

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN
By-Law 2023-13

Being a By-Law to Allow and Regulate the Keeping of Backyard Chickens

WHEREAS Sections 9 and 10 of the Municipal Act, S.O. 2001, c.25, as amended, confer the power to a municipality to pass By-Laws regulating or prohibiting animals;

AND WHEREAS Section 103 of the Municipal Act confers the power upon a municipality to pass a by-law for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain circumstances;

AND WHEREAS Section 129 of the Municipal Act permits municipalities to pass by-laws to prohibit noises likely to disturb inhabitants within the municipality;

AND WHEREAS Section 391 of the Municipal Act enables a municipality to enact by-laws imposing fees or charges on any class of persons for services or activities provided or done by or done on behalf of it;

AND WHEREAS Council is desirous to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

AND WHEREAS it is deemed expedient to enact a by-law to regulate the keeping of backyard chickens in the Municipality, that such a by-law be passed.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN HEREBY ENACTS AS FOLLOWS:

Definitions

1. In this By-law:

“Animal Control Officer” means an “animal control officer” as defined in By-law 2020-14

“Being at large” means to be found in any place other than the property of the owner of the chicken and “be at large” has a corresponding meaning.

“Chicken” means an animal classified as *Gallus gallus domesticus*, of the family Phasianidae of the Order Galliformes.

“Clerk” means the Clerk of the Municipality;

“Council” means the Council of the Municipality;

"Dwelling unit" means one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals;

"Humane Society" means The North Bay Humane Society or such other agent as the Municipality may appoint and retain from time to time for the purposes of animal control;

"Municipality" means The Corporation of the Municipality of Powassan;

"Officer" means a Municipal Law Enforcement Officer, a Provincial Offences Officer or any other officer deemed by council to administer this By-law

"Owner" includes a person who possesses or harbours an animal and "owns" has a corresponding meaning;

"Public place" includes a highway, public park and other municipal property;

General

2. Notwithstanding section 4.5.2 (i) of By-Law 2003-38 as amended, a person may keep chickens in their backyard within the Municipality in accordance with the provisions set out in this By-Law. The provisions in this By-Law shall only be applied to lots smaller than 2 hectares within the Municipality.
3. No owner shall allow or permit their chicken(s) to be at large.
4. No person shall keep a rooster on a property smaller than 2 hectares.
5. No person shall keep more than five (5) chickens on a lot smaller than two hectares.
6. Any owner shall ensure that all chicken coops are:
 - (1) located only in the rear yard, and
 - (2) fully enclose the chickens and prevent them from escaping.
7. No person shall keep a chicken coop closer than:
 - (1) 5 metres from the rear lot line of the lot on which the chicken coop is located, and
 - (2) 5 metres from any side lot line of the lot on which the chicken coop is located.

8. Any owner shall ensure dead chickens are disposed of immediately and in any event, within 48 hours.

9. No owner shall fail to have hygienic storage of and prompt removal of chicken feces.

10. A person who keeps one or more hens must:

(1) provide each hen with at least

- (a) 0.37 m² of coop floor area, and
- (b) 0.92 m² of roofed outdoor enclosure;

(2) provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;

(3) provide and maintain, in each coop, at least one (1) perch, for each hen, that is at least 15 cm long, and one (1) nest box;

(4) keep each hen in the enclosed area at all times;

(5) provide each hen with:

- (a) food,
- (b) water,
- (c) shelter,
- (d) light,
- (e) ventilation,
- (f) veterinary care, and
- (g) opportunities for essential behaviors such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;

(6) maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;

(7) construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;

(8) keep a food container and water container in each coop;

(9) keep each coop locked from sunset to sunrise;

(10) remove leftover feed, trash, and manure in a timely manner;

- (11) store manure
 - (a) within a fully enclosed structure, and
 - (b) in quantities not exceeding one (1) cubic metre at a time;
- (12) remove all other manure not used for fertilizing forthwith;
- (13) follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- (14) keep hens for personal use only, and not sell:
 - (a) eggs,
 - (b) manure,
 - (c) meat, or
 - (d) other products derived from hens;
- (15) not slaughter a hen on the property;
- (16) not dispose of a hen except by delivering it to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; and
- (17) not keep a hen in a cage.

Powers of Officer

11. Pursuant to section 436 of the *Municipal Act, 2001*, an officer may enter onto and across any lands, at any reasonable time, to conduct an investigation or inspection to ensure the provisions of this By-Law are being complied with.

12. Every chicken found running at large contrary to the provisions of this By-Law may be seized and impounded by an Animal Control Officer or their designate and impounded in the Animal Shelter designated by council. An owner has three (3) days, excluding holidays, in which they have the right to redeem an impounded chicken from the Animal Control Officer. If claimed within the aforementioned time period, chickens may be redeemed for pound fees levied at the rate imposed by the Municipality and any fees/fines determined in the Schedules.

13. No person shall interfere with or hinder an officer or any agent of the Corporation of the Municipality of Powassan in the performance of any duty of such agent.

Severability

14. If a court of competent jurisdiction should declare any section or part of any section of this By-Law to be invalid, such section or part of a section shall not be construed as

having persuaded or influenced council to pass the remainder of the By-Law and it is hereby declared the remainder of the By-Law shall remain valid and in force.

Penalty

15. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.


16. When a person has been convicted of an offence under this By-Law:

- (a) the Ontario Court of Justice, or
- (b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Repeal

17. That By-Law 2020-15 is hereby repealed.

READ a FIRST and SECOND time and READ a THIRD and FINAL time and considered passed as such this 16th day of May 2023 for the immediate wellbeing of the Municipality.



Mayor McIsaac



Clerk

Schedule "A" to By-Law 2023-13

Fees

| | | | |
|----|--------------|---------------------------|-------------|
| 1. | Bail | First Offence: | \$35.00 |
| | | Second Offence: | \$45.00 |
| | | Third and all subsequent: | \$60.00 |
| 2. | Impound Fees | | \$25.00/day |

Schedule "B" to By-Law 2023-13

Set Fines

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine |
|------|--|--|----------------------|
| 1. | Permit chicken to be at large | 3 | \$100 |
| 2. | Keep a rooster on a lot smaller than 2 hectares | 4 | \$300 |
| 3. | Keep more than 5 chickens on property smaller than 2 hectares | 5 | \$100 |
| 4. | Keep chicken coop in area other than rear yard. | 6(1) | \$100 |
| 5. | Keep chicken coop that fails to fully enclose the chickens and prevent escape. | 6(2) | \$100 |
| 6. | Keep chicken coop within 5 metres of rear lot line. | 7(1) | \$200 |
| 7. | Keep chicken coop within 5 metres of side lot line. | 7(2) | \$200 |
| 8. | Fail to dispose of dead chickens within 24 hours. | 8 | \$100 |
| 9. | Fail to have hygienic storage/prompt removal of feces | 9 | \$100 |
| 10. | Fail to provide at least 0.37m ² of coop floor area. | 10(1)(a) | \$100 |
| 11. | Fail to provide at least 0.92m ² of roofed outdoor enclosure | 10(1)(b) | \$100 |

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|-----|--|-----------|-------|
| 12. | Fail to keep each hen in the enclosed area at all times. | 10(4) | \$100 |
| 13. | Fail to provide each hen with food. | 10(5)(a) | \$200 |
| 14. | Fail to provide each hen with water. | 10(5)(b) | \$200 |
| 15. | Fail to provide each hen with shelter. | 10(5)(c) | \$200 |
| 16. | Fail to provide each hen with light. | 10(5)(d) | \$200 |
| 17. | Fail to provide each hen with ventilation | 10(5)(d) | \$200 |
| 18. | Fail to provide each hen with veterinary care. | 10(5)(e) | \$200 |
| 19. | Fail to provide each hen with opportunities for essential behaviors | 10(5)(f) | \$200 |
| 20. | Fail to maintain enclosure in sanitary/vermin free condition. | 10(6) | \$200 |
| 21. | Fail to keep food/water container in each coop. | 10(8) | \$200 |
| 22. | Fail to keep coop locked from sunset to sunrise. | 10(9) | \$100 |
| 23. | Fail to remove leftover feed, trash, and manure in a timely manner. | 10(10) | \$200 |
| 24. | Fail to store manure within a fully enclosed container | 10(11)(a) | \$200 |
| 25. | Store more than 1 metre ³ of manure | 10(11)(b) | \$200 |
| 26. | Fail to remove all manure not used for fertilizing | 10(12) | \$200 |
| 27. | Fail to follow biosecurity procedures recommended by the Canadian Food Inspection Agency | 10(13) | \$500 |
| 28. | Sell eggs from backyard chicken | 10(14)(a) | \$200 |

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|-----|--|-----------|-------|
| 29. | Sell manure from backyard chicken. | 10(14)(b) | \$200 |
| 30. | Sell meat from backyard chicken. | 10(14)(c) | \$200 |
| 31. | Sell other products derived from outdoor chickens. | 10(14)(d) | \$200 |
| 32. | Slaughter or euthanize a chicken on property | 10(15) | \$200 |
| 33. | dispose of a hen except by delivering it to a farm, abattoir, veterinarian, mobile slaughter unit. | 10(16) | \$200 |

Note: The general penalty provision for the offences listed above is section 16 of By-Law 2023-13, a certified copy of which has been filed.