
BY-LAW 2024/74

BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING TO REGULATE AND GOVERN THE KEEPING OF BACKYARD CHICKENS IN THE MUNICIPALITY OF WEST NIPISSING

WHEREAS the Council of The Corporation of the Municipality of West Nipissing recognizes the benefits of backyard chickens and deems it desirable, necessary and in the public interest to regulate and govern the keeping of chickens in the Municipality of West Nipissing for the purposes of public health and safety, noise and nuisance, and to ensure that animals are kept and treated in a humane manner;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting animals and the health, safety and well-being of persons;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 436 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with the by-law, direction, or order;

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the Municipality of West Nipissing hereby enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

1.1. Short Title

- 1.1.1. This By-law may be referred to as the "Backyard Chicken By-law".

1.2. Application

- 1.2.1. This By-law shall apply to all parcels of land within the geographic limits of the Municipality of West Nipissing zoned Residential One (R1), Residential Two (R2), Residential Three (R3), Shoreline Residential (SR), and Rural Residential (RR) in the Zoning By-law, as well as all properties under 1 hectare in area which are zoned Agriculture (A1 & A2) or Rural (RU).
- 1.2.2. For further clarity, this By-law shall not apply to parcels of land over 1 hectare zoned Agriculture (A1 & A2) or Rural (RU). Nothing in this by-law shall restrict the keeping of chickens on these properties.
- 1.2.3. For further clarity, no keeping of hens is permitted in the Residential Four (R4) zone, Mobile Home Residential (MHR) zone, or any commercial or industrial zones.

1.3. Reference Aids

- 1.3.1. The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the by-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

1.4. Severability

- 1.4.1. If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.5. Compliance with Legislation

- 1.5.1. Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the Municipality of West Nipissing and, without limit the generality of the foregoing, this includes the *Municipal Act*, 2001.
- 1.5.2. If any provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.
- 1.5.3. Nothing in this By-law shall be deemed to limit the ability of a police officer or an animal welfare inspector to enforce this by-law.

1.6. Schedules

- 1.6.1. The Schedules referred to in this by-law form an integral part of this By-law.

PART 2 – DEFINITIONS

2.1. As used in this by-law, the following terms shall have the meaning hereinafter ascribed to them:

- 2.1.1. **At Large** means a hen found at any place other than within a hen enclosure;
- 2.1.2. **Coop** means a fully enclosed weatherproof and ventilated building where hens are kept and on which the interior of includes nest boxes for egg laying, perches for hens to sleep on, and food and water containers;
- 2.1.3. **Declaration** means a document that is a written statement in which the signer swears under penalty of perjury that the contents are true;
- 2.1.4. **Dwelling** and **Dwelling Unit** means dwelling and dwelling unit as defined in Zoning By-law 2014-45, as amended, or any successor by-law thereto;
- 2.1.5. **Enclosure** means the combined area of the Coop and Run, and “hen enclosure” shall have a corresponding meaning;
- 2.1.6. **Exterior Side Yard** means a yard on a corner lot extending across the full depth of the lot between the side property line abutting a public street and the nearest wall of the dwelling on the property;
- 2.1.7. **Front Yard** means a yard extending across the full width of the lot between the front lot line and the nearest wall of the dwelling on the property;
- 2.1.8. **Hen** means a domesticated female chicken;
- 2.1.9. **Municipality** means The Corporation of the Municipality of West Nipissing or the area within the geographical limits of the Municipality of West Nipissing, as context requires;
- 2.1.10. **Officer** means a Municipal Law Enforcement Officer or Building Inspector employed by or appointed on behalf of the Municipality;
- 2.1.11. **Owner** shall mean any person who possesses or harbours a hen, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal;
- 2.1.12. **Rooster** means a domesticated male chicken;
- 2.1.13. **Run** means an area that allows hens access to outdoors which is enclosed by wire screen in such a way to prevent the hens from leaving and protects from entry of other birds or animals, and “Outdoor Run” shall have a corresponding meaning;
- 2.1.14. **Zoning By-law** means The Corporation of the Municipality of West Nipissing Zoning By-Law No. 2014-45, as amended, or any successor by-law thereto.

PART 3 – GENERAL REGULATIONS

3.1. Number of Hens

3.1.1. The maximum number of hens per property shall be in accordance with Table 1 below:

TABLE 1: Permitted Number of Chickens				
Zone	Lot Size			
	Less than 4050 square metres (less than 1 acre)	4050–10,000 square metres (1-2.5 acres)	1-4 hectares (2.5 -10 acres)	Over 4 hectares (10 acres)
Residential One (R1), Residential Two (R2), Residential Three (R3)	None	10	10	10
Shoreline Residential (SR)	None	10	10	10
Rural Residential (RR), Rural (RU)	None	10	50	No limit*
Agriculture One (A1), Agriculture Two (A2)	None	10	No limit*	No limit*
Residential Four (R4), Mobile Home Residential (MHR)	None	None	None	None
All Commercial and Industrial Zones (C1, C2, C3, M1, M2, M3, M4)	None	None	None	None
All Other Zones (CL, CF, OS, PSW, WM)	None	None	None	None

*Other municipal and provincial regulations apply which may impose restrictions on the permitted number of chickens.

3.2. Property Requirements

3.2.1. No person shall keep hens on a property except in accordance with the following provisions:

- a) The property on which the hens are located contains a lawfully existing single detached dwelling unit.
- b) The property on which the hens are located does not contain an additional residential unit, as defined by the Zoning By-law.
- c) The owner of the hens must reside on the property where the hens are kept.
- d) Tenants must obtain written permission from the property owner permitting them to keep hens on the property.

3.3. Prohibitions

- 3.3.1. No person shall keep backyard hens pursuant to this By-law unless that person has registered their hen enclosure with the Municipality.
- 3.3.2. No person shall allow or permit any hens to be at large at any time. Hens must be kept at all times in a hen enclosure which complies with this by-law.
- 3.3.3. No person shall keep roosters.
- 3.3.4. Owners shall keep hens for personal use only. The owner shall not sell or offer for sale eggs, manure, meat, or any other products associated with the keeping of hens.
- 3.3.5. No person shall permit any hen, owned or in their care, to make excessive or unnecessary noise that is likely to disturb any inhabitant of the Municipality.

3.4. Deadstock and Manure

- 3.4.1. Deceased hens must be disposed of immediately by the hen owner in a sanitary manner at the owner’s sole cost and expense.
- 3.4.2. No person shall dispose of deceased hens by way of composting or municipal curbside waste pickup.



- 3.4.3. Hen owners must ensure that all manure and waste is removed and disposed of safely from any coop in a timely manner.
- 3.4.4. All stored manure shall be stored in a fully enclosed container.
- 3.4.5. No more than 3 cubic feet of manure shall be stored at one time.
- 3.4.6. No person shall dispose of manure on a residential lot (excluding composting), in a watercourse or water body, or by municipal curbside waste pickup.

PART 4 – HEN ENCLOSURE REQUIREMENTS

4.1. General Enclosure Requirements

- 4.1.1. Every owner shall ensure that a hen enclosure is provided for the hens. The enclosure shall have a coop and a run.
- 4.1.2. A maximum of one (1) hen enclosure shall be permitted per property.
- 4.1.3. The hen enclosure shall be constructed and maintained in a state of good repair which is protected from the weather, adequately ventilated and insulated, is free from holes and cracks or other damage, and is secured against the entry of other animals.
- 4.1.4. The hen enclosure must contain sufficient feeders and water containers for all chickens.
- 4.1.5. Feed shall be stored in a sealed, rodent-proof and weather proof containers and kept indoors at all times.

4.2. Size and Location Requirements

- 4.2.1. A hen coop shall be provided that has:
 - a) A minimum of 0.37 square metres (4 square feet) of floor area per hen;
 - b) A minimum of one (1) nest box;
 - c) A minimum of one (1) perch;
 - d) A maximum height of 3 metres (10 feet).
- 4.2.2. An outdoor run attached to the hen coop shall be provided that has:
 - a) A minimum of 0.92 square metres (10 square feet) of floor area per hen;
 - b) A maximum height of 3 metres (10 feet).
- 4.2.3. On properties less than one (1) hectare in area, the total floor area of the hen enclosure shall not exceed 15 square metres.
**note: a building permit is required for hen enclosures greater than 15 square metres in area.*
- 4.2.4. Hen enclosures shall be deemed to be accessory structures in the Zoning By-law for the purposes of accessory structure lot coverage regulations and permitted number of accessory structures.

4.3. Setbacks

- 4.3.1. The hen enclosure shall be located in accordance with the following setbacks:
 - a) A minimum of 3.0 metres from all property lines;
 - b) A minimum of 1.5 metres from the dwelling on the subject property;
 - c) A minimum of 5 metres from a dwelling on an adjacent property;
 - d) A minimum of 15 metres from any well;
 - e) A minimum of 18 metres from the high-water mark.
- 4.3.2. No enclosure shall be located in the front yard or exterior side yard.
- 4.3.3. Manure storage shall be subject to the same setback requirements as the hen enclosure.

PART 5 – REGISTRATION

5.1. Registry

- 5.1.1. The Municipality shall maintain a registry of recognized backyard hen enclosures.
- 5.1.2. The registry shall contain the following information:
- a) The name and contact information of the owner of the hens;
 - b) Where the hen owner is a tenant, the name and contact information of the owner of the property on which hens are kept;
 - c) The street address or legal description of the property on which hens are kept; and
 - d) Other information as the Municipality deems to be important to keep record of for health and safety purposes.
- 5.1.3. It is the responsibility of the hen owner to ensure that all information contained in the Municipality's registry is up to date.

5.2. Applications for Registration

- 5.2.1. All persons keeping backyard hens pursuant to this By-law shall register their hen enclosure with the Municipality.
- 5.2.2. An application for registration shall include, but is not limited to, the following mandatory fields and declarations:
- a) Hen owner information including name, address, telephone number and email address;
 - b) If the applicant is not the property owner, the name and contact information of the property owner;
 - c) If the hen owner is a tenant, written permission from the property owner;
 - d) A site sketch illustrating the location and size of the hen enclosure and location of manure storage on the property;
 - e) A declaration stating that the applicant will provide suitable housing and shelter for the hens in their care and will maintain such housing in a clean and sanitary condition, having regard for biosecurity recommendations for small flock chicken owners;
 - f) A declaration stating that the applicant has reviewed the 'Municipality of West Nipissing Backyard Chickens Information Package';
 - g) A declaration stating that the applicant has reviewed and will abide by the regulations contained within this By-law, as amended; and
 - h) Other information as determined by the Municipality.
- 5.2.3. Upon determination by the Municipality that an application for registration is complete and that all regulatory and by-law requirements of the Municipality are met, the Municipality shall register the property and inform the applicant of such registration.
- 5.2.4. A change in occupancy or ownership of the property shall make any previous registration null and void. The new occupant or owner shall submit a new registration application or remove the hens and hen enclosure from the premises.

PART 6 – ENFORCEMENT

6.1. Inspection

- 6.1.1. Every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) The provisions of this By-law;



- b) A direction or order of the Municipality made under this By-law; and
- c) A court order made pursuant to section 431 of the *Municipal Act, 2001*

6.1.2. A person exercising a power of entry on behalf of the Municipality under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:

- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the *Municipal Act, 2001*, or a warrant issued under section 439 of the *Municipal Act, 2001*;
- b) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
- c) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained; or
- d) the delay necessary to obtain an order or warrant under section 438 or 439 of the *Municipal Act, 2001*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.

6.1.3. The Municipality's power of entry may be exercised by an Officer or agent for the Municipality and this person may be accompanied by any person under their direction, including law enforcement services.

6.1.4. During any inspection carried out under this By-law, an Officer may be accompanied by other Municipality of West Nipissing employees, agents or authorities as deemed necessary.

6.2. Obstruction

6.2.1. No person shall obstruct or hinder or attempt to obstruct or hinder an 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.

6.2.2. Any person who is alleged to have contravened any provision of this By-law shall identify themselves to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hinderance to the Officer in the execution of the Officer's duties.

6.3. Orders

6.3.1. An Officer who finds that a property does not conform with any of the provisions of this By-law may make an order:

- a) Stating the municipal address or legal description of the property;
- b) Giving reasonable particulars of the activity to be discontinued; and
- c) Indicating the time for complying with the terms and conditions of the order.

6.3.2. An order shall be served on the owner of the property and such other persons affected by it as an officer determines, and a copy of the order may be posted on the property in a location visible to the public.

6.4. Seizure and Destruction

6.4.1. An Officer or their designate may seize and impound any hens found running at large within the Municipality or found to be kept in contravention of the provisions of this by-law. Where a hen is impounded, the owner of the hen shall be liable for any applicable fees. All fees shall be paid prior to the release of the animal.

6.4.2. Nothing in this By-law shall prevent an Officer from destroying or ordering the destruction of a hen which is ill or injured and where, in their opinion, is incapable of being cured.

6.5. Offence and Penalty

6.5.1. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended or re-enacted from time to time, and as set out in Schedule "A" forming an integral part of this by-law.

6.5.2. Each day a contravention occurs constitutes a new offence.

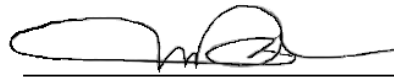
PART 7 – COMING INTO FORCE

7.1. Coming into Force

7.1.1. This By-law shall come into force and effect on the date it is passed.

ENACTED AND PASSED on December 17, 2024



Mayor Kathleen Thorne Rochon

Melanie Ducharme, Clerk

Municipality of West Nipissing			
BACKYARD CHICKENS			
SET FINES - SCHEDULE “A” TO BY-LAW 2024/74			
PART I – PROVINCIAL OFFENCES ACT			
ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINES
1	Possess a hen on a property zoned R4, MHR, C1, C2, C3, M1, M2, M3, M4, CL, CF, OS, PSW, or WM	1.2	\$150.00
2	Possess more than the permitted number of hens	3.1.1	\$150.00
3	Possess a hen on a lot less than 4050 sq.m. (1 acre) in size	3.1.1.	\$150.00
4	Possess a hen on a lot with a dwelling other than a single detached dwelling	3.2.1.(a)	\$150.00
5	Possess a hen on a lot which contains an additional residential unit	3.2.1.(b)	\$150.00
6	Keep a hen on a property which the chicken owner does not reside on	3.2.1.(c)	\$150.00
7	Possess a hen without landlord permission	3.2.1.(d)	\$150.00
8	Permit a hen to be at large	3.3.2	\$250.00
9	Possess a rooster	3.3.3	\$150.00
10	Permit the sale of products derived from a hen	3.3.4	\$150.00
11	Permit a hen to make excessive noise	3.3.5	\$150.00
12	Fail to properly dispose of deceased hen	3.4	\$150.00
13	Fail to properly store or dispose of manure	3.4	\$150.00
14	Permit more than one (1) enclosure on property	4.1.2	\$150.00
15	Fail to maintain enclosure in good repair	4.1.3	\$150.00
16	Fail to store feed properly	4.1.5	\$150.00
17	Fail to comply with enclosure size	4.2	\$150.00
18	Fail to comply with enclosure location	4.3	\$150.00
18	Fail to register enclosure	5.2.1	\$250.00
20	Hinder or obstruct an officer or authorized employee or agent	6.2.1	\$150.00

NOTE: The penalty provision for the offences indicated above is Section 6.5 of this By-Law 2024/74, a certified copy of which has been filed.