

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2020-0004 (LI-3)

BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN
BACKYARD HENS

WHEREAS Section 11 (1) and (2) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended ("*The Municipal Act*"), provides that a lower-tier municipality may provide any service or thing that the Municipality considers necessary or desirable to the public regarding the economic, social and environmental well-being of the municipality and the safety and well-being of persons;

AND WHEREAS Section 11 (3) of the *Municipal Act*, 2001, as amended, authorizes a municipality to pass by-laws necessary or desirable for municipal purposes with respect to Animals;

AND WHEREAS the Council of The Corporation of the Town of Georgina deems it appropriate to enact a by-law to regulate the keeping of backyard Hens, for the purpose of conducting a Pilot Project;

AND WHEREAS the Town's Exotic Animal By-law 2009-0072 prohibits the keeping of chickens on Residential Zoned properties, and Rural Zoned properties with lot areas less than 0.4 hectares;

AND WHEREAS the Pilot Project is intended to exempt a Person with a valid License from the prohibition on the keeping of chickens, as outlined in Exotic Animal By-law 2003-0072;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE TOWN OF GEORGINA:

1. DEFINITIONS:

For the purposes of this by-law:

Applicant means a Person applying for a License under this by-law;

Corporation means a body corporate incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;

Fee means a Fee as established by the Town;

Free Roaming means a Hen that is outside of a Hen Coop or a Hen Run;

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

Hen Coop means a fully enclosed, locking weatherproof structure where Hens are kept and which the interior of includes nest boxes for egg laying, roosts for the Hens to sleep on, food and water containers;

Hen Owner means any Person who possesses, harbours or keeps a Hen;

Hen Run means a covered and secure enclosure that allows Hen's access to an outdoor area;

License means the certificate or other similar document issued pursuant to the by-law as proof of licensing under this by-law;

Licensee means a Person who holds a License or is required to hold a License under this by-law;

Officer means a Police Officer, Fire Prevention Officer, Fire Inspector, Building Inspector, Zoning Examiner, Plans Examiner, Municipal Law Enforcement Officer, Licensing Coordinator, or any person appointed by the Corporation of the Town of Georgina as an Officer for the purposes of enforcing this by-law;

Licensing Coordinator means the Person designated on behalf of the Corporation of the Town of Georgina and/or his/her designate to issue Licenses under his by-law;

Lot means a parcel of area of land, which is legally in separate and distinct ownership, and includes any Residential Property or Rural Property, as defined and permitted under this by-law;

Person means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a License under this by-law;

Pilot Project means the project carried out by the Corporation of the Town of Georgina regarding the keeping of Hens on a Residential Property or Rural Property, as defined in this by-law;

Premises means the Property upon which is permitted to participate in the Pilot Project, inclusive of buildings or structures or any part thereof used for such purpose;

Property means the Lot upon which is permitted to participate in the Pilot Project, exclusive of buildings or structures or any part thereof;

Residential Property means any Property zoned Residential (R), Low Density Urban Residential (R1), Low Density Urban Residential (R2) or Estate Residential (ER) under the Zoning By-law, and containing a Single Family Dwelling and used for such;

Rooster means a domesticated male chicken;

Rural Property means any Property zoned Rural (RU) under the Zoning By-law, which is also less than 0.4 hectares in lot area, and containing a Single Family Dwelling and used for such;

Single Family Dwelling means a Single Family Dwelling as defined in the Zoning By-law;

Town means The Corporation of the Town of Georgina;

Ward means an administrative division of the Town of Georgina, which is represented by a Councillor; and,

Zoning By-law means the Town's Zoning By-law No. 500, as amended, or any successor comprehensive Zoning By-law, as amended.

2. GENERAL PROVISIONS:

- (1) The Licensing Coordinator, shall be responsible for the administration and enforcement of this by-law and the issuance of Licenses to allow for the keeping of Hens.
- (2) The Officer shall also be responsible for the enforcement of this by-law.
- (3) No Person, within the Town, shall keep Hens on a Residential Property or Rural Property without first being issued a License under this by-law.

- (4) Licensees under this by-law shall be exempt from the Town's Exotic Animal By-law's prohibition on the keeping of Hens on a Residential Property or Rural Property for the duration of the Pilot Project, which is indicated to be limited to twenty-four (24) months from the date that this by-law comes into force and effect.
- (5) Licensees must comply at all times with the provisions in this by-law, including those outlined in Schedule 'A'.
- (6) Further to the above, there shall be a minimum separation distance of 100.0 metres between Pilot Project Premises. Such distance shall be measured from the closest points between the Premises (i.e. shortest distance between the Lot lines of the two Premises).

3. APPLICATION REQUIREMENTS:

- (1) Applicants shall submit all required application documents, as outlined in this by-law, together with a License Fee of \$100.00 to the Licensing Coordinator for review and to determine if a License may be issued for the keeping of Hens.
- (2) All applications for a License to keep Hens on a Residential Property or Rural Property shall include:
 - (a) The name, contact email, phone number and address of the Licensee where Hens will be kept;
 - (b) Proof of Ownership for the Premises;
 - (c) Proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - (d) The number of Hens to be kept on the Property;
 - (e) 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 dimensions and appropriate setbacks; and,
 - (f) Any other documentation, deemed necessary by the Licensing Coordinator to evaluate the application.
- (3) Once the application materials have been reviewed and the application has been approved by the Licensing Coordinator, it is the responsibility of the

Licensee to contact the Town to arrange for a site inspection to be conducted by an Officer.

- (4) Further to the above, the Licensee shall attend a mandatory education seminar hosted by the Town on the proper care and keeping of Hens.

4. LICENSE:

- (1) The Licensing Coordinator may issue a License with or without conditions, refuse a License, and/or revoke a License.
- (2) The License to keep Hens on a Residential Property or Rural Property shall be in a form as determined by the Licensing Coordinator.
- (3) The Licensing Coordinator, shall refuse to issue a License where the request does not comply with the provisions of this by-law and the regulations outlined in Schedule 'A', or if the conduct or past conduct of an Applicant affords reasonable grounds for belief that the Applicant will not participate in the Pilot Project as prescribed.
- (4) For the purpose of the Pilot Project, the Licensing Coordinator shall refuse to issue any License once the required number of Licenses have been issued. The required number of issued Licenses shall not exceed three (3) per Ward, for a total of fifteen (15) Licenses.
- (5) The Licensing Coordinator may revoke a License issued pursuant to this by-law if:
 - a. The Licensee fails to comply with:
 - i. Any of the conditions upon which the License was issued;
 - ii. Any of the provisions of this by-law;
 - b. The License was issued in error, or as a result of mistaken, false or incorrect information;
 - c. The Licensee fails to install the Hen Coop and Hen Run on the Property by no later than twelve (12) weeks after the License is issued by the Licensing Coordinator; and,

- d. For any other purpose, as deemed fit by the Licensing Coordinator.
- (6) A License, issued pursuant to this by-law, shall expire upon the completion of the Pilot Project, as declared by the Licensing Coordinator.
- (7) A change in Ownership shall make the License null and void.
- (8) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.
- (9) An Officer may enter on a Property at any reasonable time for the purpose of carrying out an inspection to determine whether or not any provision of this by-law is being complied with.

5. ORDER

- (1) Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:
- (a) Compliance within a specified period of time; or
- (b) The activity be discontinued.
- (2) Any Person who contravenes an order under this by-law is guilty of an offence.
- (3) No Person shall fail to comply with an order issued by an Officer.

6. SEVERABILITY:

In the event that any provisions of this by-law are deemed invalid or void, in whole or in part, by any court or competent jurisdiction, the remaining terms and provisions shall remain in force and effect.

7. TITLE:

This by-law may be known as the "Urban Hens Pilot Project By-law"

8. EFFECTIVE DATE:

This By-law shall come into full force and effect on April 1st, 2020, until April 1st, 2022.

READ and enacted this 15th day of January, 2020.

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk

SCHEDULE 'A' TO BY-LAW #2020-0004 (LI-3)

**REGULATIONS REGARDING THE KEEPING OF BACKYARD HENS
ON A RESIDENTIAL PROPERTY OR RURAL PROPERTY**

- (1) A maximum of four (4) Hens are permitted on a Residential property or Rural Property, as defined by this by-law. Hens are not permitted on a Property containing an Apartment, Duplex, Linked, Seasonal, Semi-Detached, Semi-Detached Duplex, Townhouse, or Triplex Dwelling, as defined in the Zoning By-law.
- (2) All Hens shall be at least four (4) months old.
- (3) The keeping of Roosters is prohibited.
- (4) The Licensee shall reside on the Property where the Hens are kept.
- (5) Hens shall be kept in a locked Hen Coop from 9:00 p.m. to 6:00 a.m.
- (6) Hens are only permitted in the rear yard of the Property.
- (7) Hens shall be confined to an enclosed Hen Coop or Hen Run at all times. The Free Roaming of Hens on the Property is prohibited.
- (8) Hen Coops shall have adequate ventilation and shall be weather and predator proof.
- (9) Hens shall be provided 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.
- (10) Feeders and water containers shall be provided and cleaned regularly and disinfected.
- (11) Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it.
- (12) A minimum of 0.37 square meters per Hen is required for the Hen Coop, along with a minimum of 0.93 square meters per Hen for the Hen Run.

- (13) Hen Run floors shall provide any combination of vegetation or bare earth.
- (14) Notwithstanding the accessory structure height and size provisions as contained within the Zoning By-law:
 - a. The combined floor area of the Hen Coop and Hen Run shall be less than 10.0 square metres;
 - b. Hen Coops and Hen Runs shall not exceed 3.0 metres in height;
 - c. Hen Coops and Hen Runs are only permitted in the rear yard of the Property and shall be a minimum of 2.0 metres from any abutting Lot line; and,
 - d. Hen Coops and Hen Runs shall be a minimum distance of 3.0 metres from all windows and doors of dwellings that are located on an abutting Property.
- (15) Further to the above, Hen Coops and Hen Runs shall meet all other requirements for an accessory structure based on the particular property zoning as outlined in the Zoning By-law.
- (16) The sale of eggs, manure and other products associated with the keeping of Hens are prohibited.
- (17) Hen Coops and Hen Runs shall be maintained in a clean condition and the Hen Coop shall be kept free of obnoxious odours, substances and vermin.
- (18) Any leftover feed and manure shall be removed.
- (19) Stored manure shall be kept in an enclosed structure or container such as a compost bin and no more than three (3) cubic feet shall be stored at any one time. All other manure not used for composting or fertilizing shall be removed.
- (20) Home slaughter of Hens is prohibited and deceased Hens are disposed of at a livestock disposal facility, through the services of a veterinarian or through a facility as approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all laws.

- (21) Hens are kept in accordance with all other laws including the Town's by-laws respecting noise, lot maintenance, property standards, and animals, as well as provincial legislation.

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2020-0005 (PWE-1)

BEING A BY-LAW TO AMEND BY-LAW NUMBER 2003-0072 (PWE-1), BEING A BY-LAW TO REGULATE AND PROHIBIT THE KEEPING OF ANIMALS OTHER THAN DOGS

WHEREAS the *Municipal Act*, 2001, as amended, authorizes a municipality to pass by-laws for purposes related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Georgina hereby enacts as follows:

- (1) **THAT** By-law Number 2003-0072, is hereby further amended by adding the following to the end of Section 2:

“(c) Except on a Residential or Rural Zoned Property that has been issued a License under Urban Hens Pilot Project By-law No. 2020-0004 (LI-3); and,

- (2) **THAT** this by-law shall come into full force and effect on April 1st, 2020, until April 1st, 2022.

READ and enacted this 15th day of January, 2020.

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk