

The Corporation of the Township of Loyalist

Township By-law 2021-xxx

Being a By-law to regulate and licence the keeping of Backyard Hens within Loyalist Township

(Backyard Hens Licensing By-law)

Whereas Section 5(3) of the Municipal Act, 2001, S.O. 2002, c.25, as amended, provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise;

And Whereas Section 8(3) of the Municipal Act, 2001 provides municipalities with the broad authority to govern 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 Municipal Act, 2001, provides that a lower-tier municipality may provide any services 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 Municipal Act, 2001, provides that a lower-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals;

And Whereas the Council of the Corporation of Loyalist Township deems it expedient, necessary and in the public interest to regulate the keeping of backyard hens for the purpose of public health and safety.

Now Therefore the Council of the Corporation of Loyalist Township enacts as follows:

1. Definitions

"Agricultural Property" means a property that is zoned to permit agricultural use in the Loyalist Township Zoning By-law.

"Chickens" means the accessory keeping of domestic female chickens that are a 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 accessory livestock, or agricultural uses otherwise defined by the Loyalist Township Zoning By-law.

"Clerk" means the Clerk of the Corporation of Loyalist Township or their designate.

"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.

"Council" means the Council of the Corporation of Loyalist Township.

"Farm" means land used for the tillage of soil and the growing of vegetables, fruits, grains, maple syrup, and other staple crops. This includes the use of land for such activities as a nursery, pasture, raising of animals, dairying, fish farming, or woodlots.

"Licence" means a licence issued under this By-law.

"Officer" means a Police Officer or an Animal Control Officer, a By-law Enforcement /

Municipal Law Enforcement Officer for Loyalist Township, or anyone working under his/her authority.

“**Outdoor Run**” means an area enclosed by wire screen intended for permitting a hen or hens to be outdoors.

“**Property**” means a parcel of land and any buildings or other structures on the land.

“**Property Owner**” means the registered owner(s) of a property within Loyalist Township.

“**Residential**” means a dwelling unit not located on the same lot as a farm, as per the Loyalist Township Zoning By-law.

“**Rooster**” means a male chicken kept for its meat or fertilization purposes.

“**Slaughtering**” means the killing of livestock for purposes that include the use of meat for food.

“**Tenant**” means a person who rents or leases a dwelling from a landlord.

“**Township**” means the Corporation of Loyalist Township.

“**Zoning By-law**” means a by-law passed under Section 34 of the Planning Act that restricts the use of land in Loyalist Township.

“**Building By-law**” means a by-law passed under Section 7 of the *Building Code Act, 1992* respecting construction, demolition and change of use permits and inspections.

2. Administration

- 2.1 The Clerk or designate is responsible for the administration and enforcement of this by-law.
- 2.2 The provisions of this By-law shall apply to the keeping of Backyard Hens in Residential properties in Loyalist Township.

3. Application for Backyard Hen Licence

- 3.1 No person shall keep backyard hens pursuant to this By-law, unless that person has applied for and receives a licence from Loyalist Township.
- 3.2 The applicant/owner of the backyard hens must reside on the property where the backyard hens are kept.
- 3.3 An application for such licence must be signed by the applicant and/or landowner and shall include, but is not limited to, the following mandatory fields and declarations:
 - 1) Applicant information including name, address (mailing and physical), postal code, and telephone number and email address;
 - 2) Property Owner’s information including name, address (mailing and physical), postal code, and telephone number and email address;
 - 3) Site sketch/plan illustrating the location and size of the coop and manure storage area on the property, complying with the coop regulations set out in the By-law;
 - 4) Checklist of specific regulations contained in the By-law confirmed by

the applicant; and,

- 5) A declaration that the applicant:
 - a) Reviewed the Resource Kit titled “Keeping Your Birds Healthy” distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA);
 - b) Reviewed the OMAFRA Factsheet titled “Biosecurity Recommendations for Small Flock Poultry Owners”;
 - c) Reviewed OMAFRA Factsheet titled “Small Flock Poultry: Raising Healthy Birds”.
 - d) Reviewed the OMAFRA Factsheet titled “Rodent Control in Livestock and Poultry Facilities”;
 - e) Reviewed the Ministry of Health Factsheet titled “Keeping your family healthy with backyard poultry, including chicks and ducklings”.
 - f) Will provide suitable housing and shelter for the backyard hens in their care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Chicken Owners;
 - g) Will provide the backyard hens with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing; and,
 - h) Will abide by the regulations contained within the Backyard Hen Licensing By-law.
- 3.4 It is understood that different ministries and organizations may update their resource kits and factsheets from time to time. Staff have the authorization to make updates to the education package applicants are to review as outlined above in section 3.3, based on new information provided and/or recommended by OMAFRA and the Ministry of Health.
- 3.5 Tenants must obtain written permission from the property owner to keep backyard hens on the owner’s property.
- 3.6 Applicants must advise abutting property owners of their intention to obtain a backyard hen licence prior to applying. Applicants, using the form found on Schedule “C” of this By-law shall provide a declaration that notification was provided to abutting neighbours.
- 3.7 Every application for a backyard hen licence shall be submitted to the Township on the form provided on Schedule “A” of this By-law, together with the annual licence fee as outlined in Schedule “B” of this By-law. Every licence issued pursuant to this By-law shall expire on the 31st day of December for the year in which it was issued for. Applicants are required to renew their licence annually to keep backyard hens.
- 3.8 A change in occupancy or ownership of the property shall make the Backyard hen Licence null and void. The new occupant and/or owner shall submit a new initial application, not a renewal application.
- 3.9 Every application for a licence will be reviewed to determine whether it meets the requirements of this By-law. Part of this review will include circulation to applicable departments and an inspection of the coop by By-law Enforcement.
- 3.10 These departments as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.

- 3.11 If it is determined that an application meets the requirements of this By-law, the Township will issue the licence once the licence fee has been paid in accordance with the fees set out in Schedule “B” of this By-law.
- 3.12 If it is determined that an application does not meet the requirements of this By-law, the Township will refuse to issue the licence and will refund the licence fee.
- 3.13 If at any time the Township determines, as a result of evidence that is provided, that the operation of a backyard hen coop does not conform to the requirements of this By-law, it may suspend or revoke the licence.
- 3.14 In the event of any changes to the conditions to which the licence approval was based on, the applicant shall notify the Township immediately of the changes and may be required to submit additional information, including but not limited to a new site sketch/plan of the coop location.

4. Backyard Hen Regulations

- 4.1 A maximum of six (6) hens shall be allowed on each permitted property.
- 4.2 All hens shall be at least four (4) months old.
- 4.3 The keeping of roosters is strictly prohibited.
- 4.4 All deceased hens shall be disposed of promptly in a sanitary manner; this includes bringing to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of hens.
- 4.5 The slaughtering of hens on the property is prohibited.
- 4.6 The selling of eggs, manure, meat, or other products derived from backyard hens is prohibited.
- 4.7 Hens must be kept in their coops from 9:00 p.m. to 6:00 a.m.
- 4.8 Hens must be kept in an enclosed hen run when not in their coop.
- 4.9 Store feed in a fully enclosed, non penetrable container.
- 4.10 Keep hens in a cage only when actively transporting the hen.
- 4.11 Ensure good husbandry practices where each Hen is provided with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities to scratch, peck, dust-bathe, roost, and socialize with their own kind;

5. Backyard Hen Coop Regulations

- 5.1 Within a residential area, no backyard hen coop (including manure storage area) or outdoor run, shall be located within:
 - 1) A front yard or exterior side yard;
 - 2) 3 m (9.8 ft) from all windows and doors of dwelling that are located on an abutting property.
 - 3) 1.2 m (3.9ft) of any lot line; including rear lot lines and interior side lot lines
 - 4) 5 m (16 ft) from wells and septic tanks
 - 5) 15 m (50 ft) of any lot line on which a school is located.
 - 6) 7.5 m (25 ft) from any church or business.
- 5.2 A maximum of one (1) backyard hen coop and one (1) outdoor run shall be

permitted per property.

- 5.3 All backyard hen coops shall be a fully enclosed weatherproof structure or enclosure with ventilation and a heat source, built to prevent any rodent(s) from harbouring underneath or within its walls and to prevent entrance by any other animal. The hen coop shall include:
- i. At least one nest box for every 3 egg laying hens.
 - ii. At least one perch giving 8" to 12" of space per hen.
 - iii. At least 0.37 m² (4 sq.ft) of floor area for each hen is required.
 - iv. Coops shall not exceed 2 m (6.5 ft) in height.
 - v. At least 0.92 m² (10 sq ft) of roofed outdoor enclosure
- 5.4 The backyard hen coop shall have a heat source that is a Canadian Standards Association (CSA) rated product and meets the 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.
- 5.5 All backyard hen coops must be kept in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances and in good repair.
- 5.6 All backyard hen coops and outdoor runs shall be secured against the entry of predators.
- 5.7 Backyard hens must be provided with food and clean water at all times, shelter, light, and ventilation to assist in keeping the hens in good health. Food and water shall be kept in solid, rodent proof and weather proof containers. Uneaten feed shall be removed in a timely manner.
- 5.8 All stored manure shall be covered by a fully enclosed container. No more than three (3) cubic feet of manure shall be stored at any given time. All manure not used for composting or fertilizing shall be removed daily from the hen coop and outdoor run.
- 5.9 All backyard hens shall be kept securely in a coop or outdoor run at all times. Backyard hens are not permitted to run at large.
- 5.10 Any structure (building not fenced area) larger than 10m² will require a building permit.
- 5.11 All coops must comply with the Building and Zoning By-law if applicable.

6. Exemptions

- 6.1 Farm as defined by the Zoning By-Law are exempt from this by-law.
- 6.2 Property owners with lot sizes that are 2 acres or more are permitted to apply for exemptions to section 4.1 of the bylaw by filling out the application found on Schedule "D" of this By-law. Applicants can apply for up to 18 hens.

7. Right of Entry

- 7.1 Every person who holds a Backyard hen licence shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or

agent of the Township to inspect the property, to determine whether all requirements of this By-law are being complied with.

- 7.2 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.

8. Offence and Penalty Provisions

- 8.1 Every person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 8.2 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9. Severability

- 9.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.
- 9.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

10. Force and Effect

- 10.1 This By-law shall take force and effect upon final passage hereof

Enacted and passed this

Mayor

Clerk

Schedule "A"

Licence Application

To be Drafted after Public Consultation

DRAFT

Schedule "B"

Licence Fees

Licence Type	Fee (annual)
Initial Application	\$50.00
Renewal Application	\$25.00

Schedule "C"

Neighbour Notification for Backyard Hen Coop

No licence shall be issued to a person, by Loyalist Township, and no hens shall be allowed to be kept unless the owner(s) of all abutting properties are made aware of the application for the licence.

Applicant Information:

Name:
Address:

1) Abutting Neighbour:

Name:	
Address:	
Date of Notification:	<input type="checkbox"/> verbal or <input type="checkbox"/> written

2) Abutting Neighbour:

Name:	
Address:	
Date of Notification:	<input type="checkbox"/> verbal or <input type="checkbox"/> written

3) Abutting Neighbour:

Name:	
Address:	
Date of Notification:	<input type="checkbox"/> verbal or <input type="checkbox"/> written

4) Abutting Neighbour:

Name:	
Address:	
Date of Notification:	<input type="checkbox"/> verbal or <input type="checkbox"/> written

I _____ (name) of _____ (property address), in the Province of Ontario, make oath and say that that I have provided notice of intent to apply for a Backyard Hen licence to be located at _____ (address of property applying for licence) to all abutting property owners.

SWORN before me at loyalist township, in the county of Lennox and Addington this _____ day of _____, 20_____.

Signature of applicant

Commissioner ect.

Schedule "D"

Part I Provincial Offences Act

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1	Fail to obtain licence	3.1	\$200.00
2	Possess more than six (6) hens	4.1	\$200.00
3	Possess a rooster	4.3	\$200.00
4	Permit slaughtering of hens on property	4.5	\$200.00
5	Permit the sale of products derived from hens	4.6	\$200.00
6	Fail to comply with coop location setbacks	5.1	\$200.00
7	Permit more than one (1) coop or outdoor run on property	5.2	\$200.00
8	Fail to comply with permitted size of coop	5.3	\$200.00
9	Fail to maintain sanitary conditions	5.5	\$300.00
10	Fail to keep coop and/or outdoor run secure	5.9	\$200.00
11	Fail to keep manure in proper fully enclosed container	5.8	\$200.00
12	Permit storage of manure over three (3) cubic feet	5.8	\$200.00
13	Permit hens to run at large	5.9	\$200.00
14	Hinder or obstruct the Township, its employees, officers or agents	6.2	\$300.00

Note: The general penalty provision for the offences listed above is Section 8.1 of By-law 2021-xxx, a certified copy of which has been filed.