



MUNICIPALITY OF
West Elgin

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY- LAW NO. 2024-XX

**Being a By-law to regulate and licence the keeping of Backyard Hens
within Residential First Density (R1) or Rural Residential (RR) Zones
in the Municipality of West Elgin**

WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2002, c.25, as amended, provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise;

AND WHEREAS Section 8(3) of the Municipal Act, 2001 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 Sections 11(1) and (2) of the Municipal Act, 2001, provides that a lower-tier 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 11(3) of the Municipal Act, 2001, provides that a lower-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals;

AND WHEREAS yearly licences shall be capped at **20 for the entire Municipality**;

AND WHEREAS the Council of the Corporation of the Municipality of West Elgin deems it expedient, necessary and in the public interest to regulate the keeping of backyard Hens in accordance with the Municipality's Zoning By-law, as amended, for the purpose of public health and safety.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY
OF WEST ELGIN ENACTS AS FOLLOWS:**

Definitions

"Annual Licence Cap" or "cap" shall refer to the maximum limit of Backyard Hens Licences being issued annually.

"Backyard Hens" 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 Municipality of West Elgin's Zoning By-law.

“Clerk” means the Clerk of the Corporation of the Municipality of West Elgin 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 Municipality of West Elgin.

“ 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.

“Hen” means a domesticated female chicken that is at least four months old.

“Licence” means a licence issued under this By-law.

“Municipality” means the Corporation of the Municipality of West Elgin.

“Officer” means a Police Officer or an Animal Control Officer, a By-law Enforcement / Municipal Law Enforcement Officer for the Municipality of West Elgin, or anyone working under his/her authority.

“Outdoor Run” means an area enclosed by wire screen intended for permitting a hen or hens to be outdoors.

“Property” means a parcel of land and any buildings or other structures on the land.

“Property Owner” means the registered owner(s) of a property within the Municipality of West Elgin.

“Slaughtering” means the killing of livestock for purposes that include the use of meat for food, which includes backyard hens for the purpose of this by-law.

“Waitlist” means the list of applications received after the cap of 20 issued licences has been reached.

“Zoning By-law” means a by-law passed under Section 34 of the Planning Act that regulates the use of land in the Municipality of West Elgin.

1. Administration

1.1 The Corporation of the Municipality of West Elgin is responsible for the administration and enforcement of this by-law.

1.2 The provisions of this By-law shall apply to the keeping of Backyard Hens in accordance with the Zoning By-law within the boundaries of the Municipality of West Elgin.

1.3 The Owner and/or applicant understands and agrees that upon notice, the Municipality may revoke the licence/permission to keep hens at anytime, and the keeping of hens after this date is an offence under the by-law as set out in Schedule "A".

2. Application for Backyard Hen Licence

2.1 No person shall keep Backyard Hens pursuant to this By-law, unless that person has submitted an application and receives a licence from the Municipality of West Elgin.

2.2 The applicant/owner of the Backyard Hens must reside on the property where the Backyard Hens are kept.

2.3 An application for such licence must be signed by the applicant and/or landowner and shall include, but is not limited to, the following mandatory fields:

- 1) Applicant information including name, address (mailing and physical), postal code, and telephone number and email address (if available);
- 2) Property Owner's information including name, address (mailing and physical), postal code, and telephone number and email address (if available);
- 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) Reviewed OMAFRA Webpage titled "Raise Healthy Small Flock Poultry";
 - b) Reviewed the OMAFRA Webpage titled "Rodent Control in Livestock and Poultry Facilities";
 - c) Reviewed the Ministry of Health Factsheet titled "Reducing Health Risks Associated with Backyard Chickens";
 - d) Will provide suitable housing and shelter for the backyard Hens in their care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Chicken Owners (OMAFRA);
 - e) Will provide the Backyard Hens 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,
 - f) Will abide by the regulations contained within the Backyard Hens Licensing By-law.

- 2.4 It is understood that different ministries and organizations may update their resource kits and factsheets from time to time. Staff have the authorization to make updates to the education package applicants and current permit holders are to review as outlined above in section 2.3, based on new information provided and/or recommended by OMAFRA and the Ministry of Health.
- 2.5 Tenants must obtain written permission from the property owner to keep Backyard Hens on the owner's property, of which the original or a notarized copy must be provided to the Municipality. Property owner's may remove their permission at any point in time for any and no reason, immediately rendering the permit voided. New applications must be submitted to apply for reinstatement.
- 2.6 Every application for a Backyard Hens licence shall be submitted to the Municipality on the form provided (application form).

A licence will be issued for every approved application upon receipt of payment submitted in accordance with the annual licence fee as outlined in the current User Fees By-law (as amended from time to time). Approved licences that are not paid within 30 days of their approval will not be held or guaranteed issuance based on licence availability.

Prior to any Backyard Hens being permitted, property requires a property inspection and confirmation of compliance by a Municipal Law Enforcement Officer or other authorized employee or agent of the Municipality.

- 2.7 Through the authority of this by-law the Municipality has set a yearly cap on the number of Backyard Hen licences so as not to exceed 20 approved licences per year.
- 2.8 Applications received after the cap of approved licences is reached will be added to a waitlist, whereby applicants will be notified in sequence of their submission upon licence availability.

Application

- 2.9 An application shall be submitted by all new applicants for any property proposing to receive a licence, providing all the required documentation as outlined in section 2.3 of this By-law.

General

- 3.0 Every application for a licence will be reviewed to determine whether it meets the requirements of this By-law. Part of this review will include circulation to applicable departments.
- 3.1 Applications received after the annual cap has been reached, will be held on a waitlist in the sequence they were received. Upon licence availability waitlisted applicants will be contacted in the order their application was received. These applicants will have 30 days to respond to the Municipality advising if they will proceed with their application.

- 3.2 Waitlisted applicants who do not inform the Municipality of their intention to proceed, will forfeit their position on the waitlist and the subsequent applicant will be contacted.
- 3.3 When waitlisted applicants are offered an available licence, they will be required to affirm that the information on their application has not changed. If the information has changed, they will be provided an opportunity to resubmit an application within a 30-days for immediate consideration.
- 3.4 Reviewing departments 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 at any time the Municipality determines, as a result of evidence that is provided, that the operation of a coop does not conform to the requirements of this By-law, it may suspend or revoke the licence.
- 3.6 In the event of any changes to the conditions to which the licence approval was based on, the applicant shall notify the Municipality immediately of the changes and may be required to submit additional information, including but not limited to a new site sketch/plan of the coop location.
- 3.7 For current permit holders, applications can be submitted to transfer their current permit to a different property. All applications for transfer must be submitted to the municipality meeting all current requirements of the by-law. Failure to meet all requirements will result in the current permit being disallowed at the new property.
- 3.8 Current permits may be transferred from previous to new owners on the condition that the property is still in compliance with the by-law. Tenants may transfer permits to new tenants with written acknowledgement of the property owners and compliance with the by-law.

4.0 Property Regulations

4.1 A person is not eligible for a Backyard Hen licence of such licence unless:

- 1) The property is zoned Residential First Density (R1) or Rural Residential (RR) and is in conformity with the Municipality's Zoning By-law.
- 2) Notwithstanding any other provisions of this by-law or the Municipality's Zoning By-law to the contrary the property shall have a minimum lot area of 1,000 m² (10,760 ft²).
- 3) The property conforms to all applicable law, including but not limited to, the Health Protection and Promotion Act, laws regarding animal cruelty, and the Fire Protection and Prevention Act.
- 4) The property complies with all other municipal By-Laws and there are no outstanding orders or unpaid fines.

5.0 Backyard Hens Regulations

- 5.1 A maximum of six (6) Backyard Hens shall be allowed on each permitted property.
- 5.2 All Backyard Hens shall be at least four (4) months old.
- 5.3 The keeping of roosters is strictly prohibited.
- 5.4 All deceased Backyard Hens shall be disposed of promptly in a sanitary manner.
- 5.5 The slaughtering of Backyard Hens on the property is prohibited.
- 5.6 The selling of eggs, manure, meat or other products derived from backyard Hens is prohibited.

6.0 Backyard Hen Coop Regulations

- 6.1 Within any Residential First Density (R1) or Rural Residential (RR) Zone, as defined by the Municipality's Zoning By-Law, no coop (including manure storage area) or outdoor run, shall be located within:
 - 1) Conservation Authority Regulated Area, unless a permit is granted by the Conservation Authority, as defined in the Zoning By-Law mapping;
 - 2) 7.5 m of a drainage swale, open private drain, open municipal drain, catch basin or similar open access point to a drain or water course;
 - 3) A front yard or exterior side yard;
 - 4) 2 m of any dwelling;
 - 5) 3 m of any lot line;
 - 6) 1.5 m of any structure;
 - 7) 3 m from and downgradient of any well location to avoid potential water source contamination;
 - 8) 3 m of any private sewage system (including tile bed); and,
 - 9) 15 m of any lot line on which a school is located.
- 6.2 A maximum of one (1) coop and one (1) outdoor run shall be permitted per property.

A 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 2.5 m (8.0 feet approximately).

- 6.3 The coop and manure storage area, exclusive of the outdoor enclosure, shall not cumulatively exceed an area of 10 m².
- 6.4 The coop shall be a fully enclosed weatherproof structure or enclosure with ventilation and a heat source, 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 per hen for egg laying;
 - 2) At least one perch giving 0.3 m of space per hen;
 - 3) At least one food and water container;
 - 4) The floor must be constructed of a material that is resistant to moisture, mould, retain heat in the cold weather and exclude rodents and predators;
 - 5) The floors must be lined with shavings, straw or other appropriate materials to absorb manure and facilitate cleaning;
 - 6) Hen boxes and a perch must be provided to accommodate all hens;
 - 7) Dust bath area must be provided (helps control mites);
- 6.5 The coop shall have a heat source that is a Canadian Standards Association (CSA) rated product 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.
- 6.6 The coop must be kept in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances and in good repair.
- 6.7 The coop and outdoor run shall be secured against the entry of predators.
- 6.8 Backyard 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 weatherproof containers. Uneaten feed shall be removed in a timely manner.
- 6.9 All manure shall be stored in a fully enclosed container. Manure stored on a single property shall be limited to a maximum of three (3) cubic feet. Manure shall not be disposed of as or with domestic household waste. All manure shall be removed daily from the hen coop and outdoor runs. Manure shall be used for composting, fertilizing or disposed of appropriately off-site. Licensed properties abutting an agricultural property shall not dispose of manure on the abutting property without the express written consent of the property owner.
- 6.10 All Backyard Hens must be kept securely in a coop or outdoor run at all times. Backyard Hens are not permitted to run at large.
- 6.11 The coop must be locked from sunset to sunrise.

7.0 Right of Entry

- 7.1 Every person who holds a Backyard Hen licence shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or agent of the Municipality 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 or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the Municipality in the exercise of a power or the performance of a duty under this By-law.

8.0 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.

9.0 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 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.
- 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.

10.0 Force and Effect

This by-law shall take force and effect January 1, 2025, with an expiration date of December 31, 2025.

Read a first, second, and third time and finally passed this ____ day of _____ 2024.

Richard Leatham, Mayor

Terri Towstiuć, Clerk

To regulate and licence the keeping of Backyard Hens within the Municipality of West Elgin

Schedule "A"

Part I Provincial Offences Act

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1.	Fail to obtain licence	s. 2.1	\$205.00
2.	Possess more than six (6) Hens	s. 5.1	\$205.00
3.	Possess a rooster	s. 5.3	\$205.00
4.	Fail to dispose of deceased Hen promptly and in sanitary manner	s.5.4	\$250.00
5.	Permit slaughtering of Hens on property	s. 5.5	\$305.00
6.	Permit the sale of products derived from Hens	s. 5.6	\$205.00
7.	Fail to comply with coop location setbacks within settlement areas	s. 6.1	\$205.00
8.	Permit more than one (1) coop or outdoor run on property	s. 6.2	\$205.00
9.	Fail to comply with permitted size of coop and manure storage area	s. 6.3	\$205.00
10.	Fail to comply with coop maintenance standards	s.6.4	\$205.00
11.	Fail to maintain sanitary conditions	s. 6.6	\$305.00
12.	Fail to keep coop and/or outdoor run secure	s. 6.7	\$205.00

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
13.	Fail to provide clean food and water	s.6.8	\$205.00
14.	Fail to keep food properly stored	s.6.8	\$205.00
15.	Fail to keep manure in proper fully enclosed container	s. 6.9	\$205.00
16.	Permit storage of manure over three (3) cubic feet	s. 6.9	\$205.00
17	Failure to dispose manure separate of domestic household waste	s. 6.9	\$205.00
18.	Permit Hens to run at large	s.6.10	\$205.00
19.	Fail to lock coop from sunset to sunrise	s. 6.11	\$205.00
20.	Hinder or obstruct the Township, its employees, officers or agents	s. 7.2	\$400.00

Note: The general penalty provision for the offences listed above is Section 8.1 of By-law 2024-xx, a certified copy of which has been filed.