



BY-LAW NO. 2021-27

DATE: July 14, 2021


MOVED BY: Councillor Malott

SECONDED BY: Councillor Ryman

THAT By-law No. 2021-27

being a by-law to allow and regulate the keeping of backyard hens in the Residential (RR) Zone

be introduced and read a **FIRST** and **SECOND** time.

Carried 
Signature

Defeated _____
Signature

MOVED BY: Councillor Ryman

SECONDED BY: Councillor Malott

THAT By-law No. 2021-27 be read a **THIRD** time, **PASSED, SIGNED** and **SEALED** this 14^m day of July, 2021.

Carried 
Signature

Defeated _____
Signature

<u>DIVISION LIST</u>	<u>FOR</u>	<u>AGAINST</u>
First and Second Reading		
Councillor Constable	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____
Third Reading		
Councillor Constable	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____

**THE CORPORATION OF THE MUNICIPALITY OF
MCDOUGALL**

By-Law 2021-27

Being a by-law to allow and regulate the keeping of backyard
hens in the Residential (RR) Zone

WHEREAS Sections 9 and 10 of the Municipal Act, S.O. 2001, c.25, as amended, confer the power to a municipality to pass by-laws regulating or prohibiting animals;

AND WHEREAS Section 103 of the Municipal Act confers the power upon a municipality to pass a by-law for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain circumstances;

AND WHEREAS Section 129 of the Municipal Act permits municipalities to pass by-laws to prohibit noises likely to disturb inhabitants within the municipality;

AND WHEREAS Section 391 of the Municipal Act enables a municipality to enact by-laws imposing fees or charges on any class of persons for services or activities provided or done by or done on behalf of it;

AND WHEREAS Council is desirous to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

AND WHEREAS it is deemed expedient to enact a by-law to regulate the keeping of backyard hens in the Municipality, that such a by-law be passed.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL HEREBY ENACTS AS FOLLOWS:

Definitions

1. In this by-law:

"Backyard Hens" means the accessory keeping of hens 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 Municipality of McDougall Comprehensive Zoning By-law.

"Being at large" means to be found in any place other than the property of the owner of the hen and "be at large" has a corresponding meaning.

"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" means a domesticated female chicken, classified as *Gallus gallus domesticus*, of the family Phasianidae of the Order Galliformes.

"Dwelling unit" means one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals;

"Municipality" means The Corporation of the Municipality of McDougall;

"Officer" means a Municipal Law Enforcement Officer, a

Provincial Offences Officer or any other officer deemed by council to administer this by-law

"Outdoor enclosure" means a fenced or contained area intended for permitting a hen or hens to be outdoors.

"Owner" includes a person who possesses or harbours an animal and "owns" has a corresponding meaning;

"Yard, rear" means the same as defined in the Municipality of McDougall Comprehensive Zoning By-law, as amended.

"Yard, side" means the same as defined in the Municipality of McDougall Comprehensive Zoning By-law, as amended.

General

2. Notwithstanding the Municipality of McDougall Comprehensive Zoning By-law as amended, no person shall keep backyard hens within the Residential (RR) Zone except in accordance with the provisions set out in this by-law.
3. Every person who keeps backyard hens shall comply with the following requirements. The maximum number of hens permitted on a lot is subject to the following;
 - (1) A lot smaller than 0.18 hectares may not be permitted to keep hens on a lot.
 - (2) A maximum of six (6) hens is permitted on a lot 0.18 hectares to 0.4 hectares.
 - (3) A maximum of ten (10) hens is permitted on a lot greater than 0.4 hectares.
4. No owner shall allow or permit their hen to be at large.
5. No person shall keep a rooster.
6. Every owner shall ensure all coops and outdoor enclosures are;
 - (1) Located behind the dwelling or behind the rear wall of the dwelling.
 - (2) Setback a minimum of 5 metres from the rear, and side lot line of the lot on which the coop or outdoor enclosure is located
7. A person who keeps one or more hen(s) shall:
 - (1) keep each hen in the coop or outdoor enclosure at all times, and prevent hens from being at large;
 - (2) provide each hen with:
 - (a) food,
 - (b) water,
 - (c) shelter,
 - (d) light,
 - (e) ventilation,
 - (3) maintain each coop and outdoor enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
 - (4) construct and maintain a coop to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
 - (5) keep hens in a coop that is locked from sunset to sunrise;
 - (6) ensure prompt removal of leftover feed, trash, and manure;
 - (7) store manure
 - (a) within a fully enclosed structure, and
 - (b) in quantities not exceeding one cubic metre at a time;

- (8) keep hens for personal use only, and not sell:
 - (a) eggs,
 - (b) manure, or
 - (c) meat,

Powers of Officer


- 8. Pursuant to section 436 of the Municipal Act, 2001, an officer may enter onto and across any lands, at any reasonable time, to conduct an investigation or inspection to ensure the provisions of this by-law are being complied with.
- 9. No person shall interfere with or hinder or obstruct an officer or any agent of the Corporation of the Municipality of McDougall in the performance of any duty of such agent.

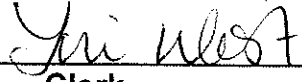
Severability

- 10. If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced council to pass the remainder of the by-law and it is hereby declared the remainder of the by-law shall remain valid and in force.


Penalty

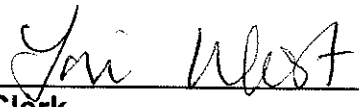
- 11. Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 12. When a person has been convicted of an offence under this by-law:
 - (1) the Ontario Court of Justice, or
 - (2) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 13. This bylaw shall come into force and take effect on the date of its passing.

READ a FIRST and SECOND TIME this 14th day of July, 2021.


Mayor 

Clerk

READ a THIRD TIME, PASSED, SIGNED and SEALED this 14th day of July, 2021.


Mayor 

Clerk

**Schedule "A" to By-Law 2021-27
Backyard Hen License**

Applicant Name: _____

Address: _____

Contact Number: _____

Property Owner Name: _____
(If different from Applicant)

Lot Size: _____ **# of Hens** _____

OFFICE USE ONLY		Date Stamp:
Approved By: _____ Date: _____		
Application Complete:	Approved	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

A person may keep hens in their backyard within the Residential (RR) Zone in accordance with the provisions set out in By-Law 2021-xx

A person who keeps one or more hens shall:

- Not be permitted hens on a lot smaller than 0.18 hectares;
- Be permitted to keep a maximum of 6 hens on properties 0.18 hectares to 0.4 hectares;
- Be permitted to keep a maximum of 10 hens on properties greater than 0.4 hectares;
- Not be permitted to keep roosters in the Residential (RR) Zone;
- Keep each hen in an enclosed area at all times;
- Ensure all coops and outdoor enclosures are located;
 - behind the dwelling or behind the rear wall of the dwelling;
 - Setback a minimum 5 metres from the rear, and side lot line;
- Ensure hens are locked up at night;
- Keep each coop and outdoor enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- Ensure proper storage and removal of leftover feed, trash, and manure;
- Keep hens for personal use only, and not for selling eggs, manure, or meat.

Please note: A building over 10 square metres (108 square feet) will require a Building Permit, and all electrical works are required to be approved by the Electrical Safety Authority.

I understand the above regulations and further requirements listed in By-Law 2021-27 and affirm that I am submitting this application in compliance with By-Law 2021-27. I further understand that if the requirements of the bylaw are not complied with, the municipality may revoke any approval and I may be subject to the set fines in Schedule "B" of the by-law.

Applicant Signature

Date

MUNICIPALITY OF McDOUGALL
PART 1 Provincial Offences Act
By-Law 2021-27:
Backyard Chicken By-Law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Keep more than the allowable number of hens	3	\$100
2.	Permit hen to be at large	4	\$100
3.	Housing a rooster.	5	\$100
4.	Keep hen coop and enclosure in an area other than what is permitted	6	\$100
5.	Fail to remove leftover feed, trash, and manure	7(6)	\$100
6.	Fail to have hygienic storage of manure	7(7)	\$100

Note: The penalty provision for the offences indicated above is Section 11 of By-law No. 2021-27, a certified copy of which has been filed.