

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW # 33-2024

Being a By-law to regulate the care and control of
Backyard Chickens

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, R.S.O, authorize the municipalities to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 8 and 9 of subsection 10(2) authorize By-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property; and animals; and

AND WHEREAS subsection 8(3) of the Municipal Act, 2001, R.S.O provides that a By-law under section 10 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter, or may provide for a system of licenses respecting the matter;

WHEREAS the Municipal Act, R.S.O. 2001, Sections 128 provides that By-laws may be passed by Councils of local municipalities to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause a public nuisance and further, that By-laws may be passed for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 425 of the Municipal Act, 2001, R.S.O authorizes municipalities to pass By-laws indicating that a person who contravenes a By-law is guilty of an offence;

AND WHEREAS the Municipal Act, 2001, R.S.O further authorizes municipalities, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

NOW THEREFORE the Council of The Municipal Corporation of the Township of Armour hereby enacts as follows:

1. ADMINISTRATION AND INTERPRETATION

Short Title

1. This By-law may be referred to as the “Backyard Chicken By-law.”

1.1 Administration

This By-law will be administered by the Clerk and be enforced with the By-law Enforcement Officer(s) for the Township of Armour.

Definitions:

- a) “**Animal**” – shall mean an animal set out in the Schedule A;
- b) “**Backyard Chicken**” – means the accessory keeping of chickens for the purposes of companionship as a pet or for providing food for personal consumption of occupants of the dwelling on the same lot; and does not include farm, or agricultural uses;
- c) “**At large**” – shall mean being found outside of an enclosure located on the owner’s property;
- d) “**By-law Enforcement Officer**” – shall mean a person appointed by Council as a By-law Enforcement Officer to enforce the provisions of the By-law;

- e) **“Chicken”** – means a domestic fowl kept for its eggs or meat;
- f) **“Coop”** – means a fully enclosed weatherproof building where hens are kept and which the interior includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers;
- g) **“Dwelling unit”** – shall mean a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;
- h) **“Hen”** – means a domesticated female chicken that is at least four (4) months old;
- i) **“Medical Officer of Health”** – shall mean the Medical Officer of Health for the North Bay Parry Sound District Health Unit or authorized assistants or persons acting under his or her authority;
- j) **“Owner”** – shall mean any person who possesses or harbors an animal, 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, and the word “owns” has a similar meaning;
- k) **“Run”** – means a covered secure enclosure that allows chickens access to the outdoors;
- l) **“Schedule”** – shall mean the schedule attached to this By-law which may be amended, added to or deleted from time-to-time and shall form part of this By-law;
- m) **“Township”** shall mean The Municipal Corporation of the Township of Armour;

2. CARE AND CONTROL GENERAL PROVISIONS

- 2.1 Every person who keeps an animal within the Township shall ensure that such animal is provided with:
 - a) a clean and sanitary environment free from an accumulation of fecal matter;
 - b) adequate and appropriate care, food, water, shelter, shade and opportunity for physical activity.

3. LICENSING PROVISIONS

- 3.1 Chickens are permitted on properties with a dwelling, with the exception of waterfront lots.
- 3.2 Chickens are subject to restrictions or regulations within the Township and are outlined in the Schedules.
- 3.3 There is no fee to obtain a backyard chicken license; however, a fine will be imposed should a license not be obtained. While licensing for backyard chickens may be free, a coop may require a building permit and that application process will include a fee.
- 3.4 Every owner of a regulated animal shall obtain a license from the Township of Armour prior to acquiring the animal of each year or by February 14th for permit renewals. Licenses shall expire on the 31st day of December of the same year.

- 3.5 Licenses can be obtained at the Township's Municipal Office. All information collected for the purpose of the license is protected by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990.
- 3.6 Every owner will ensure to keep the issued license for the said term. Licenses are not transferable.
- 3.7 No owner or owners shall keep or permit to be kept an animal in any way that contravenes this By-law.
- 3.8 Prior to purchasing backyard chickens every owner shall submit a completed application that meets all of the requirements outlined in the application and in accordance with the Backyard Chicken By-law.
- 3.9 A site sketch/plan is required for new applications or for a renewal with changes to the coop/manure area. The sketch or plan shall illustrate the location and size of the coop, outdoor run and manure storage area on the property, complying with the Coop Regulations (as outlined below) and set out in the By-law. A maximum of one (1) backyard chicken/hen coop and one (1) outdoor run shall be permitted per property.

4. RESPONSIBILITIES OF THE OWNER

- 4.1 No owner of an animal shall permit it to be at large in the Township.
- 4.2 No owner shall permit their animal to trespass on private property.
- 4.3 No owner shall allow their animal to be on a public road or in a public place at any time.
- 4.4 Every owner of an animal shall forthwith clean up and dispose of any excrement left by their animal.
- 4.6 No owner shall permit any animal, owned or in their care, to make excessive or any unnecessary noise that is likely to disturb any inhabitant of the Township.

5. ENFORCEMENT

- 5.1 For the purposes of ensuring compliance with this By-law, an appointed By-law Enforcement Officer may at any time enter any land and/or building for inspection and enforcement purposes.
- 5.2 Nothing in this By-law shall prevent the By-law Enforcement Officer from destroying an animal which is ill or injured and where, in their opinion, is incapable of being cured.

6. OBSTRUCTION

- 6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 6.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the By-law Enforcement Officer upon request, failure to do so shall be deemed to have obstructed or hindered the By- Law Enforcement Officer in the execution of his/her duties.

7. LICENSE REVOCATION

- 7.1 The By-law Enforcement Officer may suspend or revoke any License if, at any time, a Licencee has not complied with any requirement of this By-Law or a condition of the Licence.
- 7.2 Where the By-law Enforcement Officer intends to suspend or revoke a Licence, the Administrator shall give the Licencee written notice which shall include the following information:
 - 7.2.1 a statement that the Licence is to be suspended or revoked on a day which is no fewer than fourteen (14) days following the day on which the notice is given;
 - 7.2.2 particulars of the reasons for which the Licence is to be suspended or revoked; and
 - 7.2.3 where the Licence is to be suspended, particulars of any steps that the Owner may take to reinstate the Licence.
- 7.3 Where a licence is revoked, the owner of the property shall remove the backyard chickens and any accessory building used for the backyard chickens within the specified timeframe.

8. PENALTIES

- 8.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act as set out in Schedule “B”.

9. VALIDITY

- 9.1 That all sections of this By-law shall be deemed to be separate and independent therefor validity of any section or provision thereof shall not affect the remaining sections.
- 9.2 If there is a conflict between a provision of any provincial or federal Act or a regulation under the Act, or any other Act relating to animals, and the provisions of this By-law, the provision that is the most restrictive in relation shall prevail.

10. ADMINISTRATION

- 10.1 The Clerk of the Township of Armour is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council
this 28th day of May, 2024.

Original signed by Rod Ward

Rod Ward, Mayor

Original signed by John Theriault

John Theriault, Clerk

Schedule “A” – Backyard Chickens

1. A property owner may own or care for up to twelve (12) backyard chickens on their property at any one time pending a successful licence application from the Township.
2. The property owner must reside on the property; tenants, multi-residential and commercial properties are not eligible for the keeping of the backyard chickens unless tenants/occupants obtain written permission from the property owner to keep backyard chickens on the owner's property.
3. No owner shall allow or permit his or her chicken to be at large.
4. No person shall keep a rooster on their property.
5. Chicken coops shall only be permitted in the rear yard of the property with the following setbacks:
 - a) 4.5 m from any side lot line;
 - b) 1.5 m from the rear lot line;
 - c) 3 m from the dwelling;
 - d) 3 m from any watercourse;
 - e) 15 m from any adjacent commercial, multiple residential or institutional use;
 - f) 10 m from all windows and doors of dwellings that are located on an abutting property;
 - g) The coop be less than 15% of total lot coverage, a maximum size of 10m² and maximum height of 5 m.
 - h) The run be a maximum size of 10m², at least 1m² of outdoor space for each chicken and a maximum height of 5 m.
 - i) Coops and runs shall be designed and constructed to ensure proper security, ventilation/heating and sufficient space for the chickens to maintain good animal husbandry practices and fully enclose the chickens;
 - j) Chicken runs shall be kept in good repair and maintained in a sanitary condition and free of vermin and obnoxious smells and substances.
6. The property owner shall store manure within an enclosed structure and store no more than three (3) cubic feet of manure at a time. All other manure not used for composting or fertilizing shall be removed immediately. All setbacks outlined in clause 5 shall also apply to the storing of manure.
7. The keeping of backyard chickens shall be for personal use only.
8. The property owner shall not dispose of a deceased backyard chicken on their property. All end of life disposal shall be located at an authorized farm, veterinarian office or other facility lawfully able to dispose of chickens.
9. A property owner who keeps backyard chickens other than hens shall abide by the regulations outlined in this Schedule.
10. Minimum Distance Separation (MDS) shall not apply to backyard chicken uses.
11. Site Plan Control shall not apply to backyard chicken uses.

Schedule “B” – Set Fines

REGULATION OF BACKYARD CHICKENS

Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to provide clean and sanitary environment for animal(s)	2.1 (a)	\$300.00
2	Fail to provide adequate and appropriate care for animal(s)	2.1 (b)	\$300.00
3	Fail to purchase an animal license	3.3	\$300.00
4	Keep or permit an animal that contravenes any provision or schedule in this By-law	3.7	\$300.00
5	Permit animal to run at large	4.1	\$300.00
6	Permit animal to trespass on private property	4.2	\$300.00
7	Allow animal to be on public road or in a public place	4.3	\$300.00
8	Fail to clean up excrement	4.4	\$300.00
9	Permit animal to make excessive noise	4.6	\$300.00
10	Hinder or obstruct any person exercising a power or performing a duty under this By-law	6.1	\$500.00
11	Failure to remove backyard chickens and accessory buildings.	7.3	\$500.00



OFFICE OF BY-LAW ENFORCEMENT

DISTRICT OF PARRY SOUND

56 ONTARIO STREET
PO BOX 533
BURK’S FALLS, ON
P0A 1C0

(705) 382-3332
(705) 382-2954
Fax: (705) 382-2068
Email: bylaw@armourtownship.ca
Website: www.armourtownship.ca

Back Yard Chicken Application

NAME OF APPLICANT:	
DATE OF APPLICATION:	
PROPERTY ADDRESS:	
MAILING ADDRESS:	
TELEPHONE NUMBER:	
NUMBER OF CHICKENS:	
SITE PLAN INCLUDED: (Coop and Manure Disposal Location)	Please include a sketch that demonstrate appropriate setbacks and other requirements identified

DECLARATION

I _____ do declare to have reviewed Township Armour current Backyard Chicken By-law in its entirety and make this application in good faith to be compliant and accountable to this legislation and expectations described within.

The Township of Armour may enter onto the identified lands for the purpose of inspection as required without notice to monitor compliance.

The Township of Armour may revoke a license at the discretion of the Township.

The owner of the property and/or the applicant of the license may be held accountable to all and any applicable legislation by way of fines, charges, administrative monetary penalties, remedies and recoveries, and damages. Some of which are recoverable similar to property tax.

Signature of Applicant: _____ Dated this _____ day of _____, 20____.

Signature of Witness: _____ Dated this _____ day of _____, 20____.

Where applicant is a tenant, the signature of the landowner is required below confirming they are aware of and support the application for keeping of Backyard Chickens on the lands.

Signature of Landowner: _____ Dated this _____ day of _____, 20____.

Signature of Witness: _____ Dated this _____ day of _____, 20____.

SCHEDULE "L"
To BY-LAW #24-2025

By-law No. 33-2024 being a By-law to regulate the care and control of Backyard Chickens in the Township of Armour is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-law as amended or any successor thereto;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-law;
2. by adding the following new heading and sections after section 8 and renumbering subsequent sections accordingly:

9. ADMINISTRATIVE PENALTIES

- 9.1 This By-law is a designated By-law under the Township's AMPS By-Law.
- 9.2 An Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 3 of the following table for the applicable contravention:

ADMINISTRATIVE MONETARY PENALTIES
BY-LAW # 33-2024
Backyard Chicken By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Administrative Monetary Penalty
1	Fail to provide clean and sanitary environment for animal(s)	2.1 (a)	\$300.00
2	Fail to provide adequate and appropriate care for animal(s)	2.1 (b)	\$300.00
3	Fail to purchase an animal license	3.3	\$300.00
4	Keep or permit an animal that contravenes any provision or schedule in this By-law	3.7	\$300.00
5	Permit animal to run at large	4.1	\$300.00
6	Permit animal to trespass on private property	4.2	\$300.00
7	Allow animal to be on public road or in a public place	4.3	\$300.00
8	Fail to clean up excrement	4.4	\$300.00
9	Permit animal to make excessive noise	4.6	\$300.00

10	Hinder or obstruct any person exercising a power or performing a duty under this By-law	6.1	\$500.00
11	Failure to remove backyard chickens and accessory buildings.	7.3	\$500.00

- 9.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Township within 15 days of the date of issuance after the completion of service.
- 9.4 Where a Penalty Notice has been canceled under the Township's AMPS By-law it shall not be considered a Penalty Notice for the purposes of subsection 9.2 of this By-law.
- 9.5 If a person is issued a Penalty Notice, the person shall not be charged with an offence or issued an additional Penalty Notice in respect of the same contravention. For clarity, the person may be charged for a different contravention of this By-law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a person may be issued a Penalty Notice for a different contravention of this By-law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the Penalty Notices that have been issued.
- 9.6 Other than as set out in subsection 9.5 of this By-law, the issuing of a Penalty Notice does not limit the Township's ability to initiate any other proceeding or seek any other remedy the Township deems appropriate to prevent the continuation or repetition of the contravention.