



**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**

**BY-LAW NO. 2023-57**

**BEING A BY-LAW FOR THE ADOPTION OF A BACKYARD  
CHICKEN POLICY IN THE TOWNSHIP OF MCGARRY**

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**AND WHEREAS** Section 10 (2) 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a municipality may pass by-laws respecting animals;

**AND WHEREAS** Council of the Corporation of the Township of McGarry wishes to authorize a time-limited trial to assess the viability of permitting the keeping of backyard chicken within the Township;

**AND WHEREAS** this will require certain rules and set conditions to minimize any inconvenience to residents in accordance with the regulations set out herein;

**NOW THEREFORE BE IT RESOLVED THAT** the Council for the Corporation of the Township of McGarry hereby enacts a Backyard Chicken Policy for a trial period of (1) one year commencing on January 1, 2024 as follows:

1. That Council for the Corporation of the Township of McGarry adopts a Backyard Chicken Policy identified as "Schedule "A", attached hereto and forming part of this by-law.
2. That the Clerk of the Township of McGarry is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
3. That this By-Law shall come into force and take effect on January 1, 2024.

BY-LAW READ A FIRST AND SECOND TIME ON DECEMBER 7, 2023.

BY-LAW READ A THIRD AND FINALLY PASSED DECEMBER 7, 2023.

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

  
MAYOR

  
CLERK-TREASURER



**SCHEDULE "A"**  
**BY-LAW 2023-57**  
**BACKYARD CHICKEN POLICY**

The Township of McGarry allows residents to keep up to six (6) chickens in backyard coops. To keep chickens, residents must apply for a yearly permit and pay a \$50.00 fee.

**Apply for a permit:**

Before you keep chickens in your backyard, you must:

- Apply for a yearly permit of \$50.00
- Have your property inspected by Municipal By-Law Enforcement Officer / Property Standards Officer, staff member or a designated person of the Township of McGarry.

The property inspection is for the purpose of ensuring compliance with the regulations of this Policy, as set out below:

**Backyard Chicken Regulations:**

- A maximum of six (6) chickens shall be allowed on each permitted property.
- The keeping of rooster's is strictly prohibited.
- Home slaughter of chickens is not allowed.
- An application must be submitted to the Township prior to obtaining chickens, which includes a yearly fee of \$50.00 to cover the cost of processing the application and staff time or designated person inspecting the property to ensure compliance.
- Inspection of the property must occur prior to approval for chickens to ensure setbacks and proper construction of the coop.
- Chickens must be kept in an enclosed run when not in their coop.
- Chickens must always be always contained on owners' property.
- Owner of the chickens must reside on the property where they are kept.
- Rental properties – A written permission from the owner must be obtained.
- All other By-Laws will apply, for example, noise, animal control, property standards, zoning.

**Powers of Officer:**

- This Policy shall be enforced by the Township of McGarry's Municipal By-Law Enforcement Officer / Property Standards Officer.
- Pursuant to Section 436 of the *Municipal Act*, 2001, an officer may enter onto and cross any lands, at any reasonable time, without warrant to conduct an investigation or inspection to ensure the provisions of this By-Law are being complied with.
- Where an officer determines that any provision of this Policy is being violated, the officer may revoke the permit and seize any chickens on the property.
- Every chicken found being kept contrary to the provision of this Policy may be seized and impounded.
- Where a hen has been seized or should be destroyed without delay for humane reasons, the Municipal By-Law Enforcement Officer / Property Standards Officer may dispose of the hen in a humane manner as soon after the seizure as he/she sees fit, without permitting any person to reclaim the hen and no compensation or damages shall be recovered on account of such disposition.

## **Enforcement**

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.

The Municipal Act Section 391 (3) gives municipalities the authority to impose fees and charges on persons. The costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

The Municipal Act Section 391 (4) – A fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs to allow the use of its property.

Section 398 of the Municipal Act, 2001 allows the municipality to place unpaid fees and charges owing to the municipality on the property tax roll to which the services were provided regardless of who was in receipt of the said service. This allows non-tax debt to be added to the tax roll and collected in the same manner as municipal taxes. Non-compliance with this policy or any other By-Law or Policies of the Township of McGarry may result in withdrawal of your permit. Application and permit fees will not be reimbursed.

## **Setback Regulations**

- 1.2m (3.9 ft) from rear lot line.
- 2.5m (8.2 ft) from a side lot line.
- 2.5m (8.2 ft) from rear lot line abutting a side yard.
- Chicken coops are not permitted in a front yard.
- Existing sheds/garages can be used for a hen house, only the portion actually used to house hens shall be required to meet setback regulation.
- Runs and exterior portions of the coop must meet the setback regulations.
- Multi-residential properties such as apartments are not permitted to have chickens.
- If the 2.5m (8.2 ft) setback cannot be achieved, written permission shall be supplied to Municipal By-Law Enforcement Officer / Property Standards Officer by all owners and all adults' occupants of the adjoining properties, the placement of the coop will be permitted based on written consent.
- An owner or adult occupant of an adjoining property may withdraw consent to the placement of a hen coop or run that is closer to their property than the required 2.5m (8.2 ft) setback, if they notify the Township in writing. The owner will have to remove or relocate the coop within a permitted area no later than November 1<sup>st</sup> of that calendar year or six (6) months following the date of notification being given.

## **Coop Regulations and Sanitation**

### **Structure:**

- Coop must provide protection from weather and be adequately ventilated.
- The enclosed coop and run shall be constructed and maintained in a manner to exclude predators from entry.
- When chicken wire is used as part of or all of the run enclosure, the openings of the chicken wire shall not be larger than half inch.
- The chicken wire should also be buried into the ground surrounding the coop/run at a minimum of 6 inches to help exclude predators.

### **Interior**

- The floor must be constructed of a material that is resistant to moisture, mold, retain heat in the cold weather and exclude predators.
- The floors must be lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning.
- Chicken boxes and a perch must be provided for each hen.
- Dust bath area must be provided (helps control mites).

### **Cleaning:**

- The coop must be maintained in a clean condition and shall be kept free of odors.
- The coop must be deep cleaned 2-3 times a year which includes disinfecting of troughs, perches, and nests.
- Manure must be cleaned out daily and stored in a secured container or composter.

### **Food and Water:**

- Feeders and water containers must be provided, cleaned regularly, and disinfected.
- Feed must be stored in containers that are secured at all times to prevent animals from accessing it.

### **Avian Influenza (Bird Flu):**

Avian Influenza, commonly known as bird flu, is a viral infection that spreads easily and quickly among birds. This virus can affect several species of food-producing birds (chickens, turkeys, quail, guinea fowl, etc.) as well as pet and wild birds.

### **Signs and Symptoms:**

Infected birds may show one or more of the following signs:

- Lack of energy, movement, or appetite
- Decreased egg production
- Swelling around the head, neck, and eyes
- Coughing, gasping for air, or sneezing
- Nervous signs, tremors, or lack of coordination
- Diarrhea
- Sudden death

In rare cases, humans can become infected. Find more information about risk to humans on Health Canada's website.

### **Keep your birds safe:**

Follow these tips to protect your backyard chickens from the bird flu:

- Prevent contact with wild birds and other animals.
- Frequently clean poultry coops, waterers, feeders, your clothing, and your boots.
- Spot the signs of Avian Influenza and report early to a veterinarian or the Canadian Food Inspection Agency (CFIA).
- Limit exposure to visitors.
- Separate birds, their water, and food from wild birds.



## Application for a Chicken Coop Permit

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Address (Where backyard chickens will be housed)

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Email

\_\_\_\_\_  
Number of chickens to be kept at permit address (6 maximum)

Total chicken coop and chicken run one story high and less than 10 feet in height?

Yes

No

The total area of all coops and runs is less than 161 square feet.

Yes

No

What type of property is this?

- Residential
- Commercial
- Industrial
- Other

Does the owner of the chickens reside at the above address?

Yes

No

If you rent property, do you have written consent from the property owner to allow for chickens?

Yes

No

Did you meet the 2.5m (8.2 ft) setback from the neighboring side yard?

Yes

No

I understand that if at any time the abutting neighbor moves or changes their mind about supporting the reduced setback requirement, they are able to do so and I will have to remove the chickens from the property.

Yes

No

Do you meet the 1.2m (3.9 ft) setback from the rear lot line?

Yes

No

Is there an enclosed chicken run?

Yes

No

Is it your intent to slaughter chickens?

Yes

No





**DECLARATION IN THE MATTER OF AN APPLICATION FOR  
THE GRANT OF A MUNICIPAL PERMIT TO WIT:**

I, \_\_\_\_\_ in the Township of  
McGarry do solemnly declare:

1. That I am the applicant for the grant of a permit authorizing me to keep backyard chickens pursuant to the Township of McGarry Backyard Chicken Policy within the Township of McGarry now and hereafter in force. I undertake to conform to the terms, conditions, and regulations set out in the Township of McGarry Backyard Chickens Policy and understand that I must comply with all applicable regulations and requirements of every By-Law of the Township of McGarry.
2. I understand that any permit issued pursuant to the application is subject to revocation.

DECLARED BEFORE ME at the Township of McGarry,

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature