

CLERKS DEPARTMENT REPORT

REPORT 24/14

TO: Mayor and Members of Council
FROM: Amanda Knight, Clerk/Director of Legislative Services
MEETING DATE: Monday, October 7, 2024
SUBJECT: Domestic Poultry – Draft By-law

RECOMMENDATION:

Be it resolved that the Council of the Township of Guelph/Eramosa has received Clerks Department Report 24/14 regarding Domestic Poultry – Draft By-law; and

That Council directs staff to bring forward the Domestic Poultry By-law, including any recommended changes, in conjunction with the Zoning By-law Amendment, to a subsequent Council meeting for Council’s consideration.

BACKGROUND

Four reports were previously brought before the Committee of the Whole to explore the potential of expanding provisions to permit the keeping of domestic poultry. These reports focused on evaluating the feasibility of regulating domestic poultry within the rural residential zone and on smaller agriculturally zoned properties, providing an analysis of other municipalities’ practices, and discussing potential impacts on land use and property standards. The reports concluded that such regulations could be established, subject to further public consultation and the development of a supporting comprehensive domestic poultry by-law.

DISCUSSION

Following the Committee’s direction, staff have prepared a draft municipal by-law to regulate the keeping of domestic poultry (defined as female chickens, female ducks, geese, and turkeys) on rural residential and agriculturally zoned properties a minimum of 1 acre in size. These regulations have been developed based on the feedback received from the Committee during previous discussions, to align with industry best practices, and drawing from similar regulations adopted by surrounding municipalities.

The draft by-law, included as **Attachment #1**, aims to balance the desire of residents to keep domestic poultry with the need to maintain community standards and protect neighboring properties. Key elements include:

- Specific limits on the number and type of domestic poultry that can be kept.

- Requirements for enclosures and shelter structures to ensure humane and safe living conditions.
- Provisions to mitigate potential noise, odor, and waste management concerns.

To ensure a comprehensive review of these changes, the draft by-law is being presented concurrently with the Township-initiated Zoning By-law Amendment (ZBA). This approach allows both Council and the public to understand the full scope of the proposed regulations and amendments, and to consider how these changes will be managed effectively by the Township.

This report has been prepared as an accompaniment to Planning Report 24-312, which outlines draft amendments to the Township's Zoning By-law to permit the keeping of domestic poultry. These reports are to be read and presented in conjunction at the Public Meeting, to explain the proposed regulations, how they will be implemented, and to obtain feedback from both the public and members of Council.

Next Steps:

The draft by-law will be brought forward once more for Council's consideration, along with any recommended changes or adjustments that may arise from the public meeting and subsequent discussions. It is expected that the by-law will be presented for final approval alongside the Zoning By-law Housekeeping Amendment. Once approved, the by-law will come into force and effect following the expiration of the ZBA appeal period under the *Planning Act*, provided there are no outstanding appeals or further amendments required.

FINANCIAL IMPACT

There are no impacts to the 2024 budget as a result of this report.

ATTACHMENTS

Attachment #1 – Draft Domestic Poultry By-law

Respectfully Submitted,

Reviewed By:

Amanda Knight, Clerk/Director of
Legislative Services

Ian Roger, P. Eng
CAO

Attachment #1 - Draft Domestic Poultry By-law

The Corporation of the Township of Guelph/Eramosa

By-law Number XX/2024

A by-law to Regulate the Keeping of Domestic Poultry within the Township of Guelph/Eramosa

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 the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient, necessary and in the public interest to regulate the keeping of Domestic Poultry in accordance with the Township's Zoning By-law, as amended, for the purpose of public health and safety.

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. DEFINITIONS

"Act" means the Municipal Act, 2001, S.O. c.25 as amended.

"At large" means bring outside a coop, run or enclosure.

"Chicken" being a domesticated female chicken.

"Clerk" means the Clerk of the Corporation of the Township of Guelph/Eramosa or their designate.

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

"Council" means the Council of the Corporation of the Township of Guelph/Eramosa.

"Domestic Poultry" means domesticated chickens, geese, ducks, and turkey.

"Duck" being a domesticated female duck.

"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.

“Keep” or **“Kept”** shall include harbouring or possessing for any period of time, whether temporary or not;

“Occupant” means a lessee, tenant, mortgagee in possession or any other Person who appears to have care and control of any property;

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

“Order” means an Order issued under this By-law.

“Outdoor Run” means an area enclosed by wire screen intended for permitting of Domestic Poultry to be outdoors.

“Owner” means any person who keeps or harbours Domestic Poultry, and, where an owner is a minor, includes the person who is responsible for the custody of the minor.

“Person” includes individuals, sole proprietorships, partnerships, corporations, trustees, agents, or legal representatives.

“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 Township of Guelph/Eramosa.

“Rooster” means a male chicken.

“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 dwelling from a landlord.

“Township” means the Corporation of the Township of Guelph/Eramosa.

“Yard” means the land around or adjoining the whole or any part of the residential dwelling and generally refers to the front, back and side yard portions of a property.

“Zoning By-law” means a by-law passed under Section 34 of the Planning Act that restricts the use of land in the Township of Guelph/Eramosa.

2. ADMINISTRATION

- a) The Corporation of the Township of Guelph/Eramosa is responsible for the administration and enforcement of this by-law.
- b) The provisions of this By-law shall apply to the keeping of Domestic Poultry on any property of less than 0.8 hectares (2 ac) in size within the boundaries of the Township of Guelph/Eramosa.

3. GENERAL REGULATIONS

- a) The Owner of the Domestic Poultry shall reside on the property where the Domestic Poultry are kept.
- b) An Occupant of a property must obtain written permission from the property Owner to keep Domestic Poultry on the owner’s property.
- c) An Owner of Domestic Poultry shall ensure that the Domestic Poultry are secured and confined inside their coops between 9:00 p.m. and 7:00 a.m.

An Owner of Domestic Poultry shall ensure that the Domestic Poultry are kept in an enclosed run when not in their coop.

- d) Home slaughter of Domestic Poultry is prohibited, and any deceased animals shall be disposed of immediately at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the applicable provincial Ministry.
- e) Sale of eggs, manure and other products associated with the keeping of Domestic Poultry is prohibited.
- f) An Owner of Domestic Poultry shall, ensure good husbandry practices where each Domestic Poultry is provided with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities to engage in essential behaviours and socialize with their own kind.
- g) It is understood that different ministries and organizations may update their resource kits and factsheets from time to time. The onus is on the owner to ensure that educational resources are reviewed frequently, including but not limited to:
 - i. The Resource Kit titled “Keeping Your Birds Healthy” distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA);
 - ii. The OMAFRA Factsheet titled “Biosecurity Recommendations for Small Flock Poultry Owners”;
 - iii. The OMAFRA Factsheet titled “Small Flock Poultry: Raising Healthy Birds”;
 - iv. The OMAFRA Factsheet titled “Rodent Control in Livestock and Poultry Facilities”;
 - v. The Ministry of Health Factsheet titled “Keeping your family healthy with backyard poultry, including chicks and ducklings”.

4. PROPERTY REGULATIONS

- a) No Person shall permit or cause to have Domestic Poultry unless the proposed use conforms with the Township’s Zoning By-law.
- b) To have Domestic Poultry the property must be, at a minimum:
 - i) Zoned Agricultural (A) or Rural Residential (RR) under the Township’s Zoning By-law, as amended; and
 - ii) One (1) acre in size.
- c) The property shall conform 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.

5. DOMESTIC POULTRY REGULATIONS

- a) An Owner of Domestic Poultry shall:
 - i. keep a maximum of ten (10) chickens or a maximum of ten (10) female ducks, or a combination of the two on each permitted property; or
 - ii. keep a maximum of four (4) turkeys on each permitted property; or
 - iii. keep a maximum of four (4) geese on each permitted property.
- b) No more than one (1) type of Domestic Poultry may be kept on a permitted property at the same time, with the exception of chickens and ducks.

c) The keeping of roosters or male ducks as Domestic Poultry is strictly prohibited.

6. DOMESTIC POULTRY COOP REGULATIONS

- a) No coop (including manure storage area) or outdoor run, shall be located within:
- i. An Intake Protection Zone – 1 (IPZ-1) or Well Head Protection Area (WHPA) with a vulnerability score of 10, as defined by the Township's Source Water Protection mapping;
 - ii. A front yard or exterior side yard;
 - iii. 5 m of any dwelling;
 - iv. 3 m of any lot line;
 - v. 3 m of any structure;
 - vi. 3 m from and downgradient of any well location to avoid potential water source contamination;
 - vii. 3 m of any private sewage system (including tile bed);
 - viii. 15 m of any lot line on which a school is located;
 - ix. 7.5 m from any church or business.
- b) No Person shall keep, or cause to be kept more than one (1) coop and (1) outdoor run.
- c) All coops shall be:
- i. weatherproof structures or enclosures with ventilation and a heat source;
 - ii. built to prevent any rodent(s) from harbouring underneath or within its walls;
 - iii. built to prevent entrance by any other animal.
- d) All coops shall include:
- i. At least one nest box for every 3 chickens, ducks, geese and turkey;
 - ii. At least one perch giving 8 to 12 inches of space per chicken, duck, goose or turkey;
 - iii. At least 0.37 m² (4 ft²) of floor area for each chicken and duck;
 - iv. At least 0.56 m² (6 ft²) of floor area for each turkey;
 - v. At least 0.74 m² (8 ft²) of floor area for each goose;
 - vi. At least 0.93 m² (10 ft²) of roofed outdoor enclosure.
- e) Coops shall not exceed 0.6 m (6.5 ft) in height.
- f) All coops 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.
- g) All coops shall be kept:
- i. in a clean and sanitary condition at all times;
 - ii. free of vermin;
 - iii. free of obnoxious smells and substances;
 - iv. in a good state of repair.
- h) All coops and outdoor runs shall be secured against the entry of predators.

7. DOMESTIC POULTRY STANDARDS

- a) Domestic Poultry shall be provided with:

- i. food and clean water at all times;
 - ii. shelter;
 - iii. light and adequate ventilation;
 - iv. veterinary care;
- b) Food and water shall be kept in solid, rodent-proof and weatherproof containers. Uneaten feed shall be removed in a timely manner.
- c) Manure and other refuse resulting from the keeping of Domestic Poultry, shall be stored in air-tight containers to prevent odours and disposed of in a manner that does not create a public nuisance or health hazard.
- d) No more than 0.085 m³ (3 ft³) of manure shall be stored on the property at any given time.
- e) All manure not used for composting or fertilizing shall be removed daily from the Domestic Poultry coop and outdoor run.
- f) All Domestic Poultry shall be kept securely in a coop or outdoor run at all times.
- g) No Person shall permit or cause to be permitted Domestic Poultry to run at large.
- h) All coops shall comply with the requirements of the Building Code Act and the Township's Zoning By-law.

8. RIGHT OF ENTRY

- a) Every Person who has Domestic Poultry shall allow, at any reasonable time, an Officer or other authorized employee or agent of the Township to inspect the property, to determine whether all requirements of this By-law are being complied with.
- b) No Person shall obstruct or hinder or attempt to obstruct or hinder an 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.

9. ORDERS

- a) An Officer may issue an Order under this By-law to any person believed to be contravening or have contravened any provision of this by-law.
- b) No Person shall fail to obey an Order issued under this By-law.
- c) An Order issued under this By-law is deemed final and binding and may not be appealed.

10. SERVICE OF DOCUMENTS

- a) Service of any document, including an order, under this By-law may be given in writing in any of the following ways and is effective:
 - i. when a copy is delivered to the Person to whom it is addressed;
 - ii. on the 5th day after a copy is sent by regular or registered mail to the Person's last known address;

- iii. by email to the last known email address of the person to whom service is required to be made
- iv. by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relates and shall be deemed to be sufficient service on the Owner

11. OFFENCE AND PENALTY PROVISIONS

- a) 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.
- b) 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.

12. SEVERABILITY

- a) 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.
- b) 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.

13. ENACTMENT

- a) This By-law comes into force and effect on XX, 2024.

PASSED

this **XX** day of **XX**, **2024**.

Chris White, Mayor

Amanda Knight, Clerk

TOWNSHIP OF GUELPH/ERAMOSA

**PART 1 PROVINCIAL OFFENCES ACT BY-LAW XX-2024:
DOMESTIC POULTRY**

A by-law to Regulate the Keeping of Domestic Poultry within the Township
of Guelph/Eramosa

Item #	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Keep Domestic Poultry without written permission from the Owner	3(b)	\$200.00
2	Fail to secure Domestic Poultry inside coops between 9:00 p.m. and 7:00 a.m.	3(c)	\$200.00
3	Fail to keep Domestic Poultry in an enclosed run	3(d)	\$200.00
4	Permit slaughtering of domestic poultry on property	3(e)	\$200.00
5	Permit the sale of products derived from chickens	3(g)	\$200.00
6	Keep more than one type of Domestic Poultry	5.1	\$200.00
7	Keep more than ten 10 female ducks or chickens, or a combination thereof	5.2(a)(i)	\$200.00
8	Keep more than 4 turkeys or 4 geese	5.2(b)(i)	\$200.00
9	Keep more than 4 geese	5.2(c)(i)	\$200.00
10	Keep a rooster or male duck	5.2(a)(ii)	\$200.00
11	Fail to comply with coop location setbacks	6.1	\$200.00
12	Permit more than one (1) coop or outdoor run on property	6.2(a)	\$200.00
13	Fail to weatherproof coop structures or enclosures	6.2(b)(i)	\$200.00
14	Fail to prevent rodent(s) from harbouring underneath coops	6.2(b)(ii)	\$300.00
15	Fail to comply with permitted height of coop	6.2(d)	\$200.00
16	Fail to keep coop in a clean and sanitary condition	6.2(f)i)	\$300.00
17	Fail to keep coop free of vermin	6.2(f)(ii)	\$300.00
18	Fail to keep coop free of obnoxious smells and substances	6.2(f)iii)	\$300.00
19	Fail to keep coop in a good state of repair	6.2(f)(iv)	\$300.00
20	Fail to provide Domestic Poultry with food and water	6.2(h)(i)	\$400.00
21	Fail to provide Domestic Poultry with shelter	6.2(h)(ii)	\$400.00

22	Fail to provide Domestic Poultry with light and adequate ventilation	6.2(d)	\$200.00
23	Fail to keep manure in fully enclosed container	6.2(i)	\$300.00
24	Permit storage of manure over three (3) cubic feet	6.2(j)	\$200.00
25	Fail to keep coop and/or outdoor run secure	6.2(l)	\$200.00
26	Permit Domestic Poultry to run at large	6.2(m)	\$200.00
27	Hinder or obstruct an Officer or authorized employee, or agent of the Township	7(b)	\$700.00
28	Fail to obey an Order	8(b)	\$700.00

NOTE: The general penalty provision for the offences indicated above is Section XX of By-law no. XX-24, a certified copy of which has been filed.

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