

THE CORPORATION OF THE CITY OF QUINTE WEST

BY-LAW 11-138

BEING A BY-LAW TO PROVIDE FOR THE LICENSING
AND CONTROL OF BACKYARD HENS IN THE CITY OF
QUINTE WEST.

WHEREAS Sections 103 and 105 of 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 the Council of the Corporation of the City of Quinte West deems it expedient to pass a by-law for this purpose;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF QUINTE WEST AS FOLLOWS:

1. This By-law shall be entitled the **“Backyard Hen Licensing and Control By-law”**.

2. **DEFINITIONS:**

2.1 In this by-law,

“Animal” means any member of the animal kingdom, other than a human;

“Appeals Committee” means the Corporate and Financial Services Committee as established by City of Quinte West By-law 11-01, as amended, and includes any successor committee designated by Council;

“City” and **“City of Quinte West”** means The Corporation of the City of Quinte West, as incorporated on January 1, 1998;

“Clerk” means the City Clerk of the Corporation of the City of Quinte West;

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

“Council” and **“City Council”** means the Council of the City of Quinte West;

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

“Hen Run” means covered secure enclosure that allows hens’ access to outdoors;

“Municipal Law Enforcement Officer” means a Police Officer, an Animal Control Officer, a By-law Enforcement/Municipal Law Enforcement Officer for the City of Quinte West, or any one working under his/her authority;

“Owner” means, and includes any person who possesses, harbours or keeps an animal or hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor;

“Property” means a parcel of land and any buildings or other structures on the land;

“Residential property” means a property that is zoned for residential use in the zoning by-law that applies to the property;

“Zoning by-law” means a by-law passed under Section 34 of the Planning Act that restricts the use of land.

3. **ADMINISTRATION:**

- 3.1 The Corporation of the City of Quinte West is responsible for the administration and enforcement of this by-law.

Applications for Hen Coop Licenses

- 3.2 Every application for a hen coop licence shall be submitted to the Clerk on the form provided by the Licencing Officer, together with the annual permit fee, and shall indicate the purpose for which the licence is being obtained. Every licence issued pursuant to this By-law shall expire on the 31st day of December of the year in respect of which it was issued. Application renewals shall be directed to the Licencing Officer, and also shall expire on the 31st day of December of the year in respect of which it was issued.
- 3.3 Every application for a licence will be reviewed by the Clerk to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Planning Dept, Health Unit, and a Municipal Law Enforcement Officer for comments.
- 3.4 These agencies and individuals, as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.
- 3.5 If it is determined that an application meets the requirements of this by-law, the City will issue the licence if the permit fee has been paid.
- 3.6 If it is determined that an application does not meet the requirements of this by-law, the City will refuse to issue the licence and will refund the licence fee.
- 3.7 If, at any time, the City determines, as a result of evidence that is provided, that the operation of a hen coop do not conform to the requirements of this by-law, it may suspend or revoke the licence.
- 3.8 A person whose application for a hen coop licence or a renewal of such a licence has been refused or whose licence has been suspended or revoked may, within fifteen days of being notified of the City’s decision, submit an appeal, in writing, to the Clerk for a review of the matter.
- 3.9 A person who has applied for a review of the City’s decision will be given an opportunity to make written representations or to appear before the Corporate and Financial Services Committee when the matter is reviewed.
- 3.10 The Corporate and Financial Services Committee will review the matter and may affirm the decision of the City or direct it to issue, renew or reinstate the licence.

- 3.11 Decisions of The Corporate and Financial Services Committee are final.

Additional Fees

- 3.12 Every person operating a hen coop that does not pay the applicable annual fee for the renewal of the registration or permit by January 31st of each year shall be required to pay a penalty for late payment, as set out in Schedule C of the Consolidated Fees By-law, in addition to the registration or licence fee.

4. REGULATIONS:

Hen Coop Licenses

- 4.1 No person shall operate a hen coop anywhere within the City unless he or she has first obtained a hen coop licence in accordance with Part 3. The owner of the hens must reside on the property where the hens are kept. Tenants must obtain permission from the property owner to keep hens on the owner's property.
- 4.2 A person is not eligible for a hen coop licence or for the renewal of such a licence unless his or her application is accompanied by the annual licence fee, as set out in Schedule C of the Consolidated Fees By-law.
- 4.3 A person is not eligible for a hen coop licence or the renewal of a hen coop licence unless:
- (1) the use or proposed use conforms with the zoning by-law and zone provisions that apply to the property;
 - (2) the property complies with the property standards by-law and any other applicable by-laws;
 - (3) the property conforms with all applicable law, including the Health Protection and Promotion Act, the Ontario Society for the Prevention of Cruelty to Animals Act, and the Fire Protection and Prevention Act;
 - (4) notwithstanding the provisions of the applicable zoning by-law, the keeping of hens shall be permitted on properties that have a minimum of 0.5 acres, on an eighteen (18) month trial basis.
- 4.4 The keeping of roosters is strictly prohibited.
- 4.5 A limit of four (4) hens will be permitted on each residential property.
- 4.6 Coops must be kept in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances.
- 4.7 Hens must be provided with access to feed and clean water at all times; such feed and water shall be kept in solid containers. Uneaten feed shall be removed in a timely manner.
- 4.8 All stored manure shall be covered by a fully enclosed structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed.

- 4.9 The slaughtering of hens is prohibited.
- 4.10 The selling of eggs or other products derived from hens is prohibited.
- 4.11 All hens must be kept securely in a hen coop at all times.
- 4.12 All deceased hens shall be disposed of promptly in a sanitary manner.
- 4.13 Every person who holds a hen coop licence shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or agent of the City to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.
- 4.14 A change in occupancy or ownership shall make the hen coop licence null and void.
- 4.15 In the event any of the conditions that were in existence at the date of issuance of the hen coop licence change, the application for renewal or transfer of said hen coop licence shall be subject to all provisions of this by-law and all other applicable by-laws of the City.
- 4.16 A licence is valid for one calendar year only, and shall be renewed by December 31st of each year by paying the annual licence fee.

Obstruction

- 4.17 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.

5. OFFENCE AND PENALTY PROVISIONS:

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.2 Every owner of a hen who contravenes any provision of this by-law or whose hen contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 5.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6. VALIDITY:

- 6.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. **COMMENCEMENT:**

7.1 This By-law takes effect and comes into force upon final passing thereof

READ A FIRST, SECOND AND THIRD TIME and finally passed this 19th day of September, 2011.



John R. Williams, Mayor



DonnaLee Craig, City Clerk