

THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE
By-Law Number 2015-106
Being a By-Law to Regulate Backyard Chickens

WHEREAS the Municipal Act, 2001 authorizes the councils of municipalities to pass by-laws with respect to animals;

AND WHEREAS Township Council considers it advisable to pass such a by-law;

THEREFORE the Council of The Corporation of the Township of McNab/Braeside enacts as follows:

1. Definitions:

1.1 In this by-law,

“Administration Department” means the Building and Licensing Department, or another unit designated by Council to carry out the Department’s responsibilities for the administration and enforcement of this by-law, and includes the Manager.

“Agricultural property” means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

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

“Animal Control Officer” means an authorized employee or agent of the Township of McNab/Braeside who is responsible for the enforcement of the provisions of this by-law;

“At large” in the case of a chicken, means being outside a coop or run.

“Chicken” means a domestic fowl kept for its eggs or meat;

“Chicken run” means covered secure enclosure that allows backyard chickens’ access to outdoors

“Coop” means a fully enclosed weatherproof building where backyard chickens are kept and which the interior of includes nest boxes for egg laying, perches for the chickens to sleep on and food and water containers;

“Council” and **“Township Council”** mean the Council of the Township of McNab/Braeside;

“Dwelling” means a self-contained residential unit;

“Highway” includes all land between the lateral boundaries of every provincial and municipal highway within the Township;

“Home occupation” has the same meaning as in the zoning by-law that applies to the property;

“Keep” means to have temporary or permanent custody or control of an animal, and **“keeps”** and **“Kept”** have corresponding meanings;

“Manager of Administration and Licensing” means the Manager, Building and Licensing Department and his or her designate or, in the event of organizational changes, another person designated by Council;

“Minor” means a person who has not attained the age of eighteen years;

“Owner” includes any person who possesses, harbours or keeps an animal or chicken 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;

“Rural area” means the areas that are designated in the Township’s by-laws

“Under the control of its owner” means being physically restrained by some other effective method by its owner or by another person acting on the owner’s behalf;

“Veterinarian” means a person licensed under the Veterinarians Act;

“Veterinary hospital or clinic” means premises operated under the supervision of a veterinarian for the medical treatment of animals; and

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

2. Application:

- 2.1 Except as otherwise provided, the regulations established by this by-law apply to all backyard chickens within the boundaries of the Township and to the owners of such backyard chickens.

3. Administration:

- 3.1 The Administration Department is responsible for the administration and enforcement of this by-law.
- 3.2 Every application (attached as Schedule ‘B’) for a chicken coop permit or for the renewal of such a permit shall be submitted to the Administration Department in the form provided by the Department, and shall indicate the purpose for which the permit is being obtained.
- 3.3 Every application for a permit will be reviewed by the Department to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Building Section and an animal control officer for comments.
- 3.4 These agencies and individuals, as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.
- 3.5 If it is determined that an application meets the requirements of this by-law, the Department will issue the permit.
- 3.6 There is no fee to obtain a permit, however, a fine will be imposed should a permit not be obtained.
- 3.7 If, at any time, the CAO/Clerk or designate determines, as a result of evidence that is provided, that the operation of a chicken coop does not conform to the requirements of this by-law, it may suspend or revoke the permit.

4. Regulations for the Keeping of Chickens:

- 4.1
 - (a) No person shall keep backyard chickens anywhere within the Township unless he or she has first obtained a chicken coop permit;
 - (b) Every person who holds a chicken coop permit shall allow, at any reasonable time, an animal control 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.
 - (c) The total area of all chicken coops and chicken runs are to be less than 108 square feet (10 square metres) and must be limited to one story and less than 10 feet high.
 - (d) Chicken coops and chicken runs shall be a distance of at least 3.0 metres from the rear lot line and at least 3.0 metres from any side lot line of the dwelling lot on which the chicken coop is located.

- (e) Chicken coops and chicken runs shall be located at least 15 metres from any school.
- (f) Chicken coops and chicken runs shall be located at least 7.5 metres from any church or business.
- (g) Chicken coops and runs are not permitted in any front or side yard.
- (h) A maximum of 6 backyard chickens will be permitted on any residential property.
- (i) A maximum of 12 backyard chickens will be permitted on lots in the rural designation that are less than 2 hectares in area.
- (j) Tenants must obtain permission from the property owner to keep backyard chickens on the owner's property.
- (k) The owner of the backyard chickens must reside on the property where the backyard chickens are kept.
- (l) Home slaughter of backyard chickens is prohibited and any deceased backyard chickens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- (m) Backyard chickens shall be kept in their coops between 9:00 p.m. and 6:00 a.m.
- (n) Chicken coops and chicken runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odors, substances and vermin.
- (o) Stored manure shall be kept in an enclosed structure such as a compost bin, and no more than three cubic feet shall be stored at any one time.
- (p) No owner shall cause or permit his or her chicken to become a public nuisance by persistently clucking.
- (q) No owner shall cause or permit his or her chicken to be at large.

4.2 The regulations set out in section 4.1 do not apply to an agricultural property or to a property of five or more acres.

5. Offence and Penalty Provisions:

- 5.1 Every person who contravenes any provision of this by-law and any person who fails to comply with an order issued under 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 an animal who contravenes any provision of this by-law or whose animal 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 comes into force on the final day of passing

BE IT FURTHER ENACTED, that all BY-LAWS, or parts thereof and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

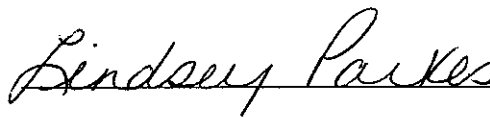
READ a first time this 1st day of December, 2015.

READ a second time this 1st day of December, 2015.

READ a third and final time this 1st day of December, 2015.



MAYOR



CAO/CLERK

Schedule "A"
Township of McNab/Braeside
Part 1 Provincial Offences Act
Regulate Backyard Chickens

ITEM	Short Form Wording	Section	Set Fines - excluding costs
1	Keep Chickens – No Permit	4.1 (a)	\$150.00
2	Fail to Allow Inspection	4.1 (b)	\$150.00
3	Prohibited Chicken Coop/Run - excess of 10 square metres	4.1 (c)	\$150.00
4	Prohibited Chicken Coop – excess of 10 feet high	4.1 (c)	\$150.00
5	Chicken Coop/Run – less than 3 metres from lot line	4.1 (d)	\$150.00
6	Chicken Coop/Run – less than 15 metres from school	4.1 (e)	\$150.00
7	Chicken Coop/Run – less than 7.5 metres from church or business	4.1 (f)	\$150.00
8	Chicken Coop/Run – prohibited location – front yard or side yard	4.1 (g)	\$150.00
9	Possess, keep, or harbour more than 6 chickens - residential	4.1 (h)	\$150.00
10	Possess, keep, or harbour more than 12 chickens – rural with less than 2 ha.	4.1 (i)	\$150.00
11	Tenant – Keep Chickens without owner consent	4.1 (j)	\$150.00
12	Owner – fail to reside on property	4.1(k)	\$150.00
13	Prohibited activity - slaughter	4.1 (l)	\$150.00
14	Improper disposal of chicken carcass	4.1 (l)	\$150.00
15	Fail to confine chickens – 9pm – 6am	4.1 (m)	\$150.00
16	Fail to maintain chicken coop/run	4.1 (n)	\$150.00
17	Chicken manure – improper storage	4.1 (o)	\$150.00
18	Permit chickens to become a nuisance	4.1 (p)	\$150.00
19	Permit chickens to be at large	4.1 (q)	\$150.00

NOTE: The penalty provision for the offences indicated above is section 5 of this By-Law #2015-106

Schedule "B"
Township of McNab/Braeside
Application for Chicken Coop Permit

Applicant Name: _____ Phone Number: (____)-____-_____

Permit Address (where backyard hens will be housed):

Number of backyard chickens to be kept at permit address _____

(6 max. – Residential, 12 max. – Rural)

The total area of all coops and runs are less than 108 square feet (10 square meters)

The chicken coop and chicken run is one story high and less than 10 feet

Please include a site plan illustrating where the chicken coop, and run will be located on your property.

DECLARATION

IN THE MATTER OF AN APPLICATION FOR THE GRANT OF A MUNICIPAL PERMIT TO WIT:

I, _____ of the _____ of _____ in the do solemnly declare:

1. That I am the applicant for the grant of a permit authorizing me to keep chickens pursuant to by-law 2015-106 within the Township of McNab/Braeside now and hereafter in force. I undertake to conform to the terms, conditions and regulations set out in by-law 2015-106 and understand that I must comply with all applicable regulations and requirements of: 1) every by-law of the Township of McNab/Braeside; and 2) every Provincial and Federal Act and regulation made under such an Act.
2. That I understand that any permit issued pursuant to the said application is subject to revocation.
3. That the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME at the Township of McNab/Braeside, this ____ day of _____, 2015.

A Commissioner, etc.

Applicant

Office Use Only

Chief Building Official Approval _____ Date: _____

Permit No. Issued by:

NOTICE OF COLLECTION: Personal Information collected is pursuant to the Municipal Freedom of Information and Protection of Privacy Act (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this application may be used to assist in reporting information when requested.

Schedule "B"
Township of McNab/Braeside
Application for Chicken Coop Permit

Township of McNab/Braeside Rules and Regulations Pertaining to Backyard Chickens

Definitions:

"at large" in the case of a chicken, means being outside a coop or run.

"chicken" means a domestic fowl kept for its eggs or meat.

"chicken run" means covered secure enclosure that allows chickens' access to outdoors.

"coop" means a fully enclosed weatherproof building where chickens are kept and which the interior of includes nest boxes for egg laying, perches for the chickens to sleep on and food and water containers.

"owner" includes any person who possesses, harbours or keeps an animal or chicken and, where an owner is a minor, includes the person who is responsible for the custody of the minor.

Regulations for the keeping of backyard chickens and coops:

- The license for a chicken coop is in accordance with By-Law 2015-106 which is renewable each calendar year (on or before December 31) with the Building and Licensing Department and registered in the identification system.
- A maximum of 6 chickens are permitted on any residential property.
- A maximum of 12 chickens are permitted on lots in the rural designation that are less than 2 hectares in area.
- All chickens must be at least 4 months old.
- The keeping of roosters is prohibited.
- A tenant must obtain permission from the property owner to keep chickens on the owner's property.
- The owner of the chickens must reside on the property where the chickens are kept.
- Chickens must be kept in their coops from 9:00 p.m. to 6:00 a.m.
- Chickens must be kept in an enclosed chicken run when not in their coop.
- Chicken coops and runs shall be a distance of at least 3 metres from the rear lot line and at least 3 m from any side lot line of the dwelling lot on which the chicken coop is located.
- Chicken coops and chicken runs shall be located at least 15 metres from any school.
- Chicken coops and chicken runs shall be located at least 7.5 metres from any church or business.
- Chicken coops and chicken runs shall be a minimum distance of 3 metres from all windows and doors of dwellings that are located on an abutting property.
- Chicken coops are not permitted in any front or side yard.
- Chicken coops and chicken runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odors, substances and vermin.
- Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time.
- Home slaughter of chickens is prohibited and any deceased chickens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.