

**BY-LAW NUMBER 16-39**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW**

**Being a by-law to regulate the keeping of Backyard Chickens within the Township of Clearview**

**Whereas**, section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the "Municipal Act, 2001") 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 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 service 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 the Township of Clearview deems it expedient, necessary and in the public interest to regulate the keeping of Backyard Chickens in accordance with the Zoning By-law for the purpose of public health and safety.

**The Council of The Corporation of the Township of Clearview hereby enacts as follows:**

**1.0 Definitions**

In this By-law:

**"Backyard Chickens"** means the accessory keeping of hens for the purposes of companionship as a pet or of providing food for the personal consumption of occupants of a dwelling on the same lot, and does not include accessory livestock, or agricultural uses otherwise defined by the Township of Clearview's Zoning By-law;

**"Clerk"** means the Clerk of The Corporation of the Township of Clearview;

**“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.

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

**“Permit”** means a permit issued under this by-law;

**“Permit Fee”** means the monetary cost for a permit (Schedule C);

**“Township”** means the Corporation of the Township of Clearview;

**“Officer”** means a Municipal Law Enforcement Officer, Police Officer or their designate;

**“Owner”** means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.

## **2.0 General Prohibitions/Provisions – Backyard Chickens**

- 2.1 The provisions of this section shall apply to the keeping of Backyard Chickens in accordance with the zoning by-law within the boundaries of the Township of Clearview.
- 2.2 Nothing in this section shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial Statutes and Regulations.
- 2.3 No person shall keep Backyard Chickens unless that person first registers with and receives a permit from the Township of Clearview. An application for such permit must be signed by the applicant and/or landowner and shall include the following mandatory fields and declarations:
  - a) Date;
  - b) Name, Address (Mailing and physical), Postal Code & Telephone Number;
  - c) Site sketch illustrating the location and size of the coop and manure storage structure;
  - d) A declaration that the applicant has reviewed the following documents:
    - i) The OMAFRA Factsheet entitled “Biosecurity Recommendations for Small Flock Poultry Owners”;
    - ii) The Resource Kit entitled “Keeping Your Birds Healthy” distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs;

- e) A declaration that the applicant will provide for suitable housing and shelter of chickens in their care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Chickens Owners;
- f) A declaration that the applicant will provide the Backyard Chickens 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,
- g) A declaration that the applicant has reviewed the relevant sections of the Township of Clearview's Zoning By-law and will abide by the permissions and provisions therein.

**2.4 A person who keeps one or more hens as Backyard Chickens shall:**

- a) Be permitted to keep a maximum of four (4) hens at any given time; unless directed by council resolution to allow for more.
- b) Be prohibited from keeping roosters;
- c) Provide each hen with at least 0.37 m<sup>2</sup> of coop floor area;
- d) Provide each hen with at least 0.92m<sup>2</sup> of outdoor enclosure or fenced yard, having a floor of any combination of vegetated or bare earth in each outdoor enclosure;
- e) The coop and manure storage structure, exclusive of the outdoor enclosure, shall not cumulatively exceed an area of 10 m<sup>2</sup>;
- f) Provide and maintain, in each coop, at least one roost giving 15 cm of space per hen and also one nest box per four hens;
- g) Keep each hen in an enclosed area at all times;
- h) Provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors, all sufficient to maintain the hen in good health;
- i) Maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- j) Construct and maintain the coop to prevent any rodent from harbouring underneath or within its walls, and to prevent entrance by any other animal;
- k) Keep a food container and water in each coop;
- l) Keep each coop locked from sunset to sunrise;
- m) Remove leftover feed, trash, and manure in a timely manner;
- n) Store manure within an enclosed structure, and store no more than 0.85 m<sup>3</sup> of manure at a time;
- o) Remove all other manure not used for composting or fertilizing;

- p) Follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
  - q) Keep hens for personal use only;
  - r) Not slaughter, or attempt to euthanize, a hen on the property;
  - s) Not dispose of a hen except by delivering it to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully;
  - t) A tenant must obtain written permission from the property owner to keep backyard chickens;
  - u) The owner of hens must reside on the property where the hens are kept; and,
  - v) Sale of eggs, manure and other products associated with keeping of hens is prohibited.
- 2.5 Once all provisions of section 2.3 are satisfied and the permit fee is paid, a permit (Schedule C) may be issued to the applicant. This permit shall be renewed annually, expiring on December 31<sup>st</sup> of each calendar year.

### **3.0 Right of Entry**

- 3.1 For the purposes of ensuring compliance with this by-law, an Officer may at any time, enter any land and/or building associated with the keeping of Backyard Chickens.
- 3.2 Every owner shall permit the Officer to inspect any land and/or building for the purpose of determining compliance with this by-law.
- 3.3 Notwithstanding any provision of this by-law, an Officer shall not enter any room or place actually being used as a dwelling, unless:
  - a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended; or
  - b) a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended, is obtained.

### **4.0 Refusal, Revocation, Suspension**

- 4.1 Any person who has been issued a permit under this by-law, shall at all times comply with the by-laws of the Township and any contravention of any by-law or any other Provincial or Federal law may be grounds for the refusal, suspension or revocation of the permit.
- 4.2 Any person who has been issued a permit under this by-law, shall at all times comply with the declarations made within an application for permit under this by-law. Non-compliance may be grounds for the refusal, suspension or revocation of the permit.

- 4.3 A permit that has been suspended or revoked, as issued under this by-law, shall be returned to the Clerk and the Township will provide written notice addressed to the application/permit holder's last known address giving the reasons for the refusal, suspension or revocation of the permit.

## **5.0 Offences, Punishment and Procedure**

- 5.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, Chapter P33, as amended.
- 5.2 Notwithstanding Section 5.1 of this by-law, every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000, exclusive of costs.
- 5.3 A corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine not exceeding \$50,000.
- 5.4 The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.
- 5.5 If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Treasurer for the Township, or agent, may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.
- 5.6 If the fine referred to in Section 5.5 of this by-law remains unpaid after the final date specified in the notice, the fine shall be deemed to have priority lien status for the purposes of Sections 1(2.1) and (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

## **6.0 Validity and Severability**

- 6.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

## **7.0 Short title and Administration**

- 7.1 The short title of this By-law is the Backyard Chickens By-law.
- 7.2 This By-law shall be administered by the Clerk and/or her designate.

**8.0 Repeal**

- 8.1 This by-law repeals all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.

**9.0 Effective Date**

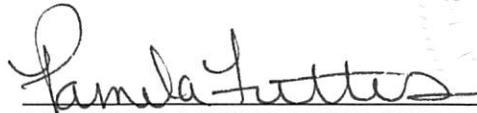
This By-law shall come into force and take effect immediately upon the Zoning By-law amendment By-law 16-37 comes in force and effect.

**By-law Number 16-39 read a first, second and third time and finally passed this 25<sup>th</sup> day of April, 2015.**



Christopher DeLo

MAYOR



Pamela Fettes

DIRECTOR LEGISLATIVE SERVICES/CLERK

## SCHEDULE "A"

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW BY-LAW \*\*\*\* A BY-LAW  
CONTROLLING THE KEEPING OF BACKYARD CHICKENS  
PART 1- PROVINCIAL OFFENCE ACT

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Owner of Hen(s) fail to obtain permit.	2.5	\$100.00
2.	Owner Permit Hen(s) to Run At Large.	2.4 (d)	\$100.00
3.	Owner fail to maintain sanitary conditions.	2.4 (f)	\$100.00
4.	Permit the sale of products associated with keeping of hens	2.4(v)	\$100.00
5.	Owner Fail to (section)	2.4( )	\$100.00

## SCHEDULE "B"

### PERMIT FEE

ANNUAL BACKYARD CHICKENS PERMIT FEE - \$30.00



## SCHEDULE "C"



CLEARVIEW

### Application for the Keeping of Backyard Chickens

#### Applicant Information

Name of Applicant	
Name of Landowner (if other than Applicant)	
Address of Property where Chickens is to be kept, including postal code	
Mailing Address of Applicant (if different than above)	
Telephone Number	
Email (optional)	

#### Declarations

I \_\_\_\_\_ (name of applicant(s))  
hereby declare:

1. That I have reviewed the following documents:
  - a. The OMAFRA Factsheet entitled "Biosecurity Recommendations for Small Flock Chickens Owners"
  - b. The Resource Kit entitled "Keeping Your Birds Healthy" distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs.

2. That I will provide for suitable housing and shelter of the chickens in my care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Chickens Owners
3. That I will provide the Chickens in my care 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.
4. That I have reviewed the relevant sections of the Township of Clearview's Zoning By-law and will abide by the permissions and provisions within it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Signature of Applicant

Signature of Witness

Where applicant is a tenant, the signature of the landowner is required below confirming they are aware of and support the application for keeping of Backyard Chickens on the lands.

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Signature of Applicant

Signature of Witness