

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2022-0004

**FOR THE CONSIDERATION OF
COUNCIL**

March 30, 2022

SUBJECT: URBAN HENS LICENSING BY-LAW

1. RECOMMENDATION:

1. That Council receive Report No. LS-2022-0004 prepared by the Clerks Division, Legislative Services Department dated March 30, 2022 respecting a proposed Urban Hens Licensing By-law.
2. That Council approve the proposed By-law, included as Attachment 4 to Report No. LS-2022-0004, to License, Regulate and Govern Urban Hens.
3. That Council approve the proposed By-law to amend Exotic Animal By-law No. 2003-0072, included as Attachment 5 to Report No. LS-2022-0004, to recognize permission regarding the keeping of Urban Hens.

2. PURPOSE:

The Purpose of this report is to update Council and the public on the results of the Urban Hens Pilot project regarding permitting the keeping of hens in urban areas (i.e. "urban hens"), and to provide options and recommendations on proceeding forward with this initiative.

3. BACKGROUND:

In August 2016, Council received a petition from a member of the public seeking support for permitting residents to keep hens on residentially zoned properties in the Town and requested staff to investigate the potential for the Town to permit such an initiative.

On [August 14, 2019](#), Council received Report No. [DS-2019-0104](#)¹, in which Staff presented the benefits and issues, as well as options associated with permitting

¹ Staff Report No. DS-2019-0104 available on page 43 of the Agenda here: <http://www3.georgina.ca/archive/georgina/council-2019/2019-08-14-AGN.pdf>, Meeting Minutes can be found here: <http://www3.georgina.ca/archive/georgina/council-2019/2019-08-14-MIN.pdf>

limited hen husbandry in urban areas in Georgina. Staff summarized best practices for the keeping of laying hens in urban areas, advice from local agencies and advocates, and research on other Ontario municipalities that were considering or permitting hens in urban settings. At the meeting, Council directed Staff to conduct a public consultation process concerning the permissibility of urban hens.

Further, on [November 27, 2019](#), Council received Report No. [DS-2019-0140](#)², in which staff updated Council on the results of the public consultation program regarding permitting the keeping of hens in urban areas, and provided options and recommendations on the Urban Hens initiative. At the meeting, Council approved the recommendation to pass a By-law to enact a 24-month Pilot Project that essentially would call for applications to a maximum of three licenses per ward, a 100-metre separation distance between licensed properties and that all participants be required to attend a mandatory educational session.

On January 15, 2019 Council passed By-law 2020-0004 (LI-3) being a By-law to license, govern and regulate the Urban Hens Pilot Project. By-law 2020-0004 (LI-3) was to take effect on April 1, 2020 and run for a 24 month trial period, which will expire on April 1, 2022. By-law 2020-0004 (LI-3) is included as *Attachment 1* to this report. Further, By-law 2020-0005 (PWE-1) to amend Exotic Animal By-law 2003-0072 was also passed by Council to recognize the implementation of a Pilot Project regarding the keeping of urban hens. By-law 2020-0005 (PWE-1) and Exotic Animal By-law 2003-0072 are included as *Attachment 2* and *Attachment 3*, respectively to this report.

4. ANALYSIS:

4.1 URBAN HENS PILOT PROJECT OVERVIEW:

The Urban Hens Pilot Project was scheduled to officially start on April 1, 2020, however, due to the COVID-19 Global Pandemic, and declaration of an emergency, staff had to postpone the commencement of the program. Taking into consideration the restrictions surrounding the declaration of an emergency, the Town partnered with the Poultry Industry Council to lead a virtual mandatory educational training workshop for the Pilot Project participants. In total, 42 participants registered for the virtual mandatory educational training workshop, which was conducted on May 4, 2020.

Upon completion of the virtual educational workshop, all participants were invited to submit an application by May 18, 2020. Applicants were also informed that if there were more than three (3) applications received within a ward, a lottery would be conducted to determine the licensees. In total, twelve (12) applications were received, including six (6) applications in Ward 3.

² Staff Report No. DS-2019-0140 available on page 47 of the agenda here: <http://www3.georgina.ca/archive/georgina/council-2019/2019-11-27-AGN.pdf>; Meeting Minutes can be found here: <http://www3.georgina.ca/archive/georgina/council-2019/2019-11-27-MIN.pdf>

On June 10, 2020, Council received a verbal update on the status of licenses pertaining to the Urban Hens Pilot Project and passed a resolution to permit shifting three (3) Urban Hens licenses to Ward 3 to allow all six (6) applicants to accommodate chicken coops on their properties.

In January 2022, staff began research on the status of the pilot project. Currently, out of the twelve (12) licences issued by the Town, only seven (7) were in operation. To date, one (1) complaint has been received by the Town's Municipal Law Enforcement Division concerning odour and failure to maintain a hen coop in clean condition. However, upon inspection, the Bylaw Officer observed that the complaint was unfounded and that the hen coop was found to be in compliance with the requirements of the By-law.

An initial inspection of each licensed property at the start of the pilot project was completed by a Municipal Law Enforcement Officer to ensure that the hen coops and runs are appropriately constructed and complied with all regulations. Final inspections of all licenced properties were completed in March 2022. All licenced properties currently operating were found in compliance with all existing regulations in the bylaw.

4.2 URBAN HENS OPTIONS:

There are three (3) basic options that could be considered by Council and these options are presented below:

Option 1- Prohibit

Under this option, once the Pilot Project Licensing By-law ceases to be in effect after April 1st, 2022, staff would abandon the Urban Hen Pilot Project and prohibit the issue of any new Urban Hens licences. If Council adopts Option 1, Staff would issue a notice to the licensees under the Pilot Project indicating the discontinuation of the Pilot Project and would provide the date by which the participants would be required to remove the hens.

Option 2- Extend the Urban Hens Pilot Project for another one (1) year

Under this option, Council can further extend the Urban Hens Pilot Project to issue the five (5) unused licences out of the total of twelve (12) permitted licences under the Pilot Project. Optimum participation in the Pilot Project would enable staff to conduct a more comprehensive assessment prior to making any decision on the Urban Hens program. Extending the program by one year would also provide further clarity to registered households currently participating in the program. If Council adopts Option 2, to pursue an extension, minor edits would need to be made to the existing Urban Hens By-law 2020-0004 (LI-3) to set a new timeline for the expiry of the extended Pilot Project.

Option 3- Permit Urban Hens

Under this option, Council will be required to pass a By-law for permitting Urban Hens. This By-law would include essentially the same rules and regulations as set out in the Urban Hens Pilot Project By-law 2020-0004 (LI-3).

A draft copy of this proposed Urban Hens By-law is included as *Attachment 4*. Staff has also included a draft By-law to amend Exotic Animal By-law 2003-0072 as *Attachment 5*. The purpose of this amendment is to recognize the proposed By-law for permitting Urban Hens within the Town.

5. STAFF RECOMMENDATIONS:

Staff recommend that Council adopt the necessary bylaws to authorize and permit the keeping of hens in urban areas in the Town of Georgina.

Enthusiasm for urban hens has been growing throughout municipalities in the past few years, as increased attention is paid to issues of sustainability, food security, and consumption of locally grown food. More recently, many municipalities throughout Ontario and other Provinces have enacted or updated by-laws to allow keeping of hens or have initiated a pilot project to assess the appropriateness and permissibility of urban hens. Experience in other comparable municipalities, results of public consultation, analysis of risk factors, benefits and concerns, animal welfare and regulatory framework associated with keeping of hens were analysed and shared with Council through the previously referenced Staff Reports [DS-2019-0104](#) and [DS-2019-0140](#).

Through the review of the Town's Pilot Project, staff found that there have not been any significant concerns such as odour and noise complaints, abandonment or disease with permitting hens in urban areas. Based on experiences within other municipalities and through the implementation of the Pilot Project, it can be appropriately concluded that the main risks associated with having chickens in urban areas such as abandonment, unhygienic housing conditions, increased noise, and attractions of pests (mice, rats) and predatory animals (racoons, coyotes, dogs, cats) can be mitigated with the establishment of rules and regulatory framework through a separate Urban Hens Bylaw. The existing By-law 2020-0004 (LI-3), to license, regulate and govern Urban hens during the Pilot Project, provided clarity on permitted activities, the requirements for keepings hens and available enforcement powers for compliance. Based on the Pilot Project experience, the risk of negative impacts of keeping hens, if complemented with a By-law, is very low.

6. EXISTING POLICY:

6.1 ZONING BY-LAW NO. 500:

Section 5.24 of Zoning By-law No. 500, as amended, states that:

“No person shall use any land, building or structure in a Transitional or Rural zone on a lot of less than 0.4 hectares, or in a Residential zone, for the keeping or raising of animals, poultry, reptiles or insects except as allowed by specific municipal bylaws which set forth regulations of keeping of the same.”

The effect of this By-law provision is to largely restrict the keeping or raising of poultry in settlement areas (e.g. Keswick, Sutton – Jackson’s Point, Virginia, and Pepperlaw), save and except for a few areas that retain a Rural (RU) zoning and where lots sizes permit. It further places emphasis on the regulations concerning the keeping of poultry in the Town’s Exotic Animal By-law, which is passed under the *Municipal Act*.

6.2 EXOTIC ANIMAL BY-LAW 2003-0072:

The Town of Georgina Exotic Animal By-law 2003-0072 (refer to Attachment 3) specifies that no person other than a veterinarian shall keep or permit to be kept any of a variety of specified animals including all Galliformes (such as Grouse, Pheasants, Turkeys and Common Poultry) except on a Rural zoned property. The effect of By-law 2003-0072 is to prohibit the keeping of poultry on most properties within urban areas in Georgina.

Currently, the provisions under the Zoning By-law and the Town’s Exotic Animal By-law to restrict keeping of hens does not apply to those properties licenced under the Urban Hens Pilot Project during the duration of the Pilot Project.

6.3 BY-LAW 2020-0004 (LI-3) TO LICENSE, REGULATE AND GOVERN URBAN HENS:

By-law 2020-0004 (LI-3), was passed by Council on January 15, 2019, to regulate the keeping of Urban Hens, for the purpose of conducting a Pilot project. By-law 2020-0004 (LI-3) took effect on April 1, 2020 to run for a 24 month trial period, which will expire on April 1, 2022 (refer to Attachment 1).

7. PROPOSED URBAN HENS LICENSING STRUCTURE:

Based on the risk analysis and the experiences gathered from other municipalities, the risk of any negative impacts of permitting keeping of hens to the community is low if the urban hens program is supported by a comprehensive By-law and enforcement regime. The by-laws are very similar across most municipalities in terms of the specific health, welfare, coop location, and coop size requirements, but vary widely in the size of residential property they are allowed on and the number of hens allowed on each property. Some have a minimum lot size, some have a minimum frontage and length requirement, while others have property size tiers, allowing increased numbers of chickens with each size. By-law 2020-0004 (LI-3), which was passed by Council to License, Regulate and Govern Backyard Hens during the Pilot Project in Georgina was drafted by staff taking into consideration input received from Council and through public consultation and also best practices across municipalities.

7.1 PROPOSED LICENSING BY-LAW:

Staff recommend permitting the keeping of hens in the urban areas with essentially the same rules and regulations as set out in By-law 2020-0004 (LI-3) with required revisions to remove the reference to a 24-month Pilot Project. The only substantial changes requested in the proposed draft Licensing By-law are in regards to:

- i. The Education Component; and,
- ii. Licensing Fee Structure

i. The Education Component:

The Town had made completion of an educational workshop a mandatory requirement for the participants of the Pilot Project. Staff had partnered with the Poultry Industry Council to lead a virtual mandatory educational training workshop for the Pilot Project participants. However, coordinating an educational training workshop as and when applications are received by the Town for licensing may not be viable. Staff agree that proper education is essential to those wishing to keep urban hens. However, the Town's resources are limited with respect to providing training and education on this subject. Review of best practices with regards to the educational component from across other municipalities who have already permitted keeping of hens and those who have implemented a Pilot Project, revealed that most municipalities provide applicants with an education resource package, which includes educational information received from the Ministry and other organizations, such as the Canadian Food Inspection Agency, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), and the Ministry of Health. Applicants wishing to keep hens are required to sign an acknowledgement/declaration that they have read and reviewed the materials provided to them.

If Council approves staff recommendations in this report and proceed with the passing of the By-law to permit keeping of hens, staff recommends providing the following educational material to the applicants and to further, require the applicants to sign an acknowledgement/declaration accordingly:

All applicants may be required to review the following education materials and provide necessary acknowledgement/declaration through the application process:

1. ["Bird Health Basics Video"](#) and ["Bird Health Basics Fact Sheet"](#) by the Canadian Food Inspection Agency.
2. ["Biosecurity Recommendations for Small Flock Poultry Owners"](#) by OMAFRA.
3. ["Small Flock Poultry: Raising Healthy Birds"](#) by OMAFRA.
4. ["Rodent Control in Livestock and Poultry Facilities"](#) by OMAFRA.
5. ["Keeping your family healthy with backyard poultry, including chickens and ducklings"](#) by the Ministry of Health.

Further, staff understand that different ministries and organizations may update their resource kits and factsheets from time to time. As such, staff included provision in the

proposed By-law that will authorize staff to make updates to the education package which the applicants are to review.

ii. Licensing Fee Structure:

As the keeping of chickens in a residential environment is intended for personal use and not for the sale of meat or eggs as a business, a one-time Licensing fee seems appropriate. The Licensing fee structure for permitting backyard hens varies across municipalities. Many municipalities have opted for a one-time licensing fee for permitting keeping of backyard hens.

Staff recommend that a one-time fee of \$100.00 be required to cover the cost of application processing and conducting of inspections by staff.

Some key provisions of the proposed draft Licensing By-law are as follows:

- No Person, within the Residential or Rural zone (having less than 0.4 hectares in lot area) shall keep hens without obtaining a license.
- A 100 metre minimum separation distance between properties with hen coops required.
- Maximum of four (4) hens per lot permitted.
- Hens must be at least four months old when acquired because prior to four months old it cannot be determined whether the chick is a hen or a rooster.
- The keeping of Roosters is prohibited.
- The Licensee shall reside on the property where the Hens are kept.
- Hens shall be kept in a locked Hen coop from 9:00 p.m. to 6:00 a.m.
- Hens are only permitted in the rear yard.
- Hens shall be confined to an enclosed Hen Coop or Hen Run at all times.
- Sale of eggs, manure and other products associated with the keeping of hens are prohibited.
- Home slaughter of Hens is prohibited.
- Manure shall be kept in an enclosed structure such as a compost bin.
- Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it.
- A declaration that the applicant has reviewed the education resource material.
- Allow Town staff to attend and inspect the property (as deemed necessary) to ensure compliance with the requirements
- One-time \$100 licence fee (to cover administration and inspection costs).

7.2 INSPECTIONS:

An initial inspection of each property would be completed by a Municipal Law Enforcement Officer to ensure that the hen coops and runs are appropriately constructed and to check compliance with all regulations prior to issuing a License

under the proposed By-law. Additional inspections would take place if a complaint is filed.

7.3 ENFORCEMENT:

Once Staff has reviewed the application and inspections of a property is completed, applicants would be issued a license to allow keeping of hens. Under the By-law, a license may be revoked for any reasonable grounds as deemed fit by the licensing issuer, including if complaints are not able to be resolved.

Under the proposed By-law applicants will be required to hold a license to keep hens on a residential or rural property with a lot area of less than 0.4 hectares. If a license is revoked, the applicants would be in contravention of the Exotic Animal By-law 2003-0072, which generally prohibits the keeping of chickens. Municipal Law Enforcement Staff would issue a notice indicating the contraventions and would provide the date by which the applicants would be required to remove the hens. Although it would be the responsibility of the owner to relocate the hens, the Town would assist by providing options.

Currently, the Georgina Animal Shelter and Adoption Centre does not accept surrendered chickens. It is difficult to adopt out abandoned birds as poultry farms are hesitant to accept them due to the potential of introducing illness. Staff is intending to address this issue by suggesting adoption of hens to other license holders and/or recommend that hens be relocated to wildlife centers. Staff would work with the owner to provide options, however, it would be the responsibility of the owner to relocate the hens.

8. RELATIONSHIP TO STRATEGIC PLAN:

This Report addresses the following Town of Georgina corporate strategic goal:

Promote a high quality of life

9. FINANCIAL AND BUDGETARY IMPACT:

Should the Licensing of Urban Hens be permitted in the Town, financial implications would depend on the number of applications received and the number of complaints received by Municipal Law Enforcement.

As noted in the previous sections of this report, staff recommend that a one-time fee of \$100.00 for an application be required to cover the cost of staff processing the applications and conducting inspections. All licensed properties under the Pilot Project will transition into the new Licensing By-law without incurring any additional licensing fee under the proposed By-law.

10. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no statutory notification or consultation requirements associated with this report. Comments received during the public consultation program were included in the previous Report No. DS-2019-0140.

11. CONCLUSION:

Should Council choose the option to permit urban hens, having a stand-alone Urban Hens program and by-law (and associated licensing requirement) is a best practice because it provides clarity on Urban Hens rules, establishes expectations to owners and provides enforcement powers for compliance. Taking into consideration the experiences from other municipalities and the review of the Pilot Project in the Town, permitting keeping of hens and the ability to control risks with an Urban Hens By-law is a viable option. Staff are seeking Council's direction with respect to the preferred one of three (3) options presented in this report.

APPROVALS

Prepared By:	Mamata Baykar
Reviewed By:	Rachel Dillabough
Recommended By:	Shawn Nastke
Approved By:	Ryan Cronsberry

Attachments:

<i>Attachment 1 –</i>	<i>By-law 2020-0004 (LI-3) to License and Regulate an Urban Hens (Backyard Hens) Pilot Project</i>
<i>Attachment 2 –</i>	<i>By-law 2020-0005 (PWE-1) to amend Exotic Animal By-law</i>
<i>Attachment 3 –</i>	<i>Exotic Animal By-law 2003-0072</i>
<i>Attachment 4 –</i>	<i>Proposed By-law to License and Regulate Urban Hens</i>
<i>Attachment 5 –</i>	<i>Proposed By-law to amend Exotic Animal By-law</i>

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.

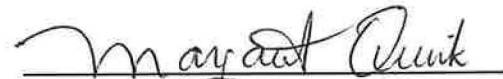
7. TITLE:


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

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

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 ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this by-law,

- (a) "animal" means any member of the animal kingdom, excluding domestic dogs, other than a human;
- (b) "veterinarian" means a veterinarian currently licensed by the Ontario Veterinarian Association.

2. REGULATIONS AND PROHIBITIONS:

- (a) No person, other than a veterinarian, shall keep or permit to be kept, any animals listed in SCHEDULE "A" other than the exceptions given.
- (b) Except on Rural Zoned Property, no person, other than a veterinarian or pet shop, shall keep or permit to be kept, more than three (3) animals not prohibited in SCHEDULE "A" except the offspring up to twelve (12) weeks from date of birth.

3. ENFORCEMENT:

The provisions of this by-law may be enforced by a Police Officer or a Municipal Law Enforcement Officer.

4. PENALTY:

Every person who contravenes any of the provisions of this by-law, upon conviction, is guilty of an offence and is liable to a fine pursuant to the Provincial Offences Act as amended.

5. REPEALS:

By-law 82-12 (PWE-1) is hereby repealed.

READ a first, second and third time and passed on this 9th day of June, 2003.

Jeffrey Holed, Mayor

Roland Chenier, Town Clerk

AMENDED BY:

BY-LAW NO. 2003-0123

DATE 16/08/03

BY-LAW NO.

DATE

SCHEDULE "A"

(Examples of prohibited animals of a particular group are given in brackets and other than the exceptions given shall not be construed as limiting the generality of the group)

1. All ARACHNIDS (such as Scorpions & Tarantulas)
2. All BATS
3. All CANIDS except the domestic dog (such as Wolves & Foxes)
4. All CROCODILIANS (such as Alligators, Crocodiles & Caimans)
5. All EDENTATES (such as Anteaters, Sloths & Armadillos)
6. All ELEPHANTS
7. All FELIDS except the domestic cat (such as Lions & Tigers)
8. All HYENAS
9. All MARSUPIALS (such as Kangaroos, Wallabies & Opossums)
10. All MUSTELIDS except the domestic ferret (such as Skunks, Martens & Weasels)
11. All non-human PRIMATES (such as Gorillas, Lemurs & Monkeys)
12. All PINNIPEDS (such as Seals & Walruses)
13. All PROCYONIDS (such as Raccoons, Coatis & Cacomistles)
14. All SCIURIDAE (such as Prairie Dogs, Giant & Flying Squirrels)
15. All SNAKES of the families PYTHONIDAE & BOIDAE
16. All URSIDS (Bears)
17. All VENOMOUS REPTILES (such as Cobras, Rattle Snakes & Gila Monsters)
18. All VIVERRIDS (such as Mongooses, Civets & Genets)
19. All DIURNAL and NOCTURNAL RAPTORS (such as Eagles, Falcons, Hawks & Owls)
20. All RATITE BIRDS except on Rural Zoned Property only (such as Ostriches, Rheas & Cassowaries)
21. All ANSERIFORMES except on Rural Zoned Property only (such as Ducks, Geese & Swans)
22. All GALLIFORMES except on Rural Zoned Property only (such as Grouse, Pheasants, Turkeys & Common Poultry)
23. All ARTIODACTYLUS UNGULATES (such as Camels, Antelopes, Llamas, Deer & Hippopotamus) except on Rural Zoned Property only domestic goats, sheep, pigs & cattle
24. All PERISSODACTYLUS UNGULATES (such as Zebra, Tapirs, & Rhinoceros) except on Rural Zoned Property only the domestic horse and donkey

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

BY-LAW 2022-XXXX

**BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN URBAN HENS IN THE TOWN
OF GEORGINA**

WHEREAS Section 11 (1) and (2) of the *Municipal Act*, 2001, s.o. 2001, c.25, as amended ("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 considers it appropriate to enact a By-law regulating the keeping of Urban Hens;

AND WHEREAS the Town's Exotic Animal By-law 2003-0072 prohibits the keeping of chickens on residential zoned properties and rural zoned properties with lot areas less than 0.4 hectares;

AND WHEREAS this By-law is intended to exempt a person with a valid license from the prohibition on keeping 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 this 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;

Property means a parcel of land and any 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 Bylaw, 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; 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.
- (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 licensed properties. Such distance shall be measured from the closest points between the Properties (i.e. shortest distance between the Lot lines of the two Properties).

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 Property;
 - (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) The applicant shall provide a signed declaration stating that the applicant reviewed the required education package provided by the Town regarding the keeping of Hens in a safe and secure manner.
- (5) Further to the above, the Licensing Coordinator has the authorization to make updates to the education requirement regarding 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'.

(4) 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.

(5) A change in ownership shall make the license null and void.

(6) 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.

(7) 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 Licensing By-law”

8. Effective Date:

This By-law shall come into full force and effect on [Month] [Day], 2022.

READ and enacted this X day of X, 2022.

Margaret Quirk
Mayor

Rachel Dillabough
Town Clerk

DRAFT

Schedule 'A' – Regulations Regarding the Keeping of Hens on Residential or Rural Properties

- (1) A maximum of four (4) Hens are permitted on Residential Property and 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 locked Hen Coops 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 Town's 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 rear yards 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 Town's Zoning By-law.
- (16) Hens shall be kept for personal use only, 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

BYLAW NO. 2022-XXXX (PWE-1)

A BYLAW TO AMEND BYLAW NO. 2003-0072, BEING A BY-LAW TO
REGULATE AND PROHIBIT THE KEEPING OF ANIMALS OTHER THAN
DOGS

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended ("*The Municipal Act*"), authorizes a municipality to pass by-laws for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE, the Council of the Town of Georgina, in the Regional Municipality of York, 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 Licensing By-law 2022-XXXX.”

2. THAT this by-law shall come into full force and effect on [Month] [Day], 2022.

READ and enacted this X day of X, 2022.

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk