

THE CORPORATION OF THE TOWNSHIP OF FRONT OF YONGE BY-LAW #

A BY-LAW TO REGULATE THE KEEPING OF CHICKENS IN THE VILLAGE OF MALLORYTOWN AND OTHER SETTLEMENT AREAS IN THE TOWNSHIP OF FRONT OF YONGE

WHEREAS the Municipal Act, 2001 authorizes the council of municipalities to pass by-laws with respect to animals;

AND WHEREAS Council considers it advisable to pass such a by-law;

THEREFORE the Council of The Corporation of the Township of Front of Yonge enacts as follows:

1.0 DEFINITIONS

1.1 in this by-law;

“By-law Enforcement Officer” means an authorized employee or agent of the Township of Front of Yonge who is responsible for the enforcement of the provisions of this by-law;

“coop” means a fully enclosed weatherproof 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 Township of Front of Yonge;

“dwelling” means a self-contained residential unit;

“hen” means a domesticated female chicken that is at least four months old;

“hen run” means covered secure enclosure that allows hens access to outdoors;

“keep” means to have temporary or permanent custody or control of an animal, and “keeps” and “kept” have corresponding meanings;

“owner” includes any person who possesses, harbours or keeps a hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor;

“property” means a parcel of land and any buildings or other structures on the land;

“residential property” means a property located in a settlement area and that is zoned in the zoning by-law to permit a single dwelling as a principal permitted use.

“settlement area” means a settlement area as defined in the Township of Front of Yonge Official Plan.

“zoning by-law” means a by-law passed under Section 34 of the Planning Act that restricts the use of land;

2.0 APPLICATION

Except as otherwise provided, the regulations established by this by-law apply to the keeping of hens in all settlement areas of the Township.

3.0 ADMINISTRATION

- 3.1 The Clerk's Department is responsible for the administration and enforcement of this by-law.

APPLICATIONS FOR HEN COOP PERMITS

- 3.2 Every application for a hen coop permit or for the renewal of such a permit shall be submitted to the Clerk's Department in the form provided, together with the annual permit fee, set out in the General Rates & Fees By-law.
- 3.3 Every application for a permit will be reviewed by the Clerk's Department to determine whether it meets the requirements of this by-law.
- 3.4 If it is determined that an application meets the requirements of this by-law, the Clerk's Department will issue the permit once the permit has been paid.
- 3.5 If it is determined that an application does not meet the requirements of this by-law, the Clerk's Department will refuse to issue the permit.
- 3.6 If, at any time, the By-law Enforcement Officer determines, as a result of evidence that is provided, that the operation of a hen coop does not conform with the requirements of this by-law, the permit may be revoked or suspended.

ADDITIONAL FEES

- 3.7 Fees shall increase as per Schedule "A" for a hen coop permit that has been applied for after the 31st day of March each year. This shall not be deemed to apply to new coop permits.

4.0 REGULATIONS

- 4.1 (a) No person shall keep hens anywhere within a settlement area unless he or she has first obtained a hen coop permit. A maximum of 6 hens will be permitted on any residential property. Roosters, guinea hens and other fowl are not permitted;
- (b) Every person who holds a hen coop permit shall allow, at any reasonable time, the By-law Enforcement Officer or other authorized employee or agent of the Township to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.
- (c) Hens are not permitted on properties located within WHPA-A and WHPA-B areas, as outlined on Schedule "C". Properties with existing source water protection plans pertaining to agricultural use at time of this by-law being adopted are exempt.
- (d) The minimum lot size requirement for the keeping of hens in a settlement area is 0.2 ha (0.5 acres).
- (e) Hen coops and hen runs shall be a distance of at least 3 m from the rear lot line and at least 3 m from any side lot line of the lot on which the hen coop is located.
- (f) Hen coops and hen runs shall be located at least 15 m from the lot line abutting a property containing a school or church.

- (g) Hen coops and hen runs shall be located at least 7.5 m from the lot line abutting a commercial business or commercial property.
- (h) Hen coops and stored manure shall be located a minimum of 15 m from any well and surface bodies of water.
- (i) Hen coops and hen runs are not permitted in any front or side yard.
- (j) The keeping of hens shall only be permitted in a zone where a single dwelling is permitted as a principal use. Tenants must obtain permission from the property owner to keep hens on the owner's property.
- (k) The owner of the hens must reside on the property where the hens are kept.
- (l) Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- (m) Hens shall be kept in their coops between 9:00 p.m. and 6:00 a.m.
- (n) Hen coops and hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.
- (o) Stored manure shall be kept in an enclosed structure such as a compost bin, and no more than three cubic feet shall be stored at any one time.
- (p) The regulations set out in sections 4.1 (a) to 4.1 (l), and 4.1 (q) do not apply to any existing agricultural use located within a settlement area.
- (q) Any person applying for a hen coop permit shall provide notification to the owners of all properties abutting the person's property of the applicant's intention to obtain a hen coop permit.
- (r) No owner shall cause or permit his or her hen to be at large.

5.0 OFFENCE AND PENALTY PROVISIONS

- 5.1 Every person who contravenes any provision of this by-law and any person who fails to comply with an order issued under this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.2 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.

6.0 VALIDITY

- 6.1 If a court of competent jurisdiction declared any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7.0 **COMMENCEMENT**

7.1 This bylaw comes into force on the day on which it received third reading and is passed.

READ a first and second time this day of , 2020.

READ a third and final time this day of , 2020.

Mayor, Roger Haley

Clerk, Jennifer Ault

DRAFT

SCHEDULE "A"
BY-LAW #
ANNUAL FEES

HEN COOP PERMIT

Fee prior to March 31st of each year.....\$25.00

Fee after March 31st of each year.....\$50.00

DRAFT

SCHEDULE "B"
BY-LAW #
FINES

Section 4.1 (a)
Unlicensed coop.....\$75.00

Section 4.1 (r)
Hens at large.....\$100.00

DRAFT

SCHEDULE "C"
BY-LAW #

SOURCE WATER PROTECTION MAP



SCHEDULE "D"
BY-LAW #



HEN COOP PERMIT APPLICATION

Applicant Information:

Name:		
Home Address:		
City:	Province:	Postal Code:
Home Telephone Number:		
Email Address:		
Number of backyard hens to be kept at the address (max.6):		
Total area of all coops and runs are less than 108 square feet	<input type="checkbox"/> yes	<input type="checkbox"/> no
The hen coop and hen run is less than one storey high	<input type="checkbox"/> yes	<input type="checkbox"/> no
A site plan illustrating the location of the hen coop on the property, clearly marking proximity to property lines, any other structures on property is included <input type="checkbox"/> yes		
Neighbouring property owner notifications for all abutting properties are included detailing dates and how notification was made <input type="checkbox"/> yes		

Applicant Declaration:

I, _____ (signature) of _____ (address)
in the Township of Front of Yonge do solemnly declare:

1. That I am the applicant for the granting of a permit authorizing me to keep backyard hens pursuant to By-law # _____ within the Township of Front of Yonge now and hereafter in force. I undertake to conform to the terms, conditions and regulations set out in By-law # _____ and understand that I must comply with all applicable regulations and requirements of: 1) every by-law of the Township of Front of Yonge; and 2) every Provincial and Federal Act and regulation made under such an Act.
2. That I understand that any permit issued pursuant to the said application is subject to revocation.
3. I have served written notice to the abutting property owner(s) that I have made application for a hen coop and a hen run permit. These notices are attached to this application.
4. That the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME in the Village of Mallorytown, this _____
(day/month/year)

Commissioner