

Dear Brockton Town Council,

My name is Adam Leveille. This spring my wife and 4 children decided we would like to raise chickens to produce our own fresh eggs at home. I've seen some raising them around town and after searching existing by-laws and finding no restrictions I built a coop. Shortly after my chickens were introduced to the coop I was notified by the by-law officer that chickens were not allowed in residential areas. I am therefore proposing that a 2-year trial by-law be passed with hopes of making it permanent should it be deemed a success.

The proposed by-law would require the following: (more restrictions in the actual by-law)

- Chickens must be registered with the Municipality of Brockton.
- Must not keep more than 5 hens and no roosters.
- Must not sell eggs or any chicken related products.
- Must not butcher or slaughter hens.
- Coop must be maintained and free.
- Coops must be in rear yard and at least 1.5m from property lines and at least 5m from any dwelling on adjacent property.
- Coops must have an enclosed run.

There are many benefits to be had by allowing backyard hens such as:

- Hens provide a valuable low-cost food source.
- Knowing where your food came from. Which these days we do not.
- Educating children about the responsibility of caring for animals and learning where their food comes from.
- Up to 50% of household waste is compostable and can be fed to the chickens, therefore diverting it from our landfill.
- Chicken manure when composted provides a very rich fertilizer for gardens. This eliminates the need for chemical fertilizers and keeping those chemical out of our homegrown food and drainage water.

Here are some popular concerns associated with backyard chickens and the arguments to counter:

- Chickens are loud.
 - A dog's bark is 90 decibel, a hen's laying song is 60 decibels. It would take 12 hens to be as loud as 1 dog.
- Chicken coops smell.
 - Chicken coops do not smell if cleaned regularly and manure composted or disposed of properly. Dog and cat manure cannot be composted due to spreading disease in gardens, so it goes to the landfill. It would take 10 chickens to produce the same amount of manure as a large dog but is useful.

Sincerely,

Adam Leveille

THE CORPORATION OF THE TOWN OF BROCKTON

BY-LAW [NUMBER]

Being a By-law to Regulate the Keeping of Hens in the Town of Brockton

WHEREAS the Municipal Act, 2001 (S.O. 2001, c.25) authorizes a lower tier municipality to pass By-laws regulating the keeping of animals;

AND WHEREAS the Council of the Corporation of the Town of Brockton considers it desirable to enact such a By-law;

THEREFORE BE IT RESOLVED that the Council of the Town of Brockton enacts as follows:

1. DEFINITIONS

1.1 In this by-law:

- "Hen" means female chicken.
- "Official Plan" means the Town of Brockton Official Plan and its amendments.
- "Owner" means a person or his or her authorized agent in lawful control of the premises, building, occupancy or other structure or portion thereof under consideration and who keeps or harbours hens.
- "Town" means Town of Brockton.
- "Zoning By-law" means the Town of Brockton Zoning By-law and its amendments.

2. REGISTRY

2.1 The Town's Chief Building Official shall maintain a registry of owners of hens and owners of property on which hens are kept. 2.2 The Registry shall contain the following information:

- a) The name of the owner of property on which hens are kept.
- b) The street address of the property on which hens are kept.
- c) The mailing address of the owner of property on which hens are kept.
- d) A statement from the owner of property on which hens are kept which affirms that all requirements of this by-law will be adhered to. 2.3 The Town may collect a fee to maintain the registry and any fee shall be incorporated in the Town's Fees & Charges By-law.

3. LAND REQUIREMENTS

3.1 No person shall keep, at any one time, more than 5 hens at a property. 3.2 No person shall keep hens on a property except in accordance with the following provisions:

- a) The owner of the land has paid any applicable fee as authorized by this By-law to register the hens with the Town.

- b) The owner of the land has provided the necessary information to the Town in respect of the Registry outlined in this by-law.
- c) The owner resides on the property.
- d) The property on which the hens are located is zoned R1-Residential One, R2-Residential Two, or PD-Planned Development, and any special provisions for the listed zones in the Town's Zoning By-law.
- e) The property on which the hens are located is within the Settlement Area of the Town's Official Plan.
- f) The property on which the hens are located contains a lawfully existing single detached dwelling unit.
- g) The property on which the hens are located is 1000 m² or greater.
- h) Hens can only be located in the rear yard, as defined in the Town's Zoning By-law.
- i) The owner abides by all provisions of this by-law.

4. HEN REQUIREMENTS

4.1 All permitted hens shall be kept in a fully enclosed coop or run in a manner that contains the hens on the property and prevents their escape from such coop or run. 4.2 All hens shall be tagged with sufficient information to identify the owner of the hens.

5. COOP AND MAINTENANCE REQUIREMENTS

5.1 Coops and any run shall be set back a minimum of 1.5 m from side and rear lot lines and a minimum of 5 metres from any dwelling unit, excluding the dwelling unit on the property on which the hens are located. 5.2 Every owner of hens and every property owner on which hens are kept shall ensure the hens are housed in a coop that is constructed and maintained:

- a) to provide protection from weather and be adequately ventilated.
- b) to exclude rodents and predators.
- c) with flooring that is resistant to moisture and mold and retains heat in the cold weather.
- d) with a chicken box sufficient to accommodate all hens.
- e) with a perch area sufficient to accommodate all hens.
- f) with an accessible dust bath area. 5.3 Every owner of hens and every property owner on which hens are kept shall ensure that:
 - a) Coops and runs are maintained in a clean condition.
 - b) Coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the Town.
 - c) Coop floors are lined with shavings, straw or other appropriate materials to absorb manure and facilitate cleaning.
 - d) Coops are deep cleaned at least two times per year, including disinfection of troughs, perches, and nests.
 - e) Feeders and water containers are provided and are cleaned and disinfected regularly.
 - f) All stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it.
 - g) Feeding of hens is done in a manner that minimizes the attraction of rodents or other animals.

- h) Manure and droppings are cleaned out daily and stored in a secured container until disposed of in accordance with all applicable laws and regulations.
- i) Hens have access to an enclosed outdoor run area.
- j) Deceased hens are disposed within 24 hours of death at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all other applicable laws and regulations.
- k) Hens are kept in accordance with all other Town by-laws respecting noise and property maintenance.

6. PROHIBITIONS

6.1 No person shall engage in the sale of eggs, manure, meat or other products and by-products of hens. 6.2 No person shall engage in the slaughtering or butchering of hens. 6.3 No person shall keep roosters.

7. NON-APPLICABILITY

7.1 This By-law does not apply to lands meeting any of the following provisions:

- a) Lands located outside of the Town's Settlement Area as defined in the Town's Official Plan.
- b) Land that is a lawfully operating farm operation.
- c) Land that is zoned A-Agricultural.

8. CONTRAVENTION

8.1 The provisions of this by-law shall be enforced by the Municipal Law Enforcement Officer or a Police Officer. 8.2 An officer who has reasonable grounds to believe that a person has contravened any provisions of this by-law may require that person to provide identification of themselves, and every person who is required by an officer to provide identification under this section, shall identify themselves to the officer and shall provide their correct name and address.

- 8.2.1 Providing such information shall constitute sufficient identification.
- 8.2.2 Failure to provide such information shall constitute obstruction of the Officer. 8.3 Enforcement- Provincial Offences Act:
- Any person who violates a provision of this by-law is guilty of an offence and on conviction is liable to pay a penalty provided in Section 61 of the Provincial Offences Act R.S.O. Chapter P 33 as amended or re-enacted from time to time. 8.4 Enforcement - Municipal Act:
- Where any person is directed or required by this by-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the Municipal Act.

9. TIME LIMIT

9.1 Unless this by-law is amended by the Town, all permissions granted by this by-law shall expire 2 years from the date this by-law comes into force.

10. SEVERABILITY

10.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

11. EFFECTIVE DATE

11.1 This by-law comes into force and takes effect upon its passage.