

The Corporation of the Municipality of Grey Highlands

By-law No. 2022-055

Being a by-law to regulate the keeping of backyard poultry in the Municipality of Grey Highlands

Whereas, section 5(3) of the Municipal Act, 2001, S. O. 2001, c.25, as amended, (the "Municipal Act, 2001") provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise; and

Whereas, Section 8(3) of the Municipal Act, 2001 provides Municipalities with broad authority to govern affairs as it considers appropriate and to enhance the Municipality's ability to respond to municipal issues; and

Whereas, Sections 11(1) and (2) of the Municipal Act, 2001, provides that a lower-tier municipality may provide any service or thing that the Municipality considers necessary or desirable for the public in respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons; and

Whereas, Section 11(3) of the Municipal Act, 2001, provides that a lower tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals; and

Whereas, the Council of the Corporation of the Municipality of Grey Highlands deems it expedient, necessary and in the public interest to regulate the keeping of Backyard Poultry.

Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:

1. Definitions

In this by-law:

"Backyard Poultry" means the keeping of a hen or hen(s) as defined herein for the purposes of providing food for the personal consumption of occupants of a dwelling on the same lot upon which the hen(s) is kept; for the purposes of this By-law, Backyard Poultry are deemed not to be livestock or an agricultural use and does not include a rooster.

"Clerk" means the Clerk of The Corporation of the Municipality of Grey Highlands;

"Coop" means a building and an attached outdoor area which is enclosed by fencing and/or wire (the outdoor enclosure area), which is designed and constructed to provide for the accommodation and/or housing of Backyard Poultry.

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

"Municipality" means the Corporation of the Municipality of Grey Highlands;

"Officer" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or their designate;

"Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property;

"Zoning By-law" means the Municipality of Grey Highlands Comprehensive Zoning By-law and its amendments.

2. Registry

2.1 The Municipality shall maintain a registry of owners of Backyard Poultry and the property upon which backyard poultry are kept.

2.2 An application for such registry must be signed by the applicant and shall include the following mandatory fields and declarations:

a) Date.

b) Name, Address of the property upon which Backyard Poultry will be kept (the subject property or lot), Postal Code, Telephone Number and Email Address.

c) The number and breed of Hens being kept on the subject property.

d) A declaration that the applicant has reviewed and understood the following documents:

The OMAFRA Factsheet entitled "Biosecurity Recommendations for Small Flock Poultry Owners"

The OMAFRA Resource Kit entitled "Keeping Your Birds Healthy"

e) A declaration that the applicant will provide a coop for backyard poultry and will maintain such coop in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Poultry Owners.

f) A declaration that the applicant will provide the Backyard Poultry with appropriate food, water, space, and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.

g) A declaration that the applicant has reviewed the relevant sections of the Zoning By-law and will abide by the provisions therein.

h) A declaration that the applicant resides in the dwelling on the subject lands.

i) Where applicant is a tenant, the written authorization of the registered owner of the subject property confirming that the registered owner is aware of and has permitted the keeping of Backyard Poultry on the subject lands.

3. Application of By-law and General Prohibitions

3.1 This by-law shall only apply to lands within the following zones as identified in the Zoning By-law:

a) Any Agricultural (A1) zone,

b) Any Restricted Agriculture (A2) zone,

- c) Any Rural (RU) zone,
- d) Any Residential (R) zone
- e) Any Multiple Residential (RM) zone,
- f) Any Rural Residential (RUR) zone, or
- g) The Development (D) zone.

3.2 Notwithstanding section 3.1, this by-law shall not apply to any lot that exceeds 1.0 hectare in size within an/a Agricultural, Restricted Agriculture or Rural zone.

3.3 No person shall keep Backyard Poultry unless that person first registers with the Municipality by March 31 of each calendar year. Such registration is an annual requirement.

3.4 No person shall keep, at any one time,:

- a) more than four (4) Hens on one lot within a Residential, Multiple Residential or Development zone;
- b) more than six (6) Hens on one lot within a Rural Residential, Agricultural, Restricted Agriculture or Rural zone.

3.5 No person shall keep Backyard Poultry on a lot unless the owner of the Backyard Poultry resides in a dwelling on the lot.

3.6 No person shall keep Backyard Poultry on a lot unless there exists a coop that meets the requirements of this by-law and/or the Municipality of Grey Highlands Zoning By-law.

3.7 No person shall engage in the sale of eggs, manure, meat or other products and by-products of Backyard Poultry.

3.8 No person shall engage in the slaughtering, butchering or attempt to euthanize Backyard Poultry on the property.

4. Coop and Maintenance Requirements

4.1 Every owner of Backyard Poultry and every person responsible for the property on which Backyard Poultry are kept shall ensure the Backyard Poultry are housed and at all times kept in a coop that is constructed and maintained:

- a) To provide protection from weather and be adequately ventilated
- b) To exclude rodents and predators
- c) With flooring that is resistant to moisture and mold and retains heat in the cold weather
- d) With a chicken box sufficient to accommodate all hens
- e) With a perch area sufficient to accommodate all hens
- f) With an accessible dust bath area.

4.2 Every owner of Backyard Poultry and every person responsible for the property on which Backyard Poultry exist shall ensure that:

- a) Backyard Poultry must remain enclosed at all times and in a manner that prevents their escape from the coop,
- b) Feeders and water containers are provided and are cleaned and disinfected regularly,
- c) Coop floors are lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning,
- d) A combination of vegetated or bare earth is provided and maintained in the outdoor enclosure area,
- e) A food container and water are kept in each coop,
- f) All stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it
- g) Feeding of Backyard Poultry is done in a manner that minimizes the attraction of rodents or other animals,
- h) Manure and droppings are cleaned out regularly and stored in a secured container until disposed of in accordance with all applicable laws and regulations. All manure not used for composting or fertilizing is removed,
- i) Deceased poultry are disposed within 24 hours of death at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all other applicable laws and regulations,
- j) Backyard Poultry are kept in accordance with all other by-laws of the Municipality respecting noise and property maintenance.

4.3 No person shall locate a coop with direct access to a wellhead, well (drilled, dug, or otherwise), or natural water feature.

4.4 No person shall keep roosters.

5. Contraventions

5.1 The provisions of this by-law shall be enforced by an Officer of the Municipality.

An Officer who has reasonable grounds to believe that a person has contravened any provisions of this by-law may require that person to provide identification of themselves, and every person who is required by an Officer to provide identification under this section, shall identify themselves to the Officer and shall provide their correct name and address. Providing such information shall constitute sufficient identification. Failure to provide such information shall constitute obstruction of the Officer.

5.2 Enforcement - Provincial Offences Act

Any person who violates a provision of this by-law is guilty of an offence and on conviction is liable to pay a penalty provided in Section 61 of the Provincial Offences Act R.S.O. Chapter P 33 as amended.

5.3 Enforcement - Municipal Act

Where any person is directed or required by this by-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the Municipal Act.

6 Severability

6.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

7. Force and Effect

7.1 This By-law shall come into force and take effect upon By-law 2022-054 coming into force and effect subject to approvals necessary under the Planning Act, R.S.O. 1990, as amended.

Read a first, second and third time, and finally passed on June 01 2022.

The Corporation of the
Municipality of Grey Highlands

Original Signed By

Paul McQueen, Mayor

Original Signed By

Raylene Martell, Municipal Clerk

Status: Passed