

THE CORPORATION OF THE TOWNSHIP OF FARADAY

BY-LAW NO. 32-2017

Being a By-Law to permit and regulate the keeping of backyard hens.

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 the Council of the Corporation of the Municipality of the Township of Faraday deems it expedient to pass a by-law for this purpose.

NOW THEREFORE the Council of the Corporation of the Township of Faraday **ENACTS AS FOLLOWS:**

1. This By-law shall be entitled the **“Backyard Hen to permit and regulate the keeping of backyard hens”**

2. **DEFINITIONS:**

2.1 In this by-law,

“Animal” means any member of the animal kingdom, other than a human;

“Appeals Committee” means the Council of the Municipality of the Township of Faraday.

“Township” and **“Township of Faraday”** means the Municipality of the Township of Faraday.

“Clerk” means the Clerk of the Municipality of the Township of Faraday.

“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;

“Council” means the Council of the Municipality of the Township of Faraday.

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

“Hen Run” means a covered secure enclosure that allows hens' access to outdoors;

“Municipal Law Enforcement Officer” means a Police Officer, an Animal Control Officer, a By-law Enforcement/Municipal Law Enforcement Officer for the Municipality of the Township of Faraday, or anyone working under his/her authority;

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

“Property” means a parcel of land and any buildings or other structures on the land'

“Residential property” means a property that is zoned for residential use in the zoning by-law that applies to the property.

“Zoning by-law” means a by-law passed under Section 34 of the Planning Act that restricts the use of land.

3. ADMINISTRATION:

- 3.1 The Municipality of the Township of Faraday is responsible for the administration and enforcement of this by-law.

4. REGULATIONS:

Hen Coop

- 4.1 The owner of the hens must reside on the property where the hens are kept. Tenants must obtain permission from the property owner to keep hens on the owner's property.
- 4.2 A person is not eligible for a hen coop unless:
- (1) the use or proposed use conforms with the zoning by-law and zone provisions that apply to the property;
 - (2) the property complies with the property standards by-law and any other applicable by-laws;
 - (3) the property conforms with all applicable law, including the Health Protection and Promotion Act, the Ontario Society for the Prevention of Cruelty to Animals Act, and the Fire Protection and Prevention Act;
 - (4) notwithstanding the provisions of the applicable zoning by-law, the keeping of hens shall be permitted on properties that have a minimum of 1 acre, on an eighteen (18) month trial basis.
- 4.3 The keeping of roosters is strictly prohibited.
- 4.4 A limit of six (6) hens will be permitted on each residential property.
- 4.5 Coops must be kept in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances.
- 4.6 Hens must be provided with access to feed and clean water at all times; such feed and water shall be kept in solid containers. Uneaten feed shall be removed in a timely manner.
- 4.7 All stored manure shall be covered by a fully enclosed structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed.
- 4.8 The slaughtering of hens is prohibited.
- 4.9 The selling of eggs or other products derived from hens is prohibited.
- 4.10 All hens must be kept securely in a hen coop or hen run at all times.
- 4.11 All deceased hens shall be disposed of promptly in a sanitary manner.
- 4.12 Every person who holds a hen coop license shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or agent of the Township to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.
- 4.13 A change in occupancy or ownership shall make the hen coop license null and void.

Obstruction

4.14 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law.

5. OFFENCE AND PENALTY PROVISIONS:

5.1 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.

5.2 Every owner of a hen who contravenes any provision of this by-law or whose hen contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.

5.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6. VALIDITY:

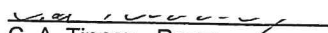
6.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. COMMENCEMENT:

7.1 This By-law takes effect and comes into force upon final passing thereof.

READ a first and second time this 6th day of December, 2017.

READ a third time and finally passed on this 6th day of December, 2017.


C. A. Tinney - Reeve


Dawn Switzer - Clerk

