

THE CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW NO. 2020-092

BEING A BY-LAW TO REGULATE AND GOVERN THE HOUSING OF
URBAN HENS IN THE TOWN OF GANANOQUE

AND WHEREAS Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, provided that the powers of every Council are to be exercised by By-law.

AND WHEREAS the Council of the Corporation of the Town of Gananoque considered Council Report CAO-2020-17 and concurs with the recommendation.

AND WHEREAS the Council of the Corporation of the Town of Gananoque deems it advisable to pass such a By-law.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque enacts as follows:

1. DEFINITIONS:

Wherever a word is used in this By-law with its first letter Capitalized and **bolded**, the Term is being used as it is defined in this Section 1. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- 1.1. **At-Large** – means in the case of **Hens**, being outside a **Hen Coop** or **Run**.
- 1.2. **By-law Enforcement Officer** – means a person appointed by **Council** to enforce and carry out the provisions of this By-law.
- 1.3. **Council** – means the **Council** of the Corporation of the **Town** of Gananoque.
- 1.4. **Development Permit By-law** – means the Town's **Development Permit By-law** No. 2010-065, as amended from time to time.
- 1.5. **Dwelling** – means a self-contained residential unit.
- 1.6. **Hen** – means a domesticated female chicken that is at least four (4) months old.
- 1.7. **Hen Coop** – means a fully enclosed, locking weatherproof and adequately ventilated structure in which **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.
- 1.8. **Hen Run** – means a covered secure enclosure that allows **Hens'** access to an outdoor area.
- 1.9. **Manager of Planning and Development** – means the **Manager of Planning and Development** and his or her designate or, in the event of organizational changes, another person designated by **Council**.
- 1.10. **Noise** – means the persistent clucking, calling or other similar persistent noise made by **Hens**.
- 1.11. **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 the custody of the minor.

- 1.12. **Poultry** – includes game birds and roosters but does not include any bird sold as a household pet or a **Hen**.
- 1.13. **Property** – means a parcel of land and any buildings or other structures on the land.
- 1.14. **Residential Property** – means a **Property** that is designated for residential use in the **Development Permit By-law** that applies to the **Property**.
- 1.15. **Rural Designation Property** – means a **Property** that is designated rural for agricultural use.
- 1.16. **Town** – means the Corporation of the **Town** of Gananoque.
- 1.17. **Urban Hen Permit** – means a Permit issued by the **Manager of the Planning and Development** pursuant to this By-law being the Urban Hen By-law, which authorizes the owner to keep **Hens** on a specific **Property** within the **Town**.
- 1.18. **Urban Hen Permit Fee** – means any start up and/or annual fee that the Town may impose as per the General Fees and Rates By-law.
- 1.19. **Veterinarian** – means a person licensed under the *Veterinarians Act*.

2. PURPOSE

- 2.1. The purpose of the Urban Hen By-law is to regulate and control the keeping of **Hens** on **Residential Property** in the **Town** of Gananoque.

3. GENERAL REGULATIONS:

- 3.1. No person shall keep **Hens** anywhere within the Town unless he or she has first obtained an **Urban Hen Permit**.
- 3.2. Every person who holds an **Urban Hen Permit** shall allow, at any reasonable time, a **By-law Enforcement Officer** or other authorized employee or agent of the **Town** 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.
- 3.3. No **Owner** shall cause or permit his or her **Hen** to be **At-Large**.
- 3.4. **Hen Coops** and **Hen Runs** shall be a distance of at least 1.2 m from the rear lot line and at least 1.2 m from any side lot line of the **Dwelling** lot on which the **Hen Coop** is located.
- 3.5. **Hen Coops** and **Hen Runs** shall be located at least 15 m from any school.
- 3.6. **Hen Coops** and **Hen Runs** shall be located at least 7.5 m from any church or business (including Home Occupation/Bed and Breakfasts and Heritage Tourist Inns) unless agreed to by the church or business.
- 3.7. **Hen Coops** and **Hen Runs** shall be a minimum distance of 3 m from all windows and doors of **Dwellings** that are located on an abutting **Property**.
- 3.8. **Hen Coops** and **Hen Runs** are not permitted in any front yard or exterior side yard.
- 3.9. A maximum of six (6) **Hens** will be permitted on any **Residential Property**.
- 3.10. **Hens** must be for egg production and not intended to be eaten as **Poultry**. Eggs must be for personal consumption only. The sale of eggs is prohibited.

- 3.11. The keeping of **Hens** shall only be permitted in residential designations as defined in the **Development Permit By-law**. Tenants must obtain permission from the **Property Owner** to keep **Hens** on the **Owner's Property**.
- 3.12. The **Owner** of the **Hens** must reside on the **Property** where the **Hens** are kept.
- 3.13. Home slaughter of **Hens** is prohibited, and any deceased **Hens** shall be disposed of at a livestock disposal facility or through the services of a **Veterinarian**.
- 3.14. Sale of manure and other products associated with the keeping of **Hens** are prohibited.
- 3.15. **Hens** shall be kept in their coops between 9:00 PM and 7:00 AM.
- 3.16. **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.
- 3.17. Stored manure shall be kept in an enclosed structure such as a compost bin, in accordance with compost regulations, and no more than three (3) cubic feet shall be stored at any one time. Manure shall be disposed of properly.
- 3.18. No **Owner** shall cause or permit his or her **Hen** to become a public nuisance by persistently clucking or continuous **Noise**.
- 3.19. The regulations set out in Sections 3.1 to 3.18 do not apply to any **Rural Designated Property**.
- 3.20. Any person applying for an **Urban Hen Permit** shall provide notification to the owners of all properties abutting the person's **Property** of the applicant's intention to obtain an **Urban Hen Permit**. Neighbour notification and signed Consent Form must be included with Application for a Permit.
- 3.21. Participants must comply with all other applicable laws.
- 3.22. Every person 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 penalty as provided for in the *Provincial Offences Act* and to any other applicable penalties.

4. ENFORCEMENT AND PENALTIES

- 4.1. The **Town** is authorized to terminate any Permit at their own discretion who in the opinion of the **Manager of Planning and Development**, 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.
- 4.2. All provisions of this By-law may be enforced by a **By-law Enforcement Officer**, Police Officer, Animal Control Officer or any other employee or agent authorized by the **Town**.
- 4.3. A **By-law Enforcement Officer**, Police Officer, Animal Control Officer or any other employee or agent authorized by the **Town** 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.

4.4. 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.

4.5. Every person who contravenes any section of the Terms and Conditions as set out in this By-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and may be punishable as such.

4.6. This By-law shall govern in the event of any conflict between this By-law and any other **Town** By-law.


5. SHORT-TITLE:

5.1. This By-law may be referred to as the "Urban Hen By-law".

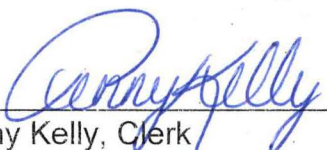
6. EFFECTIVE DATE:

6.1. This By-law shall come into full force and effect on the date it is passed by Council and shall remain in effect for eighteen (18) months upon which time, if it is not renewed, shall expire.

Read a first, second and third time and finally passed this 11th day of August 2020.



Ted Lojko, Mayor



Penny Kelly, Clerk

(Seal)