



SMITHS FALLS

RISE AT THE FALLS

Report # 2025-035

To: Mayor & Council
From: Rick Chesebrough, Fire Chief
Date: March 25, 2025,
Committee of the Whole Date: April 14, 2025
Title: Backyard Hen Pilot Program By-Law

☐ For Direction
☐ For Information
☒ For Adoption
☒ Attachment 11 pages

Recommendation: That Council approve the revised Backyard Hen Pilot Program Bylaw identified in report #2025-035.

Purpose: To provide members of Council the revised pilot program By-Law for the permitting of Backyard Hens in the Town of Smiths Falls.

Background: At the Committee of the Whole meeting on March 24, 2025, Committee endorsed the permitting of Backyard Hens in the Town of Smiths Falls. A proposed Backyard Hen bylaw was presented to committee and after much discussion, staff were directed to revise the proposed backyard hen pilot program bylaw and further directed staff to conduct a survey of other municipalities that permitted Backyard Hens and provide the survey results for information purposes. (attached).

Analysis and Options:

As directed by Council, the following sections were removed from the draft proposed By-law.

- Remove licensing and registration fees
- Remove site inspections
- Enforcement measures would be on a complaint basis
- Permit properties with corner lots to have hen coops and hen runs in side yards
- Eliminate the requirement for roof enclosures on hen runs
- Permit hens to roam in fenced backyards
- Remove time restrictions for hens to be out of their coops
- Remove set backs from places of worship, schools and businesses - use set back requirements from property lines

Option 1. Council approves the Backyard Hen By-law. (Recommended)

Option 2. Council not accept the revisions to the Backyard Hen Pilot Program Bylaw (not recommended)

Budget/Financial Implications: Undetermined

Link to Strategic Plan: N/A

Existing Policy: Zoning By-law 10375-2022
Animal Control By-law 8856-2016

Consultations: See attached listing

Attachments:

Appendix A - Draft Backyard Hen By-Law

Appendix B – Municipal backyard hen program information

Appendix C – City of Toronto backyard hen project status

Respectfully Submitted by:

Approved for agenda by CAO:

Original Signed by:

Original Signed by:

Rick Chesebrough
Fire Chief/CEMC

Malcolm Morris, CMO

THE CORPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW NO.-----

**BEING A BY-LAW TO PERMIT THE KEEPING OF BACKYARD HENS WITHIN THE
TOWN OF SMITHS FALLS**

WHEREAS Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law; and

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act; and

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize the municipality to pass by-laws necessary or desirable for municipal purposes, and in particular items 5 and 8 of Section 11 (2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality and the protection of persons and property; and animals; and item 9 of Section 11 (3) authorizes the passing of by-laws with respect to animals; and

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

WHEREAS Section 8 (3) of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a by-law passed under Section 11 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit may require a person to do things, provide for a system of licences permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

WHEREAS Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended provides that Council may, by by-law, provide that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with certain specified matters, including by-laws passed under the *Municipal Act, 2001*, directions or orders made under the *Municipal Act, 2001* or under a by-law passed under its authority, conditions of a licence issued under the *Municipal Act, 2001* or orders made under Section 431 of the *Municipal Act, 2001*; and

WHEREAS Sections 446 (1), 446 (3) and 446 (4) of the *Municipal Act, 2001*, S.O. 2001, c.25, authorize the Town of Smiths Falls, if it has authority by by-law or otherwise, to direct or require that a matter or thing be done, to direct in the same by-law that, in default of it being done by the person directed or required to do it, such matter or thing be done at the person's expense and to recover that expense by action or by adding it to the tax roll and collecting it in the same manner as taxes; and

WHEREAS Section 446 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, establishes that following failure to comply with an order directing or requiring the person that a matter or

thing be done, the municipality may enter upon the land at any reasonable time to perform the directed or required matter or thing be done at the person's expense; and

WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, establishes that any person who contravenes any bylaw of the Town of Smiths Falls is guilty of an offence; and

WHEREAS Section 429 of the *Municipal Act, 2001*, S.O. 2001, c.25, establishes that a municipality may establish a system of fines for offences under a by-law of the municipality; and

WHEREAS Section 103 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals; and

WHEREAS the *Municipal Act, 2001*, S.O. 2001 further authorizes the municipality, 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; and

WHEREAS the Council of the Town of Smiths Falls deems it advisable to enact this by-law for the purpose of permitting and regulating the keeping of backyard hens within the Town.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls hereby enacts as follows:

1. TITLE

1.1 The by-law shall be known and cited as the "Backyard Hens By-law".

2. SCOPE

2.1 This by-law shall permit backyard hens on residential properties in the Town of Smiths Falls.

2.2 All hens and coops on private property shall be permitted

3. INTENT

3.1 The purpose of this by law is to permit, regulate the keeping of hens on residential properties.

- a) Minimize adverse impacts on nearby public and private property; and
- b) Do not create a safety hazard or a nuisance to abutting properties, businesses, schools, and places of worship.

4 DEFINITIONS

- 4.1 **Abutting Property** means any parcel or lot that has a lot line or portion of a lot line in common with the subject property, including a shared intersection of lot lines.
- 4.2 **Animals** means any member of the animal kingdom, other than a human.
- 4.3 **Business** means any structure, whether publicly owned or privately owned, that is adapted for occupancy for transaction of business and does not include any home-based business.
- 4.4 **Clerk** means the Clerk of the Corporation of the Town of Smiths Falls.
- 4.5 **Council** means the Council of the Corporation of the Town of Smiths Falls
- 4.6 **Dwelling Unit** means a residential unit located in a building or structure, used or intended to be used as a domicile by one or more people and usually contains cooking, eating, living, sleeping and sanitary facilities.
- 4.7 **Easement** means a legal instrument registered on a property which permits the use of land by a third party or organization as specified on title.
- 4.8 **Exterior Side Yard** means the space abutting a public street that extends from the front yard to the rear yard between a side lot line and the nearest point of the main building, not including a permitted projection.
- 4.9 **Front Yard** means the space paralleling the front lot line extending across the full width of a lot between the front lot line and nearest part of any main building on the lot, not including a permitted projection.
- 4.10 **Hen** means a domestic female egg laying chicken (*Gallus gallus domesticus*) that is at least 4 months old.
- 4.11 **Hen Coop** means a hen house and hen run.

- 4.12 **Hen House** means a structure that houses the hens at night and includes places for laying.
- 4.13 **Hen Run** means a covered and secure enclosure that allows hens access outdoors.
- 4.14 **Interior Side Yard** means the space not abutting a public street that extends from the front yard to the rear yard between a side lot line and the nearest point of any main building, not including a permitted projection.
- 4.15 **Officer** means a Police Officer, Fire Prevention Officer, Fire Inspector, Building Inspector, Zoning Examiner, Municipal Law Enforcement Officer, Animal Control Officer or any other person appointed by the Corporation of the Town of Smiths Falls as an Officer to enforce the provisions of this by-law.
- 4.16 **Order** means an order made under this by-law.
- 4.17 **Owner** means, with reference to hens, any person who possesses, harbors or keeps an animal or hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor; and means, with reference to property, the individual(s), entities or corporations holding the title of a property or properties.
- 4.18 **Person** includes an individual, association, organization, partnership, public bodies, corporations, societies, inhabitants of counties, municipalities or other districts, and includes an agent or employee of any of them in relation to the acts and things that they can do and owning respectively.
- 4.19 **Place of Worship** means a building used for public worship.
- 4.20 **Property** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections and includes vacant property thereon whether heretofore or hereafter erected, and is divided into:
- 4.20.1 **Non-residential property** means property, which is not occupied, nor capable of being occupied in whole or in part for the purpose of human habitation.
- 4.20.2 **Residential property** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 4.21 **Rear Lot Line** shall mean that lot line furthest from and opposite the front lot line but if there is no such line, that point furthest from and opposite the front lot line. If there are two or more rear lot line segments at different distances from the front lot line, as in the case of an L-shaped lot, each segment shall be considered to be the rear lot line for that portion of the front lot line directly opposite.

- 4.22 **Rear Yard** shall mean the space paralleling the rear lot line that extends across the full width of the lot between a rear lot line and the nearest point of the principal building, not including a permitted projection.
- 4.23 **Residential Tenants** means persons renting or leasing a property used or intended to be used for residential purposes only.
- 4.24 **Rooster** means a male domestic chicken.
- 4.25 **Setback** means with reference to a lot line, the shortest distance between a lot line (front, interior side, exterior side, or rear) and the nearest part of any building or structure on the lot. In cases where road widening is taken, the required setback is calculated from the lot line.
- 4.26 **School** means a public, separate or private educational establishment operated by a Board of Education as defined in the *Education Act*.
- 4.27 **Town** means the Corporation of the Town of Smiths Falls.
- 4.28 **Veterinarian** means a veterinarian who is a Doctor of Animal Health, licensed and trained in Ontario to provide medical and surgical care for animals.

5 INTERPRETATION

- 5.1 In this by-law “may” shall be construed as permissive.
- 5.2 In this by-law “shall” shall be construed as imperative.

6 GENERAL PROVISIONS

- 6.1 A residential tenant must obtain written permission from the property owner to keep hens on the owner's property.
- 6.2 The owner of the hens must reside on the property where the hens are kept.
- 6.3 No hen coop shall be located in any front yard.
- 6.4 Hen coops and runs shall be at a distance of at least 1.2 metres (4 feet) from the rear lot line and at least 1.2 metres (4 feet) from any side lot line of the dwelling lot on which the hen coop is located.
- 6.5 Hen coops and hen runs shall meet the setbacks from any school property line.
- 6.6 Hen coops and hen runs shall meet the setbacks from any place of worship or business.
- 6.7 Hen coops and hen runs shall be a minimum distance of 3 metres (10 feet) from all windows and doors of dwellings that are located on abutting property.
- 6.8 No person shall:
 - a) Keep a rooster; and
- 6.9 No person shall keep more than six (6) backyard hens at a residential property or a property used primarily for residential purposes unless the conditions and requirements contained in this by-law are met.
- 6.10 The following provisions apply to the use and storage of manure:
 - a) No more than .08 cubic metres (3 cubic feet) of manure can be stored in an airtight container on the property.
 - b) Small amounts of manure may be worked into the soil as soil amendments. All other unused manure exceeding the maximum total area must be removed and disposed of at a waste disposal site that will accept chicken manure.
 - c) Disposal of excess manure is not permitted at the municipal compost site and is not permitted to be disposed of in your regular garbage.
- 6.11 Home slaughter of hens is prohibited, and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- 6.12 The sale of eggs is prohibited.
- 6.13 Hen coops are to be designed to provide hens with a draft-proof, dry, and insulated environment.

- 6.14 No person shall allow their hen(s) to roam on a public road or in a public place at any time.
- 6.15 No temporary or permanent electrical wiring is permitted to the hen house.
- 6.16 Hen coops shall only be permitted on legal residential properties.
- 6.17 Hen coops shall only be permitted on residential properties that meet the criteria listed in the bylaw.
- 6.18 The applicant shall provide a signed declaration stating that the applicant reviewed the required educational material provided by the Town regarding the keeping of Hens in a safe and secure manner.

7 ENFORCEMENT AND PENALTIES

- 7.1 Where a coop is erected, or located, or hens are kept in contravention of this by-law, the designated official may immediately remove the hens or coop, that constitute a safety hazard or a concern in accordance with the provisions of this by-law, without notice or compensation.
- 7.2 Where a coop does not comply with this by-law, the designated official may order the coop to be removed or bring the coop and hens into compliance in the manner and within the time specified in the order.
- 7.3 The order mentioned in Section 7.2 may be served:
 - 7.3.1 By personal service upon the owner.
 - 7.3.2 By prepaid registered mail sent to the last address of the property owner, shown on the records of the Town of Smiths Falls; or,
 - 7.3.3 By prominently posting a copy of the order either on the coop in respect to which the order is made, or on the property upon which the coop is erected, located, or displayed.
- 7.4 The written order shall contain the particulars of the non-compliance with this by-law, a specified time limit in which to effect compliance and either an order to comply with the by-law within the time limit specified in the order, or an order to remove the coop and/or animals within the time limit specified in the order.
- 7.5 Where the order is served in accordance with Section 7, it is deemed to have been received by the party being served upon the mailing or posting of the order.
- 7.6 Where a coop or hens are not removed or are not brought into conformity as required by an order under Section 7.2, the Municipal Law Enforcement Officer may have the coop and/or animals removed without notice or compensation. For this purpose, the Municipal Law Enforcement Officer and their contractor or other agent may enter upon the property at any reasonable time.

- 7.7 The cost incurred by the Town of Smiths Falls in removing a coop and/or hen(s) under this part of the by-law is deemed to be municipal taxes and may be added to the collector's roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the Town of Smiths Falls in removing a coop and/or hen(s) under this part of the by-law is a debt payable to the Town of Smiths Falls and may be recovered in any court of competent jurisdiction.
- 7.8 This by-law may be enforced by any of the following:
7.8.1 Municipal Law Enforcement Officer.
7.8.2 Animal Control Officer.
- 7.9 An owner shall allow, at any reasonable time, a Municipal Law Enforcement Officer, along with any other authorized employee or agent of the Town, to enter to investigate the Property to determine whether the requirements of this by-law are being complied with.

8 OFFENCES AND PENALTIES

- 8.1 Any person who contravenes or causes or permits any contraventions of any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act or any successor legislation.
- 8.2 In addition to any penalty imposed and any other remedy, the court in which the conviction had been entered and any court of competent jurisdiction, thereafter, may make an order:
- 8.2.1 Prohibiting the continuation or repetition of the violation by the person convicted; and,
- 8.2.2 Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 8.3 Every person enforcing this by-law shall have the right of entry on any property for the purpose of carrying out an inspection to determine whether this by-law is being complied with and for the enforcement of this by-law pursuant to Section 436 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

9 OBSTRUCTION

- 9.1 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.
- 9.2 Any person who has been alleged to have contravened any of the provisions of this by-law shall identify themselves to the Municipal Law Enforcement Officer upon request; failure to do so shall be deemed to be an act which obstructs or hinders the Municipal Law Enforcement Officer in the execution of his/her duties.

10 VALIDITY

- 10.1 Where a provision of this by-law conflicts with the provisions of another by-law in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 10.2 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

11 SHORT TITLE

- 11.1 This by-law may be cited as “The Backyard Hens By-law.”

READ A FIRST TIME, SECOND TIME, THIRD TIME AND FINALLY PASSED THIS ---
DAY OF ----- 2025.

Shawn Pankow, Mayor

Kerry Costello, Clerk

Backyard Chicken By-law Stats 2025

Municipality	By-law & Duration	License Requirement	License Cost	Number of Hens Permitted	Hen Coop Restrictions	Licences Sold	Permitted Areas	Yearly Complaints	At-large Hens	Other Details
Toronto	Pilot- Not Active (2018-2023)	Registration Required	No Fee	4	Yes	100	Specific zones ONLY	2	Impounded if seized/found	See attached for additional information
Kingston		Permit Required	\$30 Annually	6	Yes					
East Gwillimbury	24 month pilot program since Dec 2023	License Required	\$100 (One time)	4	Yes	9	Must meet requirments	4	Pound Keeper	–
Russel	Pilot began 2020; Permanent since 2023	License Required	\$75 Annually	3-5 (Based on lot size)	Yes	Under 10	Must meet requirments	None	Pound Keeper	Haven't received any complaints since the start of the program. Lot size determines number of chickens allowed.
Orillia	6 year pilot program since April 2023	License Required	\$100 (One time)	4	Yes	27 total, 15 current	Specific zones ONLY	2+	SPCA or local farm	Only ever been able to confine one loose chicken
Kitchener	Enacted 2017	Permit Required	\$56.24	4	Yes	270	Must meet requirments	5-10	No Impound Facility	–
Brampton		License Required		2	Yes		Must meet requirments			have not received additional information at this time
New Market	1 year pilot, permanent since 2017	License Required	None	3	Yes	16	Must meet requirments	4	No Impound Facility	–
Norfolk	Enacted July 2016	None Required	None	4	Yes	Unknown	Specific Zones ONLY	3	None	Biggest issue has been roosters
Halton Hills	Enacted 2021	License Required	\$77(One time)	4	Yes	10	Must meet requirments	Unknown	Unknown	Annual Inspections Required
Spring Water	Pilot 2020-2023, Permanent since 2023	License Required	\$10-\$25	4	Yes	MAX 25; 9 Current	Must meet requirments	5-10	No Impound Facility	Many complaints regarding number of chickens/ individuals aquiring other bird species, predators accessing coops
Champlain	Pilot since 2023; Permanent expected	License Required	\$50(18months)	4	Yes	MAX 30; 10 current	Must meet requirments	None	No Impound Facility	Coop inspections required after permit and hens required
Parry Sound	Enacted 2021	License Required	\$150, \$50 Annual	6	Yes	3	Specific zones ONLY	2	No Impound Facility	Annual Check-Ins. Believe cost should not fall on taxpayers
Chatham Kent	Pilot enacted Nov 2024	License Required	\$400, \$125 Annual	10	Yes	None	Specific zones ONLY	40	Municipal Animal Shelter	–
Georgina	Pilot 2019-2021, Permanent since 2022	License Required	\$100	4	Yes	Unknown	Specific zones ONLY	10-12	Never been an issue	100 meter minimum seperation required between properties with hencoops, educational materials mandatory for permit holders
Cambridge	Hens not permitted in Residential Zones	–	–	–	–	–	–	–	–	–
Niagara Falls		None Required	–	10	Yes	–	Must meet requirments			
Orangeville	Pilot Program 2021-2023	NO NEW PERMITS	–	–	–	2	–	–	–	Not enough interest in the program to justify staff time needed
Carleton Place	Enacted 2021	License Required	\$100, \$30 Annual	6	Yes	6 Current	Must meet requirments	None	Unknown	–

Sources:
[UrbanHensTO Pilot Program – City of Toronto](#)
[Backyard Chickens | City of Kingston](#)
[Backyard Hens - The Town of East Gwillimbury](#)
[Urban Hens By-Law - Township of Russell](#)
[City of Brampton | Animal Services | Backyard Hens](#)
[Urban Hens](#)
[Backyard Chickens | Norfolk County](#)
[Urban Hens and Backyard Chickens - Halton Hills](#)
[Backyard Hens Licence - Township of Champlain](#)
[Backyard Hens | Town of Parry Sound](#)
[Backyard Chickens](#)
[Urban Hens | Town of Georgina](#)
[Backyard Hens - City of Cambridge](#)
[Committee amends By-laws to regulate backyard chickens in West Lincoln - West Lincoln](#)
[en.living-here/animal-control-and-licensing.aspx - orangeville](#)
[Council evaluates rules for backyard hens | Orangeville Citizen](#)
[Certified-Consolidated-Copy-Animal-Control-By-Law.pdf](#)
[By-Laws and Significant Town Policies - Town of Carleton Place](#)

Backyard Hens By-law; Toronto ON

Communications:

March 27, 2025- spoke with a representative from Toronto Animal Services. They stated that there was no talk of re-enacting the Backyard Chicken By-law at this time due to the rising concerns around the bird flu.

March 27, 2025- Spoke with the Animal Services Manager for the City of Toronto, Nancy. She stated that there will be a chicken related report back to council this year; however, stated that the by-law will likely not be put back in place as there are currently active cases of avian influenza within the City of Toronto .

Urban Hens Program Boundaries (Before program was discontinued):

