THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 5 - 2020

Being a By-law to Regulate the Keeping of Hens in the Municipality of West Grey

WHEREAS the *Municipal Act, 2001 (S.O. 2001, c.25)* authorizes a lower tier municipality to pass By-laws regulating the keeping of animals;

AND WHEREAS the Council of the Corporation of the Municipality of West Grey considers it desirable to enact such a By-law;

THEREFORE BE IT RESOLVED that the Council of the Municipality of West Grey enacts as follows:

1. DEFINITIONS

In this by-law,

"Hen" means vaccinated female chicken that is at least four months old;

“Municipality” means Municipality of West Grey;

“Officer” means the Municipal Law Enforcement Officer, Animal Control Officer, or Police Officer of the Municipality;

"Owner" means a person or his or her authorized agent in lawful control of the premises, building, occupancy or other structure or portion thereof under consideration and who keeps or harbours Hens;

“Zoning By-law” means the Municipality of West Grey Comprehensive Zoning By-law and its amendments.

2. REGISTRY

The Municipality shall maintain a registry of owners of Hens and owners of property on which Hens are kept.

The Registry shall contain the following information:

a) The name, mailing address, phone number, and email of the owner of the property on which Hens are kept, and the owner of the Hens;
b) The street address of the property on which Hens are kept;
c) The mailing address of the owner of the property on which Hens are kept;
d) A statement from the owner of Hens which affirms that all requirements of this by-law will be adhered to;
e) Acknowledgement by the owner of the Hens of the Hen vaccination requirement;
f) A statement from the owner of the property on which Hens are kept that consents to keeping of Hens on the property, if the owner of the property is not the owner of the Hens.

The Municipality may collect a fee to maintain the registry and any fee shall be incorporated in the Fees & Charges By-law.

3. LAND REQUIREMENTS

3.1 No person shall keep, at any one time, more than six (6) Hens on one property.

3.2 No person shall keep Hens on a property except in accordance with the following provisions:

g) The owner of the Hens has paid any applicable fee to register the Hens with the Municipality;
h) The owner of the Hens has provided the necessary information to the Municipality in respect of the Registry outlined in this by-law;

i) The owner of the Hens resides on the property;
j) The property on which the Hens are located is zoned Residential or Future Development, or zoned Agriculture, Rural or Restricted Rural on properties less than 2 hectares in size. Agriculture, Rural and Restricted Rural properties greater than 2 hectares in size are not subject to this by-law;
k) Hens can only be located in the side or rear yard, as defined in the Zoning By-law;
l) The owner of the Hens abides by all provisions of this by-law.

4. HEN REQUIREMENTS

4.1 All permitted Hens shall be kept in a fully enclosed coop and run in a manner that contains the Hens on the property and prevents their escape from such coop and run.

5. COOP AND MAINTENANCE REQUIREMENTS

5.1 Coops and runs shall be setback a minimum of 1.5 m from side and rear lot lines and a minimum of 5 metres from any dwelling unit and dug well, excluding the dwelling unit on the property on which the Hens are located.

5.2 Every owner of Hens and every property owner on which Hens are kept shall ensure the Hens are housed in a coop that is constructed and maintained:
m) to provide protection from weather and be adequately ventilated;
n) to exclude rodents and predators;
o) with flooring that is resistant to moisture and mold and retains heat in the cold weather;
p) with a chicken box sufficient to accommodate all Hens;
q) with a perch area sufficient to accommodate all Hens;
r) with an accessible dust bath area.

5.3 Every owner of Hens and every property owner on which Hens are kept shall ensure that:
a) Coops and runs are maintained in a clean condition;
b) Coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the Municipality;
c) Coop floors are lined with shavings, straw or other appropriate materials to absorb manure and facilitate cleaning;
d) Coops are deep cleaned at least two times per year including disinfection of troughs, perches and nests;
e) Feeders and water containers are provided and are cleaned and disinfected regularly;
f) All stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
g) Feeding of Hens is done in a manner that minimizes the attraction of rodents or other animals;
h) Manure and droppings are cleaned out daily and stored in a secured container until disposed of in accordance with all applicable laws and regulations;
i) Deceased Hens are disposed within 24 hours of death at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all other applicable laws and regulations;
j) Hens are kept in accordance with all other by-laws of the Municipality respecting noise and property maintenance.

6. PROHIBITIONS

6.1 No person shall engage in the sale of eggs, manure, meat or other products and by-products of Hens.
6.2 No person shall engage in the slaughtering or butchering of Hens.

6.3 No person shall keep roosters.

7. CONTRAVENTION

7.1 The provisions of this by-law shall be enforced by an Officer of the Municipality.

7.2 An Officer who has reasonable grounds to believe that a person has contravened any provisions of this by-law may require that person to provide identification of themselves, and every person who is required by an Officer to provide identification under this section, shall identify themselves to the Officer and shall provide their correct name and address.

7.2.1 Providing such information shall constitute sufficient identification.

7.2.2 Failure to provide such information shall constitute obstruction of the Officer.

7.3 Enforcement - Provincial Offences Act
Any person who violates a provision of this by-law is guilty of an offence an on conviction is liable to pay a penalty provided in Section 61 of the Provincial Offences Act R.S.O. Chapter P 33 as amended or re-enacted from time to time.

7.4 Enforcement - Municipal Act
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.

8. SEVERABILITY

8.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

9. EFFECTIVE DATE

9.1 This by-law comes into force and takes effect upon its passage, and shall remain in force and effect for a one year trial period commencing from the date of passage.

Read a first and second time this 28th day of January, 2020.

Read a third time and finally passed and sealed this 28th day of January, 2020.

Original signed by: Christine Robinson, Mayor

Original signed by: Mark Turner, Clerk