

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER 2999-18**

URBAN HENS 18-MONTH PILOT BY-LAW

WHEREAS the Municipal Act, 2001 S.O. 2001, c. 25 as amended, authorizes the council of a municipality to pass by-laws with respect to animals;

AND WHEREAS Council deems it necessary to assess the viability of keeping urban Hens within the Township for a defined period of time;

NOW THEREFORE, the Council of The Corporation of the Township of North Dumfries enacts a time constrained Urban Hens Pilot as follows:

PART I - DEFINITIONS

For the purposes of this by-law:

1. **At Large** means in the case of a Hens, being outside a Hen Coop.
2. **By-Law Enforcement Officer** means a person appointed by Council to enforce and carry out the provisions of this by-law.
3. **Clerk's Office** means Clerk's Division of the Township including Licensing, By-law Enforcement Services, and Animal Control Services.
4. **Council** means the Council of The Corporation of the Township of North Dumfries.
5. **Hen** means a domesticated female chicken that is at least four months old.
6. **Hen Coop** means a fully enclosed, locking weatherproof and adequately ventilated structure in which Hens are kept.
7. **Hen Run** means a fully enclosed pen that allows Hens access to an outdoor area while remaining within.
8. **Owner** means a person or persons who possess, harbor or have custody of a Hen, resides on the property where a Hen is housed, and, where the owner is a minor, the person responsible for custody of the minor.
9. **Settlement Areas** means Settlement Areas as that term is defined and regulated within the Zoning By-law.
10. **Zoning By-law** means the Township's Zoning By-law, By-law 689-83 as amended from time to time.
11. **Urban Hen Permit** means a permit issued by the Clerk's Office pursuant to this by-law being the Urban Hens Pilot By-law, which authorizes the owner to keep Hens on a specific property within the Township

PART II - PURPOSE

The purpose of the Urban Hens Pilot By-law is to regulate and control the keeping of Hens in Settlement Areas in the Township during a defined pilot program period from October 15, 2018 to April 15, 2020.

PART III - GENERAL REGULATIONS

PART A

- A. Notwithstanding the Zoning By-law, which prohibits Hens outside of Zone 1 (Agriculture), the keeping of Hens is permitted on single-detached residential lots having a minimum lot area of 2000 m² subject to the conditions in Part B and Part C. This by-law does not apply to lots in Zone 1 (Agriculture) in the Zoning By-law.

PART B

- B. The Urban Hens Pilot Program shall include the following conditions:

1. The Clerk's Office is authorized to establish an Urban Hen Permit system to permit the keeping of Hens in the Township. Participants in the pilot program must obtain an Urban Hen Permit from the Township in a form satisfactory to the Clerk's Office and must be the owner or lawful occupant of the property where the Hens are to be kept.
2. Participants must submit a neighbour notification form with their application for an Urban Hen Permit.
3. A Health Management Plan must be submitted with an application for an Urban Hen Permit and must be completed in consultation with and approved by a poultry veterinarian, which must address at a minimum:
 - (a) Vaccination protocols;
 - (b) An emergency plan for reasonably foreseeable problems that may affect Hen welfare.;
 - (c) Protocols for dealing with internal and external parasites;
 - (d) Observation of all injuries, signs of disease, and changes in behavior;
 - (e) Complete, accurate, and reliable record keeping, including treatment records;
 - (f) Protocols for the prevention, detection, and treatment of disease or injury, including setting targets for measuring incidences of disease and injuries;
 - (g) Protocols for recording daily feed and water intake;
 - (h) Protocols for pest control;
 - (i) Protocols for individual hen identification and treatment records;
 - (j) Protocols for monitoring hen weights;
 - (k) Training programs and protocols for handlers;
 - (l) Protocols for introducing new Hens to the flock;
 - (m) Protocols for managing sick and injured Hens and euthanasia;
 - (n) Protocols for culling Hens, including at the end of production cycles;
 - (o) A record of culls and mortalities; and
 - (p) Protocols for biosecurity including visitors.
4. Participants must comply with all other applicable laws.
5. Participants shall be required to permit the inspection of the property as deemed necessary by an officer or any other authorized employee or agent of the Township, to fulfill the purposes of the Urban Hens Pilot and to ensure compliance with any applicable laws.
6. There shall be a maximum of four Hens on any property for properties that are less than 2 acres. If a property is equal to or greater than 2 acres, a maximum of 10 Hens are permitted.
7. Participants shall be required to agree to terms and conditions satisfactory to the Clerk's Office and enter into an agreement with the Township on such terms and conditions including those standards set by the Clerk's Office in accordance with Part C, prior to being permitted to keep Hens on the participant's property.
8. No owner shall:
 - (a) Permit a hen to be at large;
 - (b) Sell any eggs, meat, manure or other products derived from a hen;
 - (c) Slaughter any hen on their property; and

- (d) Dispose of Hens except for at a livestock disposal facility, through the services of a veterinarian, chicken exchange program or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all applicable laws.

9. The Hen Coop and Run must:

- (a) Be located in the rear yard and be at least 7.6 m from the rear lot line and 7.6 m from any interior or exterior side lot line;
- (b) Have a maximum height of 2 m and a maximum floor area of 10 m²;
- (c) Provide each hen with at least 0.37 m² of caged indoor floor area and at least 0.92 m² of outdoor floor area;
- (d) Be fully enclosed with its own fencing, roof and doors whereby Hens must remain in the enclosed Hen Coop to prevent escaping or being at large, to provide for protection from pests and ground predators, and as a measure of increased biosecurity. A hen may be permitted outside the Hen Coop and run between 6 am and 9 pm provided the hen's wings are clipped, the owner is present, and all feces are removed daily;
- (e) Be designed to control pests including but not limited to rodents, small animals, wild birds, insects, and predators. The Hen Coop must have a roof and doors that are locked between 9 pm and 6 am. All stored feed must be kept in a rodent proof container and secured at all times to prevent rodents and other animals from accessing it;
- (f) Have a floor that is resistant to moisture and mold and that retains heat. Hen Coop floors must be lined with shavings, straw or other materials to absorb manure and facilitate cleaning. At least 15% of the usable space must be litter. Litter condition must be monitored and managed on a daily basis to avoid levels of dustiness or dampness that could cause leg, respiratory, or other health problems such as the build-up of parasites or diseases. Litter that has become wet must be removed daily. Used litter must be removed between flocks;
- (g) Accessible feed space must be provided at a minimum rate of 7 cm per hen. All hens must have access to at least 2 water sources (e.g. nipple drinkers, cups), or a minimum of 1 bell drinker, or a minimum of 1.3 linear cm of water trough space per hen when straight troughs are used. Water must be tested annually for the presence of coliforms, and corrective action must be taken if necessary. Feeders and waters must be cleaned and disinfected regularly;
- (h) Include a nest space that is enclosed on at least three sides to provide privacy and shading. The nest space cannot contain drinkers, feeders, or perches. The space between the nest area and the useable feed trough must be at least 15 cm. Each hen must be provided with a minimum nest space area of 65 cm²;
- (i) Provide each hen with a minimum linear length of 15 cm of perch space. Perches must be positioned to minimize fecal fouling of hens, feeders, or drinkers located below them. Perches must be constructed of materials that are easily cleaned and do not harbor mites. Perches must be at least 1.9 cm in width or diameter to allow Hens to wrap their toes around the perch and balance evenly on it; and
- (j) Be maintained in a clean and sanitary condition at all times, and kept free of obnoxious odours, substances, and vermin. Hen Coops must be deep cleaned at least two times a year including the disinfecting of troughs, perches, and nests.

10. Ammonia levels must be monitored and recorded on a weekly basis. Ammonia levels cannot exceed 12 ppm (parts per million). Action must be taken to manage ammonia levels if they reach a level of 12 ppm or greater.
11. Relative humidity levels must be between 50% and 70% to maintain good air quality.
12. There must be hygienic storage of and removal of all hen feces, wet litter, and leftover feed on a daily basis. Manure, wet litter, and leftover feed must be cleared out daily and shall be kept in a secure container such as a compost bin. No more than three cubic feet of manure may be stored at a time. Manure must be disposed of in accordance with all applicable laws and regulations.
13. Any person on the property in which the Hens are located must follow biosecurity procedures recommended by the Health Management Plan and the Canadian Food Inspection Agency.
14. The owner shall provide Hens or cause the Hens to be provided with adequate and appropriate care, as may be required to meet the needs of the species. Adequate and appropriate care includes care sufficient to preserve the health and well-being of the Hens and, except for emergencies or circumstances beyond the reasonable control of the person keeping the Hens, includes, but is not limited to, the following requirements:
 - (a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
 - (b) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the hen's needs;
 - (c) Feeds and water containers shall be provided, cleaned regularly and disinfected;
 - (d) Access to a Hen Coop with an enclosed structure sufficient to protect the Hens from wind, rain, snow and sun, and that has adequate bedding to protect against cold and dampness;
 - (e) Veterinary care deemed necessary to relieve distress from injury, neglect or disease;
 - (f) Adequate space for exercise necessary for the health of the hen;
 - (g) Air temperature suitable for the health of the hen;
 - (h) Adequate ventilation; and
 - (i) Regular diurnal lighting cycles of either natural or artificial light.

PART C

- C. In addition to Part B, the Clerk's Office may establish additional standards pertaining to the following items and require all participants to comply with such standards during the Pilot Program to the satisfaction of the Clerk's Office, as deemed necessary to ensure:
 1. Standards for outdoor enclosure structures and operating conditions, as appropriate, to ensure participants are taking proper measures to mitigate against odour, noise and attracting pests, vermin, or other wildlife;
 2. Appropriate animal care and welfare requirements;
 3. Standards to ensure that public health and safety concerns are mitigated; and

4. Any other criteria as deemed necessary by the Clerk's Office to ensure community nuisance concerns are minimized.

PART D

- D. The Clerk's Office is authorized to suspend any participant from the Pilot Program at their own discretion who in the opinion of the Clerk's Office, has taken any action or failed to take any action that has jeopardized public health and safety, or welfare of a hen, or caused a nuisance.

PART IV - ENFORCEMENT AND PENALTIES

1. All provisions of this By-law may be enforced by a Municipal By-Law Enforcement Officer, Police Officer, Animal Control Officer or any other employee or agent authorized by the Township.
2. A Municipal By-law Enforcement Officer, Police Officer, Animal Control Officer or any other employee or agent authorized by the Township may, at all reasonable times, enter on land including buildings and structures other than a dwelling unit, for carrying out an inspection to determine compliance with this By-law.
3. No person shall hinder or obstruct or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the sections of this By-law shall identify themselves to the Officer upon request; failure to do so shall be deemed to have obstructed or hinder the Officer in the execution of their duties.
4. Every owner who contravenes any provision of this by-law and any person who fails to comply with an order issued under this by-law is guilty of an offence and, upon conviction, is liable to a fine not exceeding Five Thousand Dollars (\$5000), exclusive of costs, for each offence recoverable in the Provincial Offences Act, R.S.O. c.P. 33 as amended.
5. This by-law shall govern in the event of any conflict between this by-law and any other Township by-law.

PART V – EFFECTIVE DATE

1. This by-law will come into force and take effect on October 15, 2018.
2. This by-law expires on April 15, 2020, unless renewed for further periods of time by a resolution of Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF SEPTEMBER, 2018.



Susan Foxtton, Mayor



Ashley Sage, Clerk