

Attachment 1 – Table 1.1 – Suggested Limitations and Prohibitions -Chickens in Residential Areas

As part of the project analysis County Staff have compiled suggested limitations, prohibitions, and implementation relating to chickens in residential areas of the County.

Table 1.1 provides details on each suggested limitations, prohibitions, and implementation item for the Committee’s consideration in advance of drafting a new regulatory Backyard Hen By-Law. Feedback and direction on the items below are respectfully requested to assist in preparing the new regulatory draft By-Law.

Table 1.1 – Suggested Limitations and Prohibitions

Ministry Guidelines		
Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA)	Ministry Resources	Suggested Limitation(s), Prohibition(s), and Implementation
	<p>The Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) website provides educational and informative resources related to urban agriculture including:</p> <ul style="list-style-type: none"> • Proper flock management • the production and management of small flocks • food safety • animal health and welfare; and • biosecurity • <i>Raise Healthy Small Flock Poultry</i>.¹ <p>The site also provides links to relevant legislation, including <i>the Food Safety and Quality Act, 2001, S.O. 2001, c. 20</i>, <i>the Health</i></p>	<p>Ministry resources should form part of the comprehensive communication strategy to help inform and support owners on an ongoing basis.</p> <p>Links to Ministry resources could be included on the County’s website, on a project page, to be developed as part of the Comprehensive Communication Strategy and final project steps.</p>

¹ Province of Ontario. Ministry of Agriculture, Food and Rural Affairs. Raise Healthy Small Flock Poultry. Published January 12, 2022. Updated March 20, 2023. Accessed at: <https://www.ontario.ca/page/raise-healthy-small-flock-poultry>

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	<u>Protection and Promotion Act, R.S.O. 1990, c. H.7, the Animal Health Act, 2009, S.O. 2009, c. 31, and the Farm Products Marketing Act, R.S.O. 1990, c. F.9.</u> ²	
Provincial Legislation		
The Food Safety and Quality Act, 2001, S.O. 2001, c. 20	Legislative Regulations	Suggested Limitation(s), Prohibition(s), and Implementation
	<p>The production, processing, manufacturing, and other preparation of food for consumption is regulated under <i>the <u>Food Safety and Quality Act, 2001, S.O. 2001, c. 20</u> to ensure quality, safety, and mitigate food safety risks.</i></p> <p>Regulations under <i>the Act</i> govern the sale of agricultural products, including ungraded eggs and meat.³</p>	To alleviate food safety risks, contraventions of <i>the Act</i> , help ensure proper biosecurity, and mitigate public health risks it is suggested the sale of chicken products in residential areas of the County of Brant be prohibited.
The Animal Health Act, 2009, S.O. 2009, c. 31	In accordance with <i>the <u>Animal Health Act, 2009, S.O. 2009, c. 31, Section 6.1 of the Communicable Diseases Regulation (O. Reg. 557), and Communicable Diseases – General (O. Reg. 501/17)</u> owners must notify authorities or a veterinarian and veterinarians must notify the Medical Officer of Health</i>	<p>Mandatory biosecurity measures, health management, and veterinary care should be required, similar to other domestic animals such as dogs and cats.</p> <p>To help mitigate potential public health risks, maintain biosecurity measures, and help reduce potential outbreaks of diseases borne and spread in birds mandatory veterinary care is suggested for chickens kept in residential areas.</p>

² Province of Ontario. Ministry of Agriculture, Food, and Rural Affairs. Urban Agriculture: Livestock and Poultry. 2023-10-23. Accessed at: <https://omafra.gov.on.ca/english/livestock/urbanagricul.html>

³ Province of Ontario. Food Safety and Quality Act, 2001, S.O. 2001, c. 20. November 29, 2021. Accessed at: <https://www.ontario.ca/laws/statute/01f20#top>

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	(MOH) immediately if a bird/flock is suspected to be ill/infected. ⁴	
The Health Protection and Promotion Act	<i>The Health Protection and Promotion Act, R.S.O. 1990, c. H.7. places limitations on the slaughtering and disposal of chickens, prescribed in regulations set out within O. Reg. 557.⁵</i>	To alleviate contraventions of <i>the Act</i> , help ensure proper biosecurity, and mitigate public health risks the slaughtering and disposal of chickens in residential areas is suggested to be prohibited.
Clean Water Act, 2006 – Source Water Protection	<p>In preparation of this report County Staff consulted Cabium Inc., our Risk Management Official (RMO) on behalf of the County of Brant to evaluate whether chickens in residential areas pose significant threats to municipal drinking water sources.</p> <p>It has been determined that chickens will pose a significant drinking water threat due to the production of Agricultural Source Material (ASM) of livestock of certain quantities and certain property sizes in the Wellhead Protection Areas of the Gilbert, Paris and St. George Wellheads, Vulnerability Scores of 8 to 10.</p>	<p>Further review is required to determine whether chickens should be limited or prohibited in these areas, which will mostly be in the Urban Residential Areas of Paris and St. George. County Staff will continue to consult with Cabium Inc. to develop mapping and regulations that support source water protection.</p> <p>Additional findings, recommendations, and mapping to help support this analysis will form part of County Staff’s recommendation report in May 2024.</p>

⁴ Province of Ontario. Health Protection and Promotion Act, R.S.O. 1990, c. H.7. R.R.O. 1990, Regulation 557. Communicable Diseases – General. Section 6.1. July 2023. Accessed at: <https://www.ontario.ca/laws/regulation/900557>

⁵ Province of Ontario. Health Protection and Promotion Act, R.S.O. 1990, c. H.7. O. Reg. 501/17: Communicable Diseases – General. December 2017. Accessed at: [https://www.ontario.ca/laws/regulation/r17501#:~:text=\(1\)%20A%20medical%20officer%20of,prophylaxis%20administered%2C%20to%20the%20Ministry.](https://www.ontario.ca/laws/regulation/r17501#:~:text=(1)%20A%20medical%20officer%20of,prophylaxis%20administered%2C%20to%20the%20Ministry.)

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Non-Profit Organization Guidelines		
Chicken Farmers of Ontario Family Food Program	Organizational Guidelines	Suggested Limitation(s), Prohibition(s), and Implementation
	<p>Chicken Farmers of Ontario (CFO) Family Food Program forms a component of CFO’s emergency management plan by allowing rapid location and identification of small flocks (up to 300 birds) to help manage and contain disease incidents.</p> <p>Registration is currently free and ensures that owners are receiving the appropriate certifications to properly track and care for birds (ex. Form 300 which certifies the grower is registered with the Family Food Program).</p> <p>Additionally, CFO’s website provides information and support for members relating to animal health and welfare and proper biosecurity. ⁶</p>	<p>Registration with CFO is a suggested requirement as part of future regulations and municipal licensing program.</p> <p>Links to CFO’s resources could be included on the County’s website, on a project page, to be developed as part of the Comprehensive Communication Strategy and final project steps.</p>
Residential Property Limitations and Restrictions		
Restrictive Covenants	Agreement Restrictions	Suggested Limitation(s), Prohibition(s), and Implementation
	<p>Restrictive covenants are registered on title of land, binding the purchaser and subsequent owners, and are typically intended to ensure</p>	<p>Many new urban residential subdivisions within Paris are subject to restrictive covenants which place limitations on the use of a property, including but not limited to prohibiting livestock, including the keeping of chickens.</p>

⁶ Chicken Farmers of Ontario. Family Food Grower Program. 2016. Website. www.familyfoodgrower.ca Accessed on February 5, 2024.

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	<p>land is developed and used uniformly.⁷</p> <p>Unlike easements, which often require Planning Act approval, restrictive covenants are instilled at the discretion of the private parties that establish it (i.e., Developer).⁸</p>	<p>Property owners should review a title search or property survey to determine if a restrictive covenant is registered on a property at the local land titles office prior to keeping livestock on a property. A solicitor or mortgage company can assist in reviewing and confirming this information.</p> <p>As part of implementation land title will need to be reviewed by the Owner. An attestation clause at minimum is suggested to form part of a licensing application to ensure Owner onus of maintenance of restrictive covenants.</p>
<p>Private Well Protections</p>	<p>Chickens also pose threats to private drinking water sources. Residents in the Non-Urban Residential areas have shared concerns of the potential contamination of private wells, specifically with free-range grazing of chickens and location of chicken enclosures and manure storage to private wells.</p> <p>Given the complexity of the issue County Staff consulted the Ministry of the Environment, Conservation, and Parks (MOECP) as the regulatory body for private well installation. As MOECP typically only gets involved with private well</p>	<p>To help mitigate potential threats to private drinking water sources, protect against potential contamination, and mitigate public health risks a minimum setback of 30.0m from chicken enclosures or manure storage to surrounding private wells is suggested.</p>

⁷ Canadian Legal Information Institute (CanLII). Spiro, P. S. Restrictive Covenants are not Forever in Ontario. *Andrews v. Rago*, 2019 ONSC 800 (CanLII). April 2019. Website. Accessed at: <https://canliiconnects.org/en/commentaries/66674>

⁸ Canadian Legal Information Institute (CanLII). Spiro, P. S. Restrictive Covenants are not Forever in Ontario. *Andrews v. Rago*, 2019 ONSC 800 (CanLII). April 2019. Website. Accessed at: <https://canliiconnects.org/en/commentaries/66674>

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	<p>installation or during concerns of potential contamination specific regulations could not be provided.</p> <p>While not a direct comparison it was suggested that County Staff refer to <i>Section 12</i> of R.R.O. 1990, Reg. 903: WELLS under the Ontario Water Resources Act, R.S.O. 1990, c. O.40 for suggested distances from sources of contamination to private wells.^{9 10} <i>Section 12</i> of R.R.O. 1990, Reg. 903: WELLS regulates installation of new private wells and recommends distances for installation from sources of contaminants of 15.0m for drilled wells with a casing depth of greater than 6.0m and 30.0m for a drilled well that does not have a casing depth of greater than 6.0m or a new well that is not drilled.¹¹</p>	
<p>Maximum Number of Chickens Per Property</p>	<p>Chickens can lay 1-2 eggs per day in ideal conditions for a period of 5-7 years, living up to or beyond 8 years depending on the species. Based on this rate 2 chickens could lay 2-4 eggs a day, 3 chickens could lay 3-6</p>	<p>Consumption rates should be considered when determining if or how many chickens should be permitted per property in the County, as potential food waste does not align with sustainable practices.</p>

⁹ Province of Ontario. Ontario Water Resources Act. R.R.O. 1990, Regulation 903: WELLS. January 1, 2020. Accessed at: <https://www.ontario.ca/laws/regulation/900903#BK9>

¹⁰ Province of Ontario. Ontario Water Resources Act, R.R.O. 1990, c. O.40. June 1, 2021. Accessed at: <https://www.ontario.ca/laws/statute/90o40>

¹¹ Province of Ontario. Ontario Water Resources Act. R.R.O. 1990, Regulation 903: WELLS. January 1, 2020. Accessed at: <https://www.ontario.ca/laws/regulation/900903#BK9>

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	<p>eggs a day, and 4 chickens could lay 4-8 eggs a day.</p> <p>Egg Farmers of Ontario estimates the average Canadian consumes 242 eggs per year¹², which equates to approximately 0.6 eggs a day.</p>	<p>A maximum of four (4) hens per property with a maximum enclosure (coop and run) size of 10.0 m² (108 sq.ft.), and maximum height 2.0m (6.5 feet) is suggested in the residential areas of the County to offset laying capabilities, ensure appropriate enclosure sizes, maintain proper biosecurity, animal health and welfare.</p>
<p>Prohibition of Chicken under 4 months of age and Roosters</p>	<p>Roosters protect the flock, but also fertilize eggs rendering them not consumable. Egg fertilization leads to flock increase, potentially beyond permissions, and relocating chickens is difficult due to biosecurity protocols.</p> <p>Chickens must reach 4 months of age before the sex of the bird can be determined.</p>	<p>Chickens under 4 months of age and roosters are suggested to be prohibited to alleviate potential enforcement issues.</p> <p>This prohibition would also assist in reducing the spread of Salmonella, easily spread from hen to chick through the egg, and shed by the chick through manure, and infecting the flock.¹³</p>
<p>Multi-Unit Residential Uses and Zones</p>	<p>Additionally, other municipalities also prohibit chicken’s accessory to multi-unit residential uses and zones, such as apartments, condominiums, and rowhouses to alleviate potential nuisance concerns where outdoor amenity areas are shared.</p>	<p>A prohibition is suggested for chickens on multi-unit residential properties (including properties with additional residential units (ARUs) to help mitigate potential nuisance and alleviate potential enforcement issues.</p>
<p>Biosecurity</p>	<p>The Government of Canada suggests several ways to reduce diseases in pet birds and small</p>	<p>To mitigate public health risks and help reduce potential outbreaks of diseases born and spread in birds several biosecurity measures can be taken:</p>

¹² Egg Farmers of Ontario Website. Egg Facts. 2021. Accessed at: <https://www.getcracking.ca/egg-facts#:~:text=How%20many%20eggs%20do%20Canadians,to%20our%20country%20each%20year!>

¹³ British Columbia. Small Flock Poultry Health Manual. Disease Prevention and Good Management. How Salmonella Spreads. Page 107. 2011. Accessed At: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/animal-and-crops/animal-production/small_flock_manual.pdf

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	<p>flocks (backyard chickens) by preventing contact with wild birds and other animals, daily cleaning and maintenance of properties and enclosures, early detecting of illness, limiting outside visitors, and isolating new birds before introducing them to the flock.¹⁴</p> <p>The Federal and Provincial Government discourage anyone working or in contact with commercial poultry flocks from keeping or raising chickens or birds as household pets or attending live bird shows or markets¹⁵ and to practice enhanced biosecurity measures.¹⁶</p>	<ul style="list-style-type: none"> • Isolating New Birds.¹⁷ • Daily Cleaning and Maintenance of Enclosures and Property.¹⁸ • Animal and Veterinary Care - Mandatory veterinary care should be required for chickens in residential areas. Owners must notify authorities or a veterinarian and veterinarians must notify the Medical Officer of Health (MOH) immediately if a bird/flock is suspected to be ill/infected.¹⁹ The Ministry of Health must notify the MOH of AI case(s) in their jurisdiction.²⁰ • Municipal Registration Program. • Limit Contact – Limiting outside visitors and exposure to wild birds, other animals (including domestic pets), and rodents should be avoided²¹ and persons exposed to birds through commercial farming, small flocks (backyard chickens), or hobby farms, and/or servicing poultry producers (ex. poultry transporters, feed
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¹⁴ Government of Canada Website. How to Prevent and Detect Disease in Small Flocks and Pet Birds. January 2022. Accessed at: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/backyard-flocks-and-pet-birds/eng/1323643634523/1323644740109>

¹⁵ Province of Ontario Website. Biosecurity Recommendations for Commercial Poultry Flocks in Ontario. March 2023. Accessed at: <https://www.ontario.ca/page/biosecurity-recommendations-commercial-poultry-flocks-ontario>

¹⁶ Government of Canada. Website. Avian Biosecurity – Protect Poultry, Prevent Disease. 2023. Accessed at: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/avian-influenza/avian-biosecurity/eng/1344748344710/1344748451521>

¹⁷ Government of Canada Website. How to Prevent and Detect Disease in Small Flocks and Pet Birds. January 2022. Accessed at: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/backyard-flocks-and-pet-birds/eng/1323643634523/1323644740109>

¹⁸ Government of Canada Website. How to Prevent and Detect Disease in Small Flocks and Pet Birds. January 2022. Accessed at: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/backyard-flocks-and-pet-birds/eng/1323643634523/1323644740109>

¹⁹ Province of Ontario. Health Protection and Promotion Act, R.S.O. 1990, c. H.7. R.R.O. 1990, Regulation 557. Communicable Diseases – General. Section 6.1. July 2023. Accessed at: <https://www.ontario.ca/laws/regulation/900557>

²⁰ Ministry of Health. Management of Avian Influenza or Novel Influenza in Birds or Animals Guideline. 2023. Accessed at: https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Mgmt_of_Avian_Novel_Influenza_Guideline_2023.pdf

²¹ Government of Canada Website. How to Prevent and Detect Disease in Small Flocks and Pet Birds. January 2022. Accessed at: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/backyard-flocks-and-pet-birds/eng/1323643634523/1323644740109>

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		<p>providers, catching crews, etc.) should practice enhanced biosecurity procedures.²²</p> <ul style="list-style-type: none"> • Prohibiting sale of chicken products, slaughtering, and disposal of chickens in residential areas. • Animal Care and Biosecurity Education - Some municipalities require owners to complete an Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) approved course prior to keeping and raising chickens to explain proper animal care.^{23 24} • Seasonal Influenza Vaccines – Encouraged by the Ontario Ministry of Health to reduce co-infection with human and AI viruses.²⁵ • Registration with Chicken Farmer’s of Ontario (CFO) Family Food Program. <p>Biosecurity measures, such as prohibiting euthanizing and slaughtering in the residential areas, are suggested as part of future regulations.</p> <p>County Staff will also need to take appropriate biosecurity measures when inspecting properties. Inspections would not be able to be conducted back-to-back, may need to be limited in number per day, and could require protective equipment to be worn to help mitigate the risk of contamination and potential illness.</p>
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²² Government of Canada. Website. Avian Biosecurity – Protect Poultry, Prevent Disease. 2023. Accessed at: <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/avian-influenza/avian-biosecurity/eng/1344748344710/1344748451521>

²³ City of Toronto. Final Recommendations on the UrbanHens TO Backyard Hens Pilot Program. Report for Action. Page 1 of 21. March 10, 2022. Accessed at: <https://www.toronto.ca/legdocs/mmis/2022/ec/bgrd/backgroundfile-222783.pdf>

²⁴ Poultry Industry Council Website. Raising Backyard Chickens. Virtual Course. 2023. Accessed at: <https://www.poultryindustrycouncil.ca/education/raising-backyard-chickens>

²⁵ Ministry of Health. Management of Avian Influenza or Novel Influenza in Birds or Animals Guideline. 2023. Accessed at: https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Mgmt_of_Avian_Novel_Influenza_Guideline_2023.pdf

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<p>Animal Health and Welfare</p>	<p>Some municipalities require proof of education, approved by OMAFRA, prior to keeping chickens to help ensure proper animal health and welfare.</p> <p>Chickens require a level of care that some residents may not be fully aware of, prepared, or capable to provide.</p> <p>Education may help residents understand whether they are prepared to care for chickens prior to incurring costs.</p> <p>OMAFRA approves a Poultry Industry Council “Raising Backyard Chickens course (3.5 hours in length), held each spring, to be covered by the property owner.²⁶</p>	<p>Owner education is suggested prior to residents keeping chickens in residential areas.</p>
<p>Enclosure Requirements</p>	<p>Chicken enclosures (ex. Coops and runs) can attract pests, predators, and wildlife acting as disease vectors if not properly constructed or maintained.</p> <p>It is vital that chicken enclosures always be secure from other animals. Enclosures also require proper ventilation, regular cleaning</p>	<p>Enclosures are suggested to be limited to rear yards of a property, in accordance with locational criteria, such as setbacks (ex. 1.0 m from all property lines, 3.0 m from all windows and doors), and size limitations (ex.10.0m²) forming part of future regulations.</p>

²⁶ Poultry Industry Council Website. Raising Backyard Chickens. Virtual Course. 2023. Accessed at: <https://www.poultryindustrycouncil.ca/education/raising-backyard-chickens>

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	<p>to avoid noxious odours, and must be properly sized to ensure animal welfare.</p>	
<p>Manure Storage and Disposal Regulations</p>	<p>Chickens can produce up to 10lbs. (4.5kg) of manure per month per bird. A maximum of 4 chickens per property could generate approximately 40 lbs. (18.1kg) of manure each month.</p> <p>Manure produced by chickens in residential areas will need to be stored, composted, spread, or disposed of in accordance with municipal regulations.</p> <p>The County’s Solid Waste Control By-Law 146-17 allows Animal Waste to be disposed of at the Biggars Lane Landfill or through the curbside collection program to a maximum of 25% of the total amount of waste, based on volume or weight, placed in a waste container/garbage bag. The total maximum weight of a garbage bag/container for curbside collection is 45lbs. (20kg) which means 11.25lbs. (5kg) could be animal waste if the total weight of the garbage bag/container was 45lbs. (20kg). Schedule B of By-Law 146-17 defines “waste container” and</p>	<p>Future requirements will need to include manure storage and disposal to manure is handled properly, avoid public health concerns, and mitigate potential nuisance complaints.</p> <p>Based on a suggested maximum of 4 chickens per property a maximum of 0.08 cubic metres (3 cubic feet) of manure is suggested to be permitted to be stored on a property in an airtight container, with a small amount of manure permitted to be worked into the soil as soil amendments.</p> <p>Any unused manure exceeding 0.08 cubic metres (3 cubic feet) would need to be removed in accordance with the County’s Solid Waste Control By-Law 146-17.</p>

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	<p>stipulates a maximum size of 125 L per container for curbside collection which means that roughly 31.25 L could consist of animal waste if the weight of animal waste is not greater than 25% of the overall weight.</p>	
<p>Odour</p>	<p>Unpleasant odours, from accumulation of manure and/or food scraps, can result if chicken enclosures are infrequently cleaned and food is left in coops and runs.</p> <p>Although chickens produce only a few tablespoons of manure per day, accumulations of manure can produce ammonia, which is both harmful for chickens and generally unpleasant.</p>	<p>Ongoing cleaning and maintenance of enclosures and properties to avoid nuisance complaints, mitigate potential negative impacts on surrounding properties, and reduce instances of pests is suggested to be included as part of future regulations.</p> <p>To help ensure all regulations are complied with enclosures and properties are suggested to be subject to inspection by a Municipal Law Enforcement Officer (MLEO) upon licensing with the County.</p> <p>Follow-up inspections would be carried out if complaints are received. The County does not have the ability to test for compliance for noise or odour and does not recommend quantifiable parameters be included within a regulatory By-Law.</p>
<p>Noise</p>	<p>The County's Noise By-Law 108-22 acknowledges that while daily noise exposure occurs exposure to unusual, unnecessary or excessive noise which unreasonably degrades the quality and tranquility or causes a nuisance should be prohibited, especially in residential areas.</p> <p>The "...persistent barking, calling or whining or other persistent Noise</p>	<p>To avoid noise nuisance and reduce complaints it is suggested that roosters be prohibited in residential areas, chickens be kept in coops from 9:00 p.m. to 6:00 a.m., and minimum setbacks from surrounding properties and sensitive land uses form part of future regulations.</p> <p>OMAFRA also recommends that roosters be avoided in densely populated urban areas.</p>

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	<p>making by any domestic pet, or any other animal kept or used for any purpose other than agriculture...” is prohibited and would apply to chickens in residential areas.</p> <p>Noise exemptions for agriculture and normal farm practices will continue to apply in the Agricultural (A) zone.</p> <p>Unlike chickens, crowing roosters can reach decibel levels of 85-90 dbA.</p>	
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