

# **The Corporation of the Township of Stone Mills By-Law 2020-1021**

Being A By-law to provide for the Licensing and Control of Backyard Hens in The Corporation of the Township of Stone Mills.

**WHEREAS** Sections 103 and 105 of the Municipal Act R.S.O. 2001, S.O. 2001, c. 25, as amended authorizes a lower tier municipality to pass By-laws with respect to animals.

**AND WHEREAS** the Council of the Corporation of the Township of Stone Mills deems it expedient to pass a By-law for this purpose;

**NOTWITHSTANDING** the provisions contained herein are not to contravene Building By-law 2008-40 or Zoning By-law 2014-744, as amended or their predecessor.

**NOW THEREFORE** the Council of The Corporation of the Township of Stone Mills enacts as follows:

## **1.0 DEFINITIONS:**

1.1 In this By-law,

**"Agricultural Property"** means a property that is zoned to permit agricultural use in the Township of Stone Mills Zoning By-law;

**"Animal"** means any member of the animal kingdom, other than a human;

**"At Large"** means a Hen being outside a coop or Hen run;

**"By-law Enforcement Officer"** means an authorized employee or agent of the Township of Stone Mills who is responsible for the enforcement of the provisions of this By-law;

**"Chief Building Official"** means the Chief Building Official appointed by By-law of the Township of Stone Mills for the purposes of enforcement of the Act;

**"Coop"** means a fully enclosed weatherproofed building where Hens are kept and which the interior includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers."

**"Council"** means the Council of the Township of Stone Mills;

**"Deputy Clerk"** means the Deputy Clerk of the Corporation of the Township of Stone Mills;

**"Dwelling"** means a self-contained residential unit;

**"Hen"** means a female chicken kept for its eggs or meat over 4 months of age.

**"Hen Run"** means covered secure enclosure that allows hens' access to outdoors."

**"Livestock"** includes cattle, fur-bearing animals, goats, horses, sheep, pigs, donkeys and other animals, except for poultry, that are kept for agricultural purposes;

**"Owner"** 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."

**"Poultry"** includes game birds and roosters but does not include any bird sold as a household pet or a Hen.

**"Property"** means a parcel of land and any buildings or other structures on the land;

**"Residential Property"** means a property that is zoned to permit a residential use in the Township of Stone Mills Zoning By-law;

**"Rooster"** means a male chicken kept for its meat or fertilization purposes;

**"Zoning By-law"** means a by-law passed under Section 34 of the Planning Act that restricts the use of lands within the Township of Stone Mills.

## **2.0 ADMINISTRATION:**

2.1 The Corporation of the Township of Stone Mills is responsible for the administration and enforcement of this By-law.

## **3.0 GENERAL PROVISIONS:**

### **Hen Coop Regulations**

The following provisions apply to residential properties which in accordance with the Township of Stone Mills Zoning By-law permit residential uses.

- (a) The keeping of Hens shall only be permitted on properties zoned to permit residential uses. Tenants must obtain permission from the property owner to keep Hens on the owner's property;
- (b) The owner of the Hens must reside on the property where the Hens are kept;
- (c) Hens shall be kept in their coops between dusk to dawn;
- (d) Hen coops and Hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin;
- (e) Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time;
- (f) Stored manure must be managed in a manner which will not cause an adverse effect, as defined by the Environmental Protection Act (1990) in subsection 14(1) (or any amendments hereto);
- (g) If negative conditions arise as a result of manure storage, the manure storage shall be emptied at an appropriate off-site disposal area;
- (h) Notwithstanding the above, the provisions of Section 3.0 do not apply to properties zoned to permit agricultural uses within Township of Stone Mills Zoning By-law.

### **3.1 Hamlets**

In accordance with the Township of Stone Mills Official Plan, if the subject property is designated 'Hamlet', a maximum of 6 Hens are permitted on an individual property.

- (a) Roosters are prohibited
- (b) Coops and Hen runs shall be constructed so that Hens are contained at all times
- (c) Hens shall be contained within either the coop or Hen run at all times
- (d) No Hen shall be permitted to be at large
- (e) Notwithstanding, Section 1 of this By-law, the maximum number of Hens, regardless of age, permitted within a Hamlet shall be 6 Hens.

### **3.2 Rural Area**

In accordance with the Township of Stone Mills Official Plan, if the subject property is located within the 'Rural Area', a maximum of 18 Hens are permitted on an individual property.

- (a) Roosters are permitted

### **4.0 Setbacks**

The following provisions apply to coops and Hen runs on all properties within the Township of Stone Mills:

- (a) 1.2 metres from rear lot lines;
- (b) 1.2 metres from interior side lot lines;
- (c) No closer to the front lot line than the front wall of the principle building;
- (d) Notwithstanding Section 4.0(c), coops and Hen runs may be permitted within front yards should the minimum front yard setback requirement be complied with and visual screening obstructs visibility from the public road allowance;
- (e) 30.0 metres from a waterbody;
- (f) 7.5 metres from a church or commercial business;
- (g) 15.0 metres from a school or an area zoned to permit institutional uses;
- (h) 15.0 metres from drilled wells with a casing extending a minimum of 6.0 metres in depth and a minimum of 30 meters from blasted / dug wells;
- (i) 3.0 metres from all windows and doors of dwellings located on adjacent separately conveyable parcels.

### **5.0 Permission & Enforcement**

5.1 Every person who operates a Hen coop shall allow, at any reasonable time, a By-law Enforcement Officer or other authorized employee or agent of the Township of Stone Mills 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;

5.2 No person shall obstruct or hinder or attempt to obstruct or hinder a By-law Enforcement Officer or other authorized employee or agent of the municipality in the exercise of a power or the performance of a duty under this By-law.

5.3 This By-law shall be enforced by the Municipal By-law Enforcement Officer.

**6.0 Validity:**

6.1 If a court of competent jurisdiction declares any provisions, 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.

**7.0 Commencement:**

7.1 This By-law shall be deemed to have come into effect following third reading and adoption by the Council of The Corporation of the Township of Stone Mills.

This By-law having been read a first, second and third time is hereby adopted this 10th day of August, 2020.

  
Eric Smith, Reeve

  
Bryan Brooks, CAO/Clerk