



The Corporation of the Town of Orangeville

By-law Number xx-2020

A by-law for the Registration and Keeping of Hens in the Town of Orangeville

Whereas section 11(2) paragraph 8 and section 11(3) of the *Municipal Act*, S.O. 2001, c. 25, as amended authorizes a municipality to pass by-laws respecting animals and the protection of persons and property;

And Whereas section 11 (2), paragraph 6 of the *Municipal Act* authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

And Whereas section 8 (3) of the *Municipal Act* authorizes a municipality to provide for a system of licences and a licence includes a permit;

And Whereas section 23.1 of the *Municipal Act* authorizes a municipality to delegate its powers and duties;

And Whereas section 391 (1) of the *Municipal Act* authorizes a municipality to impose fees or charges;

And Whereas the Council of the Town of Orangeville deems it expedient to register and regulate the keeping of hens;

Now therefore be it resolved that Council of the Corporation of the Town of Orangeville hereby enacts as follows:

1 Short Title

1.1 This by-law may be cited as the “Hen Permit By-law”.

2 Definitions

2.1 In this by-law:

“**At Large**” means a **hen** being outside of its **hen coop**;

“**Clerk**” means the Clerk for the **Town** or any other **person** designated by the **Clerk**;

“Hen” means a female chicken that is at least 4 months old;

“Hen coop” means a structure used to house a **hen** and includes the covered outdoor enclosure area;

“Keep” or **“Kept”** or **“Keeping”** includes harbouring or possessing for any period of time, whether temporary or not;

“Lot” means a parcel of land which is capable of being legally conveyed;

“Officer” means a Municipal By-law Enforcement Officer, a Police Officer, Medical Officer of Health or other person appointed by by-law to enforce the provisions of this by-law;

“Owner” means any **person** who **keeps** a **hen**, and where an owner is a minor, includes the **person** who is responsible for the custody of the minor;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Rear yard” means a yard extending the full width of the **lot** between the rear **lot** line and the main building on a **lot**;

“Permit” means a current valid permit issued pursuant to this By-law;

“Rooster” means a male chicken;

“Town” means the Corporation of the Town of Orangeville or the land within the geographical limits of the Town of Orangeville as the context requires;

“Zoning By-law” means any by-law administered by the **Town** passed pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P. 13*, as amended or any successor legislation thereof.

3 General Provisions

3.1 No **person** shall **keep** or permit to be **kept** in the **Town**:

- (a) more than three (3) **hens** on a **lot**;
- (b) more than one (1) **hen coop** on a **lot**;
- (c) a **rooster**.

3.2 No **person** shall permit a **hen** to be **at large**.

- 3.3 No **person** shall **keep** a **hen** other than in accordance with a **permit**, the approved plans, the terms and conditions of a **permit**, and this By-law.

4 **Permit**

- 4.1 The **Clerk** is hereby delegated authority to issue a **permit** for the **keeping** of a **hen** in accordance with the provisions of this by-law.
- 4.2 A **permit** is valid for the current calendar year in which it is issued.
- 4.3 A **permit** may only be issued for a **lot** that:
- (a) is zoned residential in accordance with the **Town's Zoning By-law** and contains a single detached dwelling or a semi-detached dwelling;
 - (b) is not located within a Wellhead Protection Area where the vulnerability score is 10, as delineated in vulnerable area mapping presented in the Source Protection Plan, or where the keeping of hens would be identified as a significant drinking water threat activity under the Clean Water Act, 2006;
 - (c) is not located within 15 metres of a **lot** with a church or school.
- 4.4 No more than thirty (30) **permits** annually shall be issued.
- 4.5 The **owner** of a **hen** making an application for a **permit** shall submit:
- (a) a complete application in the form provided by the **Town**;
 - (b) a plan showing the proposed location of the **hen coop** on the **lot** that illustrates how all setback requirements of this By-law are met and identifies the dwelling, catch basins and any other features as may be required by the **Town**;
 - (c) the **permit** fee of \$110.00;
 - (d) if applicable, an Electrical Safety Authority Certificate of Inspection stating that the electrical wiring and electrical devices serving the **hen coop** are in compliance with the *Electricity Act, 1998*, S.O. 1998, c. 15, as amended.
- 4.6 A **permit** shall be issued by the **Clerk**:
- (a) upon the requirements of this By-law being met;
 - (b) subject to the completion of an inspection by the **Town** to its satisfaction.
- 4.7 An application for the renewal of a **permit** will be given priority over a new application.

- 4.8 A **permit** is non-transferable and the **permit** fee is non-refundable.
- 4.9 A **permit** automatically expires and becomes null and void upon the sale, transfer or death of the **hens**.
- 4.10 A **permit** shall not be issued for a period beyond December 31, 2023.

5 Keeping of Hens – Terms, Conditions and Standards

5.1 A **hen coop** shall:

- (a) be located in the **rear yard**;
- (b) be located a minimum of 3 metres from the side or rear **lot** line;
- (c) be located a minimum of 5 metres from any catch basin;
- (d) be a maximum size of 9 m²;
- (e) be a maximum height of 2.1 metres;
- (f) provide a minimum floor area of 0.37 m² per **hen**;
- (g) provide a covered outdoor enclosure area of a minimum 0.92 m² per **hen**;
- (h) provide a perch area sufficient to accommodate all **hens**;
- (i) be constructed:
 - i. to fully enclose a **hen** to prevent it from escaping;
 - ii. to prevent other animals from entering the **hen coop**;
 - iii. with a lockable roof and door;
- (j) in the case of a floor, it shall be made of material resistant to moisture and mould, and lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
- (k) provide a nest box and an accessible dust bath area;
- (l) not interfere with any **lot** grading drainage or drainage swales.

5.2 Every **person** who owns, or **keeps** a **hen** on a **lot** shall:

- (a) reside on the **lot** where a **hen** is **kept**;
- (b) maintain the **hen coop** in a clean condition and free from the accumulation of feces, offensive odours, insect or rodent infestations;

- (c) remove feces daily from the **hen coop** and deposit in a secured waste receptacle or composter;
- (d) ensure the waste receptacle or composter is:
 - i. stored in the **rear yard**;
 - ii. located a minimum of 3 metres from any **lot** line;
 - iii. maintained to prevent offensive odours; and
 - iv. emptied on a regular basis;
- (e) **keep** the **hen** in the **hen coop** at all times and lock the **hen coop** roof and door between 9:00 p.m. one day and 6:00 a.m. of the following day;
- (f) feed a **hen** in a manner that minimizes the attraction of rodents or other animals;
- (g) store feed in a rodent proof secured container and secure it at all times to prevent entry of rodents or other animals;
- (h) not sell from the **lot**, eggs, manure, meat or other products associated with the **keeping** of a **hen**;
- (i) not slaughter or butcher a **hen** on the **lot**;
- (j) dispose of a dead **hen** immediately through:
 - i. a livestock disposal facility;
 - ii. veterinarian services; or
 - iii. a facility approved by the applicable provincial Ministry;
- (m) notify the **Town** within 15 days upon the sale, transfer or death of the **hens** and remove the **hen coop** within 30 days of the sale, transfer or death of the **hens**.
- (n) **keep** a **hen** in accordance with all other applicable laws.

5.3 No **person** shall keep a **hen** in the **Town** beyond December 31, 2023.

6.0 Orders and Remedial Action

6.1 Where an **Officer** has reasonable grounds to believe that a contravention of this By-law has occurred, the **Officer** may issue an Order requiring the **Person** who contravened this By-law, or who has caused or permitted the contravention, to

discontinue the contravening activity or to do work to correct the contravention.

6.2 An Order under section 6.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention;
- (b) the location of the **lot** on which the contravention occurred; and
- (c) the date by which there must be compliance with the Order

6.3 An Order to discontinue a contravening activity made under this section may be served personally, registered mail to the last known address or by email transmission to:

- (a) the **person** the **Officer** believes contravened this By-law; and
- (b) such other **persons** affected by the Order as the **Officer** making the Order determines.

6.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of personal delivery or email transmission.

6.5 An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the **lot** and the placing of the placard shall be deemed to be sufficient service. The placing of the placard contained the Order shall be deemed to be served on the date of placing the placard.

7 Enforcement and Penalty Provisions

7.1 The enforcement of this by-law shall be conducted by an **Officer**.

7.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the by-law is complied with.

7.3 Every **person** who contravenes any provision of this by-law or an Order issued pursuant to this By-law or every director or officer of a corporation who knowingly concurs in the contravention by a corporation 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.

7.4 Every **person** shall comply with any notice issued under the authority of this by-law.

7.5 Upon conviction any penalty imposed under this by-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

7.6 If a **person** is convicted of an offence under this By-law, the court in which the

conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

8 Hinder or Obstruct

- 8.1 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this by-law.
- 8.2 Every **person** who is alleged to have contravened any of the provisions of this by-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.

9 Severability

- 9.1 If any section, subsection, paragraph, sentence, clause, or provision of this by-law be declared by a court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this by-law shall remain and continue in full force and effect and shall remain valid and binding.

10 Singular and Plural Use

- 10.1 In this by-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

11 Amendment to By-law 48-2003

- 11.1 That Schedule "A" to By-law 48-2003 be amended by replacing:
- "2. Galliformes (such as pheasants, grouse, guineafowls, turkeys)" with
 "2. Galliformes (such as pheasants, grouse, guineafowls, turkeys but does not include hens as defined in Town's Hen Permit By-law.)"

12 Effective Date

- 12.1 That this By-law come into effect on January 1, 2021.

Read a first, second, and third time and passed in open Council on the _____ day of November _____, 2020.

Sandy Brown, Mayor

Karen Landry, Clerk