

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

Bylaw No. 49-2022

Being a Bylaw to Regulate the Keeping of Poultry and Livestock

WHEREAS subsection 10(2) of the *Municipal Act*, 2001, S.O. c. 25, as amended, authorizes the municipality to pass bylaws respecting animals, and the health, safety, and well-being of persons;

AND WHEREAS section 128 of the *Municipal Act*, 2001, S.O. c. 25, as amended, authorizes the municipality to pass bylaws to prohibit and regulate public nuisances;

AND WHEREAS section 129 of the *Municipal Act*, 2001, S.O. c. 25, as amended, authorizes the municipality to pass bylaws to prohibit and regulate noise, vibration, odour, dust, and outdoor illumination;

AND WHEREAS section 103 of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, states that if a municipality passes a By-law regulating or prohibiting animals being at large that it may provide for the seizure, impounding or sale of such animals in such By-law;

AND WHEREAS Section 425 of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, states that a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, states no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under this Act;

AND WHEREAS section 436 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with.

AND WHEREAS the Council deems it desirable to regulate the keeping of poultry within the Village of South River;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF SOUTH RIVER ENACTS AS FOLLOWS:

DEFINITIONS

In this bylaw:

“**animal**” means any member of the kingdom *Animalia* excepting fish and humans;

“**applicant**” means a person who has applied for a license to keep hens;

“**at large**” means an animal regulated under this bylaw found at any place other than within the hen enclosure on the property of the owner of the animal;

“**deadstock**” means a farm animal as defined in O.Reg. 106/09 which has died;

“**domestic pet**” means animal kept for companionship which is generally understood to be domesticated and is typically kept indoors at a dwelling unit;

“**fee**” means a Fee as established by the Village;

“**hen**” means a domesticated female chicken that is at least four (4) months old;

“hen coop” means a fully enclosed weatherproof structure where hens are kept and the interior of which includes nest boxes for egg laying, perches for hens to roost on, and food and water containers;

“hen enclosure” means the combined area of the hen coop and hen run;

“hen run” means a covered and secure enclosed that allows hens to access and outdoor area;

“keep” means to have temporary or permanent control or possession of an animal;

“license” means a licence to keep hens issued by the Village of South River;

“licensee” means any person issued a licence by the Village of South River for the keeping of hens;

“livestock” "Livestock" means any domestic or farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;

“Municipality” means the Village of South River;

“Officer” means a Municipal Law Enforcement Officer, Bylaw Enforcement Officer, Animal Control Officer, Animal Welfare Inspector, Police Officer, or any other person appointed to enforce the bylaws of the Village of South River;

“owner” means any person who possesses, harbours, or keeps a chicken;

“poultry” means any domesticated bird kept for their eggs, meat, or feathers. This includes, but is not limited to, chickens, turkeys, ducks, quail, and geese.

“Village” means the Village of South River;

1. GENERAL PROVISIONS

1.1 This bylaw shall not apply to properties within the limits of the Village of South River zoned “rural” as indicated in Bylaw 17-95, as amended.

1.2 No person shall keep livestock other than hens within the limits of the Village of South River.

1.3 Notwithstanding section 1.2 of this bylaw, a person may keep rabbits as domestic pets.

1.4 No person shall keep any poultry other than chickens within the limits of the Village of South River.

1.5 No person shall keep a rooster within the limits of the Village of South River.

1.6 No person shall keep hens without a license.

1.7 No Person shall keep more than six (6) hens on one property.

1.8 No person shall slaughter or euthanize, or attempt to slaughter or euthanize hens within the Village of South River.

1.9 No owner shall allow their hens to be at large within the Village of South River.

- a. Any poultry or livestock found at large within the Village may be seized and impounded by an Officer or their designate.

- b. Where poultry or livestock is impounded, the owner shall be liable for any applicable fees. All fees shall be paid prior the release of the animal.
- c. Where impounded poultry or livestock is not claimed within five (5) full business days, the animal shall be deemed forfeit to the Village and may be sold or disposed of in an appropriate manner.
- d. Where impounded poultry or livestock is injured or suffering, an officer may destroy the animal in an appropriate manner. Where the owner is known, twenty-four (24) hours notice shall be given prior to the destruction of the animal.

1.10 No owner shall sell eggs, manure, or associated products of their hens.

2. LICENCING

2.1 Every person seeking to keep hens shall submit an application to the Village for licencing.

2.2 Licence applications shall contain the following information:

- a. The name, phone number, email address, and address of the license applicant;
- b. Proof that the applicant is over eighteen (18) years of age;
- c. Proof of ownership of the property where hens are to be kept;
- d. Where the applicant is a tenant, written permission of the registered owner of the property for the applicant to keep hens;
- e. The number of hens to be kept on the property;
- f. A site plan of the property showing all buildings and structures, including the proposed locations of the hen coop and hen run, as well as the dimension and appropriate setbacks;
- g. Any other documentation deemed necessary by the Village to evaluate the application.

2.3 The applicant shall arrange for a site inspection by the Municipal Law Enforcement Officer or their designate after the submission of their licence application.

2.4 The Village may, in their sole discretion:

- a. Issue a licence to an applicant;
- b. Issue a licence with conditions to an applicant;
- c. Reject a licence application.

2.5 The Village shall reject all licence applications that are incomplete or do not conform the provisions of this bylaw.

2.6 Upon the approval of the licence application, the applicant shall pay the required fee as set by the Village

2.7 Licences shall not be issued until all applicable fees have been paid.

2.8 Licensees shall at all times comply with the provisions of this bylaw and any conditions placed on their license.

2.9 Licenses are not transferable between persons or property. Where the property owner changes or the licensee relocates to a different property, the licence shall be deemed null and void.

2.10 The Village may revoke a licence issued under this bylaw if:

- a. The licensee fails to comply with:
 - i. Any of the conditions placed on the license;
 - ii. Any of the provisions of this bylaw;
- b. The licence was issued in error, or as the result of mistaken, false, or incorrect information;
- c. For any other purpose as deemed fit by the Village

3. STANDARDS FOR THE KEEPING OF HENS

3.1 Every owner shall ensure that a hen enclosure is provided for the animals.

3.2 Every owner shall ensure that the hen enclosure meets the following requirements:

- a. The enclosure shall have a hen coop and a hen run
- b. The hen coop shall:
 - i. not exceed 3 meters in height;
 - ii. provide at least 0.37 square meters of floor area per hen;
 - iii. be enclosed on all sides, and have a roof and doors;
 - iv. include a perch for each hen;
 - v. Include nest boxes;
 - vi. Be maintained in good repair, clean, dry, free of excessive odours, and in a sanitary condition free from vermin;
 - vii. Be constructed and maintained so as to prevent any wildlife from harbouring underneath or within it, and to prevent entrance by any other animal.
- c. The hen run shall:
 - i. Not exceed 3 meters in height
 - ii. Provide a minimum of 0.92 square meters of space per hen;
 - iii. Be maintained in good repair, in a clean and sanitary condition from excessive odours;
 - iv. Be constructed and maintained to prevent access by other animals.
- d. The area of the hen enclosure (including the hen coop and hen run) shall not exceed 10 square meters.
- e. Hen enclosures shall comply with the following minimum setbacks:
 - i. 1.5 meters from the rear and side lot lines;
 - ii. 3 meters from all windows and doors of dwellings located on an abutting property.

- iii. 20 meters from the high water mark of any waterbody
 - f. Hen enclosures are not permitted in the front or side yards of a property.
- 3.3** Every owner shall ensure that hens are provided with bedding consisting of a wood shaving material, or other material as recommended by the provincial Ministry of Agriculture, Food, Rural Affairs or by the federal Department of Agriculture and Agri-Food.
- 3.4** Every owner shall ensure that all reasonable measures are taken to prevent disease in their hens, in accordance with direction on biosecurity put forward by provincial Ministry of Agriculture, Food, Rural Affairs or by the federal Department of Agriculture and Agri-Food.
- 3.5** Every owner shall ensure that manure is removed, and bedding is changed regularly, so as to prevent an accumulation of feces and excessive odours.
- 3.6** Manure shall be disposed of properly by the owner. No person shall dispose of manure on a property within the Village of South River, in water, by composting, or by municipal garbage collection.
- 3.7** All owners shall dispose of deadstock immediately in an approved manner in accordance with the provisions of O. Reg. 106/09.
- 3.8** Notwithstanding the requirements of section 3.6 of this bylaw, the following restrictions on deadstock disposal apply:
- a. No person shall dispose deadstock by way of the municipal garbage collection.
 - b. No person shall dispose of deadstock by way of burying, incinerating, composting, or the use of a disposal vessel on any property within the limits of the Village of South River
- 3.9** Every owner shall maintain all required records of deadstock disposal.
- 3.10** Every owner shall, at the request of an officer or their designate, produce for inspection a copy of disposal records for deadstock.
- 3.11** Every owner shall provide care for their hens in accordance with the provisions of the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13.

4. ENFORCEMENT

- 4.1** The enforcement of this bylaw shall be assigned to the Municipal Law Enforcement Officer of the Village of South River, or any other person appointed to such duties by a bylaw of the Village.
- 4.2** Where an officer has reasonable and probable grounds to believe that a person has violated a provision of this bylaw, such person shall immediately upon the request of an officer produce a piece of government issued photo identification and provide it to the officer.
- 4.3** Nothing herein shall be deemed to limit the ability of a Police Officer or an Animal Welfare Inspector to enforce this bylaw.

5. ORDERS

- 5.1** Where an officer has reasonable and probable grounds to believe that a contravention of this bylaw has occurred, the Officer may serve an order on the Licensee setting out the particulars of the contravention and directing:

- a. Compliance within a specified period of time; or
 - b. That the activity be discontinued
- 5.2** Every person shall comply with any Order or Notice issued under the authority of this bylaw.

6. RIGHTS OF ENTRY

- 6.1** An officer may, at any reasonable time, enter onto a property for the purpose of carrying out an inspection to determine whether any provision of this bylaw has been violated
- 6.2** Every person shall, upon the request of an officer, provide any document or record required for the officer to evaluate compliance with the provisions of this bylaw.

7. OBSTRUCTION

- 7.1** No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this bylaw.
- 7.2** No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this bylaw.

8. PENALTIES

- 8.1** Every person who contravenes any provision of this bylaw 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.
- 8.2** Each day on which a person contravenes sections 1.2, 1.4, 1.5, 1.6, 1.7, 3.1, 3.2, 3.3, 3.4, 3.6, or 5.2 of this bylaw shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the Municipal Act, S.O. 2001, c. 25.

9. SEVERABILITY

- 9.1** If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall be deemed to be separate and independent there from, and the remaining terms and provisions of this bylaw shall remain in force and effect

10. REPEAL

- 10.1** Any other bylaw pertaining to the regulation and control of poultry passed by the Council of the Village of South River is hereby repealed.

11. EFFECTIVE DATE

- 11.1** This bylaw shall come into effect on January 1st, 2023

READ A FIRST TIME THIS 14th DAY OF NOVEMBER, 2022.

READ A SECOND TIME THIS 14th DAY OF NOVEMBER, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF NOVEMBER, 2022.

Jim Coleman, Mayor

Don McArthur, Clerk Administrator

DRAFT

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

Bylaw No. 49-2022

SCHEDULE "A"

FEES

Item	Fee Description	Amount
1.	Licencing fee per property	\$100.00
2.	Impound fee – per day	As charged by the service provider
3.	Destruction of animal	As charged by the service provider

DRAFT

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

Bylaw No. 49-2022

SCHEDULE "B"

SET FINES

PART I PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Keep livestock other than hens	s. 1.2	\$175.00
2.	Keep poultry other than chickens	s. 1.4	\$175.00
3.	Keep a rooster	s. 1.5	\$175.00
4.	Keep hens without license	s. 1.6	\$200.00
5.	Keep more than 6 hens on property	s. 1.7	\$75.00
6.	Slaughter or euthanize hen	s. 1.8	\$250.00
7.	Attempt to slaughter or euthanize hen	s. 1.8	\$250.00
8.	Allow hens to be at large	s. 1.9	\$125.00
9.	Sell eggs, manure, or associated products	s. 1.10	\$125.00
10.	Licensee fail to comply with licence conditions	s. 2.8	\$200.00
11.	Owner fail to provide hen enclosure	s. 3.1	\$200.00
12.	Owner fail to ensure hen enclosure meets requirements	s. 3.2	\$200.00
13.	Owner fail to provide appropriate bedding	s. 3.3	\$125.00
14.	Owner fail to sufficiently remove manure	s. 3.5	\$125.00
15.	Owner fail to sufficiently change bedding	s. 3.5	\$125.00
16.	Owner fail to properly dispose of manure	s. 3.6	\$150.00
17.	Owner fail to properly dispose of deadstock	s. 3.7	\$200.00
18.	Dispose of deadstock in municipal garbage	s. 3.8 (a)	\$250.00
19.	Dispose of deadstock by burying, incinerating, composting, or in a disposal vessel	s. 3.8 (b)	\$250.00
20.	Owner fail to maintain disposal records	s. 3.9	\$150.00
21.	Owner fail to produce disposal records	s. 3.10	\$175.00
22.	Fail to identify	s. 4.2	\$175.00
23.	Fail to comply with order	s. 5.2	\$250.00
24.	Fail to provide document or record for inspection	s. 6.2	\$175.00
25.	Hinder or obstruct Officer	s. 7.1	\$250.00
26.	Give false statement or information	s. 7.2	\$250.00

NOTE: The general penalty section for the offences indicated above is Section 8.1 of Bylaw No. 49-2022, a certified copy of which has been filed.