

The Corporation of the Town of The Blue Mountains

By-Law Number 2026 – 40

Being a By-law to regulate the keeping of Backyard Hens within Residential Zones in the Town of The Blue Mountains (the Town)

WHEREAS Section 8 of The Municipal Act, 2001, S.O. 2001, C.25 (the Act), as amended, states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable the municipality to govern their 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 Act, as amended, provide that a lower-tier municipality may provide any service 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 Act, as amended authorizes a municipality to pass by-laws necessary or desirable for municipal purposes with respect to animals;

AND WHEREAS the Town's Zoning By-law only allows the keeping of chickens in any location in the Town of The Blue Mountains where Agricultural Uses are permitted, which has the effect of prohibiting the keeping of chickens in any location where Agricultural Uses are not permitted;

AND WHEREAS the Town's Zoning By-law does permit accessory buildings, structures and uses to a residential use subject to certain regulations;

AND WHEREAS The Blue Mountains Future Story includes Bold Action 7 – Expand production of sustainable local food, which recommends a Key Step to conduct research and create a rationale and list of amendments to update the zoning bylaw to remove barriers for community gardens and urban agriculture;

AND WHEREAS Council passed a Motion at the May 12, 2025 Committee of the Whole directing staff to identify additional resources needed to produce a project plan regarding the policy planning review needed for Action Number 7 - expand production of sustainable local food;

AND WHEREAS Council passed a Motion at the October 7, 2025 Committee of the Whole Meeting directing staff to provide a staff report in response to the deputation regarding the keeping of backyard hens in the Town of The Blue Mountains in the residential areas;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it in the public interest to regulate the keeping of Backyard Hens.

NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Definitions

"Backyard Hens" means the accessory keeping of female chickens or pullets that are at least four months of age for the purpose of companionship as a pet or providing eggs for personal consumption by occupants of a dwelling on the same lot, and does not include roosters, other types of poultry, or agricultural uses otherwise defined by the Town of The Blue Mountains Zoning By-law.

"Council" means the Council of the Corporation of the Town of The Blue Mountains.

"Dwelling" means one or more units in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and usually containing cooking, eating, living, sleeping and sanitary facilities. For the purpose of this By-law, a dwelling unit does not include any commercial accommodation or a recreational trailer.

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

"Hen Run" means an area enclosed by wire screen intended for permitting one or more Backyard Chickens to be outdoors.

"Property" means a parcel of land that is registered as a legally conveyable parcel of land in the Land Titles Registry Office.

"Rear Yard" as defined under the Zoning By-law means a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the main building or structure on the lot. The terms "Lot" and "Yard" are further defined under the Zoning By-law.

"Slaughtering" means the killing of livestock for purposes that include the use of meat for food.

"Town" means the Corporation of the Town of The Blue Mountains.

"Zoning By-law" means by-law 2018-65 being the Comprehensive Zoning By-law for the Town of The Blue Mountains, including any amendments or successors to that By-law as enacted under Section 34 of the Planning Act that regulates the use of land in the Town of The Blue Mountains.

2. Property Regulations

The Backyard Hens bylaw makes it possible for residents of Residential Zones to keep hens as an accessory use provided the requirements of this bylaw are met. The Backyard Hens bylaw does not in any way affect the ability of Agricultural or Rural landowners to own hens consistent with agricultural uses permitted in those zones.

A person shall not keep Backyard Hens unless:

- a) the use or proposed use conforms with the Town's Zoning By-law and zone provisions that apply to the property;
- b) the property is Zoned Residential and contains a single detached dwelling;
- c) the property conforms to all applicable laws, including but not limited to, the Health Protection and Promotion Act, laws regarding animal cruelty, and the Fire Protection and Prevention Act.

3. Keeping of Hens

Every owner of Backyard Hens shall keep their hens in accordance with the following requirements:

- a) a maximum of 6 hens shall be permitted to be kept per Residential lot;
- b) no roosters shall be kept;
- c) all hens shall be a minimum of 4 months old;
- d) hens shall be kept in the Rear Yard of the property at all times and are not permitted to run at large, meaning hens are not permitted to roam onto neighbouring properties, or into the side yards or front yard of the property where the backyard hens are located;
- e) subject to the exception that hens shall be kept in a locked hen coop from 9:00 p.m. to 6:00 a.m., hens shall have access to a hen run at all times;
- f) every hen owner shall reside on the lot where such animals are kept; and
- g) no person shall permit more than 1 hen coop and 1 hen run per lot.

4. Humane Treatment

Every owner must ensure that their hens shall be:

- a) provided with adequate access to food and clean water;
- b) kept in a clean and healthy condition free from disease and, where necessary, shall be provided with veterinary care; and
- c) provided with appropriate space and environmental conditions conducive to good health, including but not limited to, the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.

5. Hen Coop and Hen Run Sizing

Every owner shall ensure that any hen coop or hen run provided for their animals shall meet the accessory building provisions in the Zoning Bylaw, and comply with the following size requirements as applicable, where the more restrictive requirement between the Zoning By-law and Backyard Hens By-law shall prevail in the case of any conflict:

- a) every combination of hen coop and run shall be less than 10 square metres (108 square feet) in size;
- b) a minimum of 0.37 square metres (4 square feet) per hen is required for the floor area of a hen coop along with a minimum of 0.93 square metres (10 square feet) ground area per hen for a hen run;
- c) no hen coop or hen run shall exceed 2 metres (21.5 feet) in height as measured from the highest point of the structure and the ground directly below such point.

6. Hen Coop and Hen Run Construction

Every owner shall ensure that any hen coop or hen run provided for their animals meets the accessory building provisions in the Zoning Bylaw, and shall be constructed and located with the following provisions, where the more restrictive requirement between the Zoning By-law and Backyard Hens By-Law shall prevail in the case of any conflict:

- a) located in a Rear Yard only;
- b) set back at least 2 metres from any lot line;
- c) a minimum distance of 10 metres from any dwelling on an adjacent lot;
- d) at least 15 metres from any lot on which a church, business or school is located;
- e) be completely enclosed so as to prevent the escape of any hen therein or the incursion of other birds, vermin or predators as much as reasonably possible;
- f) have adequate light and ventilation, provide protection from weather, exclude rodents and include a lock to be secured against the entry of predators;
- g) include food and water containers;
- h) include at least 1 nest box for egg laying and 1 perch providing at least 20 centimetres of space per hen; and
- i) every hen run shall have a floor comprised of any combination of vegetated or bare earth, and a dust bath area shall be provided.

7. Maintenance

Every Backyard Hen owner shall ensure appropriate maintenance in accordance with the subsequent provisions:

- a) food and water containers shall be cleaned regularly and disinfected;
- b) hen coops, including perches and nest boxes as applicable, shall be cleaned regularly and disinfected a minimum of 2 times annually;

- c) food shall be stored in rodent proof containers and secured at all times to prevent rodents or other animals from accessing it and leftover food shall be removed in a timely manner;
- d) The floors must be lined with shavings, straw or other appropriate materials to absorb manure and facilitate cleaning;
- e) manure and droppings shall be removed in a timely manner, stored manure shall be kept in an enclosed structure that prevents any odour and no more than 0.08 cubic metres (3 cubic feet) shall be stored at any time;
- f) manure not used for composting or fertilizing shall be properly disposed of through the municipal waste management program; and
- g) hen coops and hen runs shall be maintained in good repair and in a clean and sanitary condition, being kept free of obnoxious odours or substances and vermin.

8. Prohibitions

The following actions are prohibited under this bylaw:

- a) no person shall cause or permit the sale of eggs, manure or any other products derived from the keeping of hens on a residentially zoned lot; and
- b) no person shall cause or permit the slaughter of a hen on any residentially zoned lot, and any deceased hen shall be disposed of through the services of a veterinarian or a licensed deadstock operator.

9. Registration and Information Resources

All owners of Backyard Hens are expected to fully read the following information resources and apply the best practices contained therein for the responsible care of Backyard Hens:

- a) "The owner or keeper of Backyard Hens will register with the Chicken Farmers of Ontario (CFO) Family Food program, either through a local Broker Dealer at point of sale or by contacting the Chicken Farmers of Ontario directly and will thoroughly review the Family Food program information on Bird Health and Disease Management. Bylaw staff may, at any time, verify that an owner of Backyard Hens is registered with the CFO. If and when Egg Farmers of Ontario (EFO) launches their own registration platform for small flock owners, this provision will require new backyard hen owners to register with the EFO program instead of the CFO Family Food program."
- b) OMAFA Webpage titled "Raise Healthy Small Flock Poultry".
- c) OMAFA Webpage titled "Rodent Control in Livestock and Poultry Facilities".
- d) Ministry of Health Factsheet titled "Reducing Health Risks Associated with Backyard Chickens".
- e) Any updated or amended versions of the CFO, OMAFA and Ministry of Health information resources outlined in 9. a) b) c) and d), and any new resources listed as important or critical information on the Town's Backyard Hens website.

10. Responsible Care

- a) In the event the owner or keeper of Backyard Hens suspects their hens are infected with a communicable disease, the owner or keeper shall immediately consult a veterinarian to diagnose the condition. If the diagnosis is confirmed, the owner or keeper shall immediately notify the Medical Officer of Health and comply with the instructions of the Medical Officer of Health.
- b) In the event of a nearby outbreak of avian illness reported by Chicken Farmers of Ontario, Egg Farmers of Ontario, the Feather Board Command Centre, Canadian Food Inspection Agency or other official source, backyard hens will be confined to the fully enclosed hen coop and fully enclosed hen run at all times of day until the advisory has

been lifted or until an official ‘stand down’ notice has been shared by official sources, to reduce risks to public health and other hen flocks”;

- c) If the owner of Backyard Hens chooses to install a heat source in the coop, it shall be a Canadian Standards Association (CSA) rated product meeting 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.

11. Administrative Monetary Penalties

- a) By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law applies to each administrative monetary penalty issued pursuant to this By-law.
- b) Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law, be liable to pay to the Town an administrative monetary penalty as set out in Schedule "A" of this By-law.
- c) The Provincial Offences Act, R.5.O. 1990, c. P. 33, as amended, does not apply to a penalty notice issued in accordance with By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law.
- d) An initial warning may be issued at the discretion of the responding by-law enforcement officer prior to the application of any Administrative Monetary Penalties, if no prior complaints regarding backyard hens have been received for the property. If the owner or keeper of the hens does not take corrective action after a warning is received and within a timeline provided in that warning, an Administrative Monetary Penalty will apply. Properties that have already received one warning for an item under Schedule “A” of this By-law may or may not receive future warnings for different items at the discretion of by-law enforcement staff.

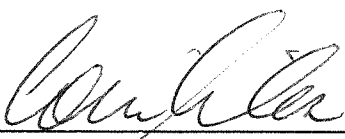
12. Force and Effect

This by-law shall take force and effect upon the passage hereof.

Enacted and passed this 13 day of July, 2026.



Peter Bordignon, Deputy Mayor



Corrina Giles, Town Clerk

SCHEDULE "A"

Administrative Monetary Penalties			
Item	Description	Provisions Creating or Defining Offence	Set Fine
1.	Possess more than six (6) hens	Section 3.a	\$300.00
2.	Possess a rooster	Section 3.b	\$300.00
3.	Permit hens to run at large	Sections 3.d and 6.e	\$300.00
4.	Fail to lock coop from sunset to sunrise	Section 3.e	\$300.00
5.	Permit more than one (1) hen coop	Section 3.g	\$300.00
6.	Permit more than one (1) hen run on property	Section 3.g	\$300.00
7.	Fail to provide clean food and water	Sections 4.a and 7.a	\$300.00
8.	Fail to comply with permitted size of coop and manure storage area	Section 5	\$300.00
9.	Fail to comply with hen coop location setbacks within settlement areas	Section 6	\$300.00
10.	Fail to keep hen coop and/or hen run secure	Section 6	\$300.00
11.	Fail to comply with coop maintenance standards and maintain sanitary conditions	Section 7	\$400.00
12.	Fail to keep food properly stored	Section 7.c	\$300.00
13.	Fail to keep manure in proper fully enclosed container	Section 7.e	\$300.00
14.	Storage of manure over three (3) cubic feet (0.08 cubic metres)	Section 7.e	\$300.00
15.	Permit the sale of products derived from hens	Section 8.a	\$300.00
16.	Fail to dispose of a deceased chicken promptly and in a sanitary manner	Section 8.b	\$350.00
17.	Permit slaughtering of hens on property	Section 8.b	\$400.00
18.	Failure to register with the Chicken Farmers of Ontario Family Food program, and/or with Egg Farmers of Ontario's small flock registration program when available	Section 9.a.	\$400.00
19.	No person shall hinder or obstruct the Town, its employees, officers or agents		\$500.00