy;"
- b) "Biosecurity Recommendations for Small Flock Poultry Owners;"
- c) "Small Flock Poultry: Raising Healthy Birds;"
- d) "Rodent Control in Livestock and Poultry Facilities;"
- e) "Keeping your family healthy with backyard poultry, including chicks and ducklings;"
- f) "Burial of Dead Stock"

2) I declare that I will provide suitable housing and shelter for the Backyard Chickens in their care and will maintain such housing in a clean and Sanitary Condition, having regard for Biosecurity Recommendations for Small Flock Chicken Owners.

3) I declare that I will provide the Backyard Chickens with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.

4) I will abide by the provisions contained within Billings Township Bylaw 2022-29.

Permit Holder

Date: _____

Township Representative

Date: _____

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Schedule "C"

Backyard Chicken Permit



BACKYARD CHICKEN PERMIT

Date of Issue: _____

Permit Holder: _____

Permit Address: _____

Permit Holder Signature

(Your signature verifies that you have read and that you will abide by the provisions of the Township Declaration and the Backyard Chicken Bylaw #2022-29)

Township Representative

CORPORATION OF THE TOWNSHIP OF BILLINGS

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Schedule "D"

Part 1

Provincial Offences Act

Fines Schedule

Item	Short Form Wording	Provision Creating Offence	Set Fine
1	Raise Backyard Chickens without a Permit.	4.1	\$500.00
2	Possess more than 6 Chickens.	4.2	\$250.00
3	Improper disposal of dead stock.	4.3	\$300.00
4	Sell products derived from Chickens.	4.5	\$250.00
5	Fail to provide food or water.	4.6	\$300.00
6	Fail to provide sanitary shelter or environment.	4.7	\$300.00
7	Improper location of Coop/Outdoor Run in a Settlement.	4.8	\$250.00
8	Improper location of Coop/Outdoor Run outside of Settlement.	4.9	\$250.00
9	Coop not built to identified specifications.	4.10	\$250.00
10	Allow Chickens to run at large.	4.11	\$300.00
11	Possess a Rooster.	4.12	\$300.00
12	Hinder or obstruct an Officer	4.13	\$500.00

Note: The penalty provision for the offences indicated above is section 5.1 of this By-law No. 2022-29 of which a certified copy has been filed.