

THE CORPORATION OF THE TOWNSHIP
OF ALFRED AND PLANTAGENET

BY-LAW 2013-53

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

WHEREAS Sections 103 and 105 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 Township of Alfred and Plantagenet deems it expedient to pass a by-law for this purpose;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION
OF THE TOWNSHIP OF ALFRED AND PLANTAGENET AS FOLLOWS:

1 This By-law shall be entitled the "Backyard Hen Licensing and Control By-law."

2. DEFINITIONS:

2.1 In this by-law,

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

"Appeals Committee" means the Property Standards Committee as established by the Township of Alfred and Plantagenet By-Law 47-2001, and includes any successor committee designated by Council;

"Township " and "Township of Alfred and Plantagenet" means The Corporation of the Township of Alfred and Plantagenet as incorporated on January 1, 1998;

"Clerk" means the Clerk of the Corporation of the Township of Alfred and Plantagenet;

"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 Corporation of the Township of Alfred and Plantagenet;

"Hen" means a domesticated female chicken that is at least four months old;

"Hen Run" means a covered and secure enclosure that allows hens access to the outdoors;

"Municipal Law Enforcement Officer" means an Animal Control Officer, a By-Law Enforcement or Municipal Law Enforcement Officer for the Township of Alfred and Plantagenet, 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 Corporation of the Township of Alfred and Plantagenet is responsible for the administration and enforcement of this by-law.

Applications for Hen Coop Licences

- 3.2 Every application for a hen coop licence shall be submitted to the Municipal Law Enforcement Department,
- 3.3 Every application for a licence will be reviewed by the Municipal Law Enforcement Department to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Planning Department for comments.
- 3.5 If it is determined that an application meets the requirements of this by-law, the Township will issue the licence.
- 3.6 If it is determined that an application does not meet the requirements of this by-law, the Township will refuse to issue the licence.
- 3.7 If, at any time, the Township determines, as a result of evidence that is provided, that the operation of a hen coop does not conform to the requirements of this by-law, it may suspend or revoke the licence.
- 3.8 A person whose application for a hen coop licence has been refused or whose licence has been suspended or revoked may, within fifteen (15) days of being notified of the Township's decision, submit an appeal, in writing, to the Clerk for a review of the matter.
- 3.9 A person who has applied for a review of the Township's decision will be given an opportunity to make written representations or to appear before the Property Standards Committee when the matter is reviewed.
- 3.10 The Property Standards Committee will review the matter and may affirm the decision of the Township or direct it to issue, or reinstate the licence.
- 3.11 Decisions of the Property Standards Committee are final.

4. REGULATIONS:

Hen Coop Licences

- 4.1 No person shall operate a hen coop anywhere within the Township unless he or she has first obtained a hen coop licence in accordance with Section 3. The owner of the hens must reside on the property where the hens are kept. Tenants must first obtain written permission from the property owner to keep hens on the owner's property.
- 4.2 A person is not eligible for a hen coop licence 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.
- 4.3 The keeping of roosters is strictly prohibited.
- 4.4 A limit of six (6) hens will be permitted on each residential property.
- 4.5 Hens shall be kept in their coop between 9:00 p.m. and 6:00 a.m.
- 4.6 Coops must be kept in a clean and sanitary condition at all times, Free of vermin, obnoxious smells and substances.
- 4.7 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.
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 All hens must be kept securely in a hen coop or run at all times.
- 4.9 Hen coop and runs are not permitted in any front or side yard.
- 4.10 Hen coop and runs shall be located 1.2 metres from any property line.
- 4.11 Only one hen coop and run is permitted on a property.
- 4.12 All deceased hens shall be disposed of promptly in a sanitary manner.
- 4.13 Every person who holds a hen coop licence 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.
- 4.14 A change in occupancy or ownership shall make the hen coop licence null and void.
- 4.15 No owner shall cause or permit his or her hen to become public nuisance by persistently clucking.
- 4.16 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.

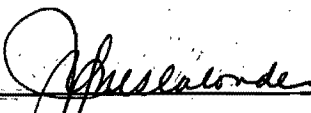
6. VALIDITY

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.

DONE AND PASSED in open council this 15th day of July 2013 after its first, second and third readings.



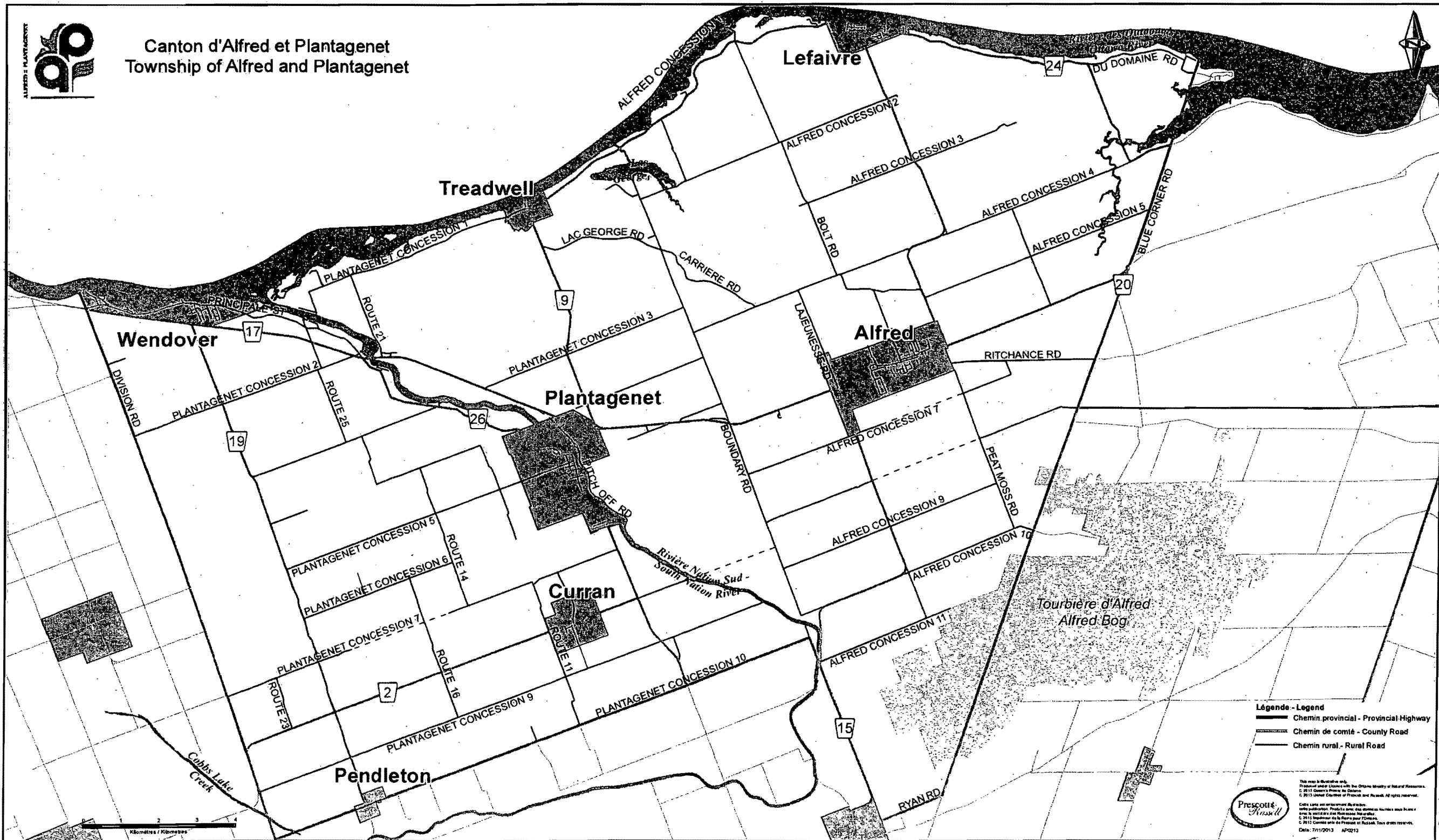
Jean-Yves Lalonde, Mayor



Marc Baigneault, Clerk



Canton d'Alfred et Plantagenet
Township of Alfred and Plantagenet



**LA CORPORATION DU CANTON D'ALFRED ET PLANTAGENET
THE CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET**

RÉSOLUTION/RESOLUTION NO. 2013-341

Date: 15 juillet / July 15, 2013	Item no. : 17.2
Sujet / Subject: Règlement numéro 2013-53 régissant les poulets dans les zones urbaines. By-law Number 2013-53 to regulate backyard hens.	
Proposé par / Moved by : Jean-Claude Delorme Appuyé par / Seconded by : René Beaulne	
Qu'il soit résolu que le règlement numéro 2013-53 régissant les poulets dans les zones urbaines soit adopté après ses trois lectures.	<i>Be it resolved that By-law Number 2013-53 to regulate backyard hens be adopted after its three readings.</i>

Adoptée / Adopted	✓	Initiales du Greffier ou de la Greffière- Adjointe / Clerk's or Deputy- Clerk's initials:	
Défaite / Defeated			
Vote enregistré demandé par / Recorded vote requested by:		Pour / For	Contre / Against