

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NO. 2016-22

BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND CONTROL OF BACKYARD HENS IN THE TOWNSHIP OF CRAMAHE

WHEREAS Section 11 of the Municipal Act, 2001, S.O, 2001, c.25, as amended authorizes the council of a municipality to pass by-laws with respect to animals;

AND WHEREAS Section 8(3)(c) of the Municipal Act, 2001, S.O, 2001, c.25, as amended authorizes the council of a municipality to pass by-laws to provide for a system of licences;

AND WHEREAS the Council of the Corporation of the Township of Cramahe deems it advisable to enact this By-Law for the purpose of permitting and regulating the keeping of backyard hens in the Township;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF CRAMAHE AS FOLLOWS:

DEFINITIONS

1. In this By-Law:

1.1 "Administrator" means the Clerk or any person to whom the Clerk has delegated in writing his or her powers under this By-Law;

1.2 "Agriculture/Agricultural Use" is as defined in the Township's Zoning By-Law 08-18, as amended from time to time;

1.3 "Appeals Committee" means the Property Standards Committee as established by Township By-law 03-10, as amended, and includes any successor committee designated by Council;

1.4 "Applicant" means any person who applies for a Licence pursuant to this By-Law;

1.5 "At Large" means to be in a location other than within a Hen Coop.

1.6 "By-Law Officer" means an Animal Control Officer or Municipal By-Law Enforcement Officer appointed by Council to enforce By-Laws, or a Police Officer;

1.7 "Clerk" means the Clerk of the Township;

- 1.8 "Council" means the Council of the Township;
- 1.9 "Hen" means a female chicken;
- 1.10 "Hen Coop" means an enclosed structure intended for the housing of Hens and may include an attached screened secure enclosure that allows hens to access the outdoors;
- 1.11 "Keep" includes to temporarily or permanently control, harbour, have custody of, maintain, possess or store;
- 1.12 "Licence" means a licence issued pursuant to this By-Law;
- 1.13 "Licencee" means a person to whom a Licence has been issued pursuant to this By-Law, and, where the Licensee is a minor, includes the Person responsible for the custody of the minor;
- 1.14 "Person" includes an individual, partnership, association, firm or corporation;
- 1.15 "Property" means a parcel of land and any buildings or other structures on the land;
- 1.16 "Slaughter" means any act of killing an animal for food;
- 1.17 "Township" means the Corporation of the Township of Cramahe;

LICENSES

2. No Person shall Keep a Hen unless they hold a valid Licence issued in accordance with the provisions of this By-Law.
3. Any person who wishes to make an application for a Licence to keep a Hen pursuant to the provisions of this By-Law shall submit the following to the Administrator on a form approved by the Administrator:
- 3.1 The Applicant's name, date of birth, address, telephone number, facsimile transmission number and e-mail address; and
- 3.2 Where the Applicant is a tenant, an authorization from the landlord approving the application.
4. No Licence shall be issued to any Applicant unless:

- 4.1 the use or proposed use of the Property to which the Licence would apply complies with the provisions of the Township's Zoning By-Law 08-18 as amended from time to time; and
- 4.2 the Property to which the Licence would apply complies with the Township's Property Standards By-Law 03-10 as amended from time to time and any other applicable by-laws.
5. Where the Administrator is satisfied that the application complies with section 3, the Administrator shall review the application to determine whether it meets the requirements of this By-Law and, as part of this review, may circulate the application to the Planning Department, Health Unit, By-Law Officer, and Chief Building Official for comments.
6. As part of the application review, the agencies or individuals to whom the application is circulated may require an inspection of the yard and any Hen Coop on the Applicant's Property.
7. The Administrator may give consideration to any prior revocation of Licence in determining whether or not to issue a Licence subsequently applied for by the same Applicant.
8. The Administrator shall issue a Licence to an Applicant if,
 - 8.1 the Applicant complies with this By-Law and pays the required fee; and
 - 8.2 the Administrator approves the Applicant's application.
9. Where the Administrator is not satisfied that the Applicant complies with this By-Law, the Administrator may:
 - 9.1 issue a Licence and impose such conditions to the Licence as the Administrator determines are necessary to maintain the general intent and purpose of this By-Law; or
 - 9.2 refuse to issue a Licence.
10. Where the Administrator issues a Licence with conditions or refuses to issue a Licence, the Administrator shall give to the Applicant as soon as is reasonably practicable a written notice containing the following information:
 - 10.1 where a Licence is issued with conditions, particulars of the conditions;
 - 10.2 where a Licence is refused, particulars of the reasons for refusing to issue the Licence; and

10.3 information respecting the process by which the Applicant may exercise a right to appeal the conditions or refusal to issue the Licence;

11. A Licence shall not be assigned or transferred to any Person.

12. A Licence shall expire on the change of address of the Licensee.

13. An Applicant or Licensee shall notify the Administrator in writing of any change to the information provided on an application submitted pursuant to section 3 within fourteen (14) days of the date of the change.

LICENCE REVOCATION

14. The Administrator may suspend or revoke any License if, at any time, a Licensee has not complied with any requirement of this By-Law or a condition of the Licence.

15. Where the Administrator intends to suspend or revoke a Licence, the Administrator shall give the Licensee written notice which shall include the following information:

15.1 a statement that the Licence is to be suspended or revoked on a day which is no fewer than fourteen (14) days following the day on which the notice is given;

15.2 particulars of the reasons for which the Licence is to be suspended or revoked;

15.3 where the Licence is to be suspended, particulars of any steps that the Owner may take to reinstate the Licence; and

15.4 information advising the Licensee of the steps to be taken to appeal the revocation or suspension of the Licence;

APPEALS COMMITTEE

16. The following applies to appeals to the Appeal Committee:

16.1 A right to appeal under this By-Law is exercised by:

16.1.1 giving to the Administrator written notice of the appeal that includes particulars of all grounds upon which the appeal is made within fourteen (14) days of the decision being appealed; and

16.1.2 paying to the Administrator the fee from time to time prescribed by the Township's Fees By-Law.

- 16.2 Upon receipt of a written notice of appeal, the Administrator shall schedule a hearing of the appeal with the Appeals Committee.
- 16.3 The Applicant or Licencee shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 16.4 Where the Applicant or Licencee fails to appear at the time and place scheduled for a hearing of the appeal, the appeal shall be deemed to be dismissed.
- 16.5 Subject to section 18.4, the Appeals Committee shall review the matter and give the Licencee or Applicant, Administrator and By-Law Officer an opportunity to be heard.
- 16.6 In dealing with the appeal, the Appeals Committee may make any decision that the Administrator could have made pursuant to this By-Law.
- 16.7 Decisions of the Appeals Committee are final.

REGULATIONS

17. No Hen Coop shall exceed 3 metres by 3 metres in size and 3.5 metres in height.
18. No Person shall Keep any poultry on any land not zoned for Agricultural Use except a Hen in accordance with the provisions of this By-Law.
19. No Person shall Keep more than six (6) Hens on any land not zoned for Agricultural Use.
20. No Person shall slaughter Hens on any land not zoned for Agricultural Use.
21. A Licencee shall:
- 21.1 comply with all applicable law including this By-Law;
 - 21.2 keep a Hen Coop in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances;
 - 21.3 provide all Hens with access to feed and clean water at all times;
 - 21.4 keep all Hens in a clean, healthy condition free from vermin and disease;
 - 21.5 treat all Hens in a humane manner;
 - 21.6 keep feed and water for Hens in solid containers;

- 21.7 keep any stored manure from Hens in a fully enclosed structure in an amount not exceeding three (3) cubic feet;
- 21.8 keep all Hens securely in a Hen Coop at all times;
- 21.9 dispose of all deceased Hens promptly in a sanitary manner and in accordance with all applicable law; and
- 21.10 reside on the same Property as the Hen or Hens for which the Licence is issued.
- 22.No Person shall sell eggs or other products derived from Hens unless otherwise permitted in accordance with the Township's Zoning By-Law 08-18, as amended from time to time.
- 23.No Person shall permit a Hen or Hens to be at large.
- 24.Any Hen or Hens not receiving the appropriate care in the opinion of the By-Law Officer may be removed from the Licensee.

INSPECTION

- 25.A Licensee shall allow, at any reasonable time, a By-Law Officer, along with any other authorized employee or agent of the Township, to enter upon the Property, determine whether the requirements of this By-Law are being complied with.
- 26.A person exercising a power of entry on behalf of the Township under this By-Law shall not enter or remain in any room or place actually being used as a dwelling unless:
- 26.1 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; or
- 26.2 a warrant is obtained.
- 27.No Person shall obstruct or hinder a By-Law Officer or any other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-Law.

EXEMPTIONS

- 28.The provisions of this By-Law do not apply to a Person carrying out an Agriculture/Agricultural Use as permitted under the Township's Zoning By-Law 08-18, as amended from time to time.

OFFENCES

29. Any Person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine of:

29.1 not more than \$5,000 for a first offence; and

29.2 not more than \$10,000 for a second offence.

NOTICE

30. Any notice or document respecting this By-Law may be given in writing in any of the following ways and is effective:

30.1 when a copy is personally delivered to the Applicant or Licensee to whom it is addressed;

30.2 on the fifth (5th) day after a copy is sent by registered mail to the Applicant's or Licensee's address as it appears on the Application.;

30.3 upon the conclusion of the transmission of a copy by facsimile transmission to the Applicant's or Licensee's facsimile transmission number as it appears on the Application;

30.4 upon the confirmation of receipt of an e-mail transmission to the Applicant's or Licensee's email address as it appears on the Application; or

30.5 by posting a copy at the Applicant's or Licensee's address as it appears on the Application.

31. An Applicant's or Licensee's last known address, facsimile and e-mail address are deemed to be those provided pursuant to an application for Licence under this By-Law and any change of information filed with the Administrator pursuant to this By-Law.

GENERAL

32. If any section, clause or provision of this By-Law is for any reason 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 section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Township that all remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

33. In this By-Law, words importing the neuter gender shall include the feminine gender and masculine gender and vice versa and words importing the singular shall include the plural where the context requires.

34. The short title of this By-Law is the "Backyard Hens By-Law".

35. This By-Law takes effect and comes into force upon final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed this 3rd day of May, 2016.

Mayor, Marc Coombs

Clerk, Julie Oram