

The Corporation of the Township of Springwater

By-law 2023-087

Being a By-law to regulate and licence the keeping of Backyard Chickens within the Township of Springwater and to repeal By-law 2020-091.

(Backyard Chickens Licensing By-law)

Whereas Section 5(3) of the Municipal Act, 2001, S.O. 2002, c.25, as amended, provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise;

And Whereas Section 8(3) of the Municipal Act, 2001 provides municipalities with the broad authority to govern affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And Whereas Sections 11(1) and (2) of the Municipal Act, 2001, provides that a lower-tier municipality may provide any services or thing that the Municipality considers necessary or desirable for the public in respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

And Whereas Section 11(3) of the Municipal Act, 2001, provides that a lower-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals;

And Whereas the Council of the Corporation of the Township of Springwater directed staff at their February 5, 2020 meeting through Resolution C022-2020, to undertake a limited Backyard Chicken pilot project for a three year period through preparation of a temporary use zoning by-law and preparation of a licensing by-law;

And Whereas Council provided direction at the September 28, 2020 Backyard Chickens Licensing Workshop on key provisions that should be included in the licensing by-law;

And Whereas the Council of the Corporation of the Township of Springwater directed staff at their September 6, 2023 meeting through Resolution C438-2023, to implement a permanent and Township-wide 'Backyard Chicken' program, reflecting the requirements and conditions of the pilot program;

And Whereas Council provided further direction that yearly licenses be capped at 25 for the entire Township;

And Whereas the Council of the Corporation of the Township of Springwater deems it expedient, necessary and in the public interest to regulate the keeping of backyard chickens in accordance with the Township's Zoning By-law, as amended, for the purpose of public health and safety.

Now Therefore the Council of the Corporation of the Township of Springwater enacts as follows:

1. Definitions

“Annual License Cap” or “cap” shall refer to the maximum limit of Backyard Chicken Licences being issued annually.

“Backyard Chickens” means the accessory keeping of hens for the purpose of companionship as a pet or providing eggs for personal consumption by occupants of a dwelling on the same lot, and does not include accessory livestock, or agricultural uses otherwise defined by the Township of Springwater’s Zoning By-law.

“Clerk” means the Clerk of the Corporation of the Township of Springwater or their designate.

“Coop” means a fully enclosed weatherproof and ventilated 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” means the Council of the Corporation of the Township of Springwater.

“Dwelling” means one or more rooms in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and containing living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment and has an independent entrance. For the purpose of this By-law, a dwelling unit does not include any commercial accommodation or a recreational trailer.

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

“Licence” means a licence issued under this By-law.

“Officer” means a Police Officer or an Animal Control Officer, a By-law Enforcement / Municipal Law Enforcement Officer for the Township of Springwater, or anyone working under his/her authority.

“Outdoor Run” means an area enclosed by wire screen intended for permitting a hen or hens to be outdoors.

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

“Property Owner” means the registered owner(s) of a property within the Township of Springwater.

“Slaughtering” means the killing of livestock for purposes that include the use of meat for food.

“Tenant” means a person who rents or leases a dwelling from a landlord.

“**Township**” means the Corporation of the Township of Springwater.

“**Waitlist**” means the list of applications received after the cap of 25 issued licenses has been reached.

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

2. Administration

- 2.1 The Corporation of the Township of Springwater is responsible for the administration and enforcement of this by-law.
- 2.2 The provisions of this By-law shall apply to the keeping of Backyard Chickens in accordance with the Zoning By-law within the boundaries of the Township of Springwater.
- 2.3 The Owner and/or applicant understands and agrees that upon notice, the Township may revoke the licence/permission to keep hens at anytime, and the keeping of hens after this date is an offence under the by-law as set out in Schedule “A”.

3. Application for Backyard Chicken Licence

- 3.1 No person shall keep backyard chickens pursuant to this By-law, unless that person has submitted an application and receives a licence from the Township of Springwater.
- 3.2 The applicant/owner of the backyard chickens must reside on the property where the backyard chickens/hens are kept.
- 3.3 An application for such licence must be signed by the applicant and/or landowner and shall include, but is not limited to, the following mandatory fields and declarations:
 - 1) Applicant information including name, address (mailing and physical), postal code, and telephone number and email address;
 - 2) Property Owner’s information including name, address (mailing and physical), postal code, and telephone number and email address;
 - 3) Site sketch/plan illustrating the location and size of the coop and manure storage area on the property, complying with the coop regulations set out in the By-law;
 - 4) Checklist of specific regulations contained in the By-law confirmed by the applicant; and,
 - 5) A declaration that the applicant:

- a) Reviewed the Resource Kit titled “Keeping Your Birds Healthy” distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA);
 - b) Reviewed the OMAFRA Factsheet titled “Biosecurity Recommendations for Small Flock Poultry Owners”;
 - c) Reviewed OMAFRA Factsheet titled “Small Flock Poultry: Raising Healthy Birds”;
 - d) Reviewed the OMAFRA Factsheet titled “Rodent Control in Livestock and Poultry Facilities”;
 - e) Reviewed the Ministry of Health Factsheet titled “Keeping your family healthy with backyard poultry, including chicks and ducklings”;
 - f) Will provide suitable housing and shelter for the backyard chickens in their care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Chicken Owners;
 - g) Will provide the backyard chickens 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; and,
 - h) Will abide by the regulations contained within the Backyard Chickens Licensing By-law.
- 3.4 It is understood that different ministries and organizations may update their resource kits and factsheets from time to time. Staff has the authorization to make updates to the education package applicants are to review as outlined above in section 3.3, based on new information provided and/or recommended by OMAFRA and the Ministry of Health.
- 3.5 Tenants must obtain written permission from the property owner to keep backyard chickens on the owner’s property.
- 3.6 The applicant will provide to the Township proof of vaccination of the hen(s) to be kept on the property within thirty (30) days of receiving approval of the application/licence. The Township may revoke the licence if the applicant fails to submit proof of vaccination.
- 3.7 Every application for a backyard chicken licence shall be submitted to the Township on the form provided (application form or renewal form).
- 3.8 A license will be issued for every approved application upon receipt of payment submitted in accordance with the annual licence fee as outlined in the Fees and Charges By-law.

- 3.8.1 Approved licenses that are not paid for within 30 days of their approval will not be held or guaranteed issuance based on license availability.
- 3.9 Through the authority of this by-law the Township has set a yearly cap on the number of backyard chicken licences so as not to exceed 25 approved licences per year. The annual cap includes license renewals.
- 3.10 Applications received after the cap of approved licenses is reached will be added to a waitlist, whereby applicants will be notified in sequence if their submission upon license availability.
- 3.11 Every licence issued pursuant to this By-law shall expire on the 31st day of March the year following the year in which it was issued in. Licensee's are required to apply to renew their licence annually to continue to keep backyard chickens.

Initial Application

- 3.12 An initial application shall be submitted by all new applicants for any property proposing to receive a licence, providing all the required documentation as outlined in section 3.3 of this By-law.
- 3.13 A change in occupancy or ownership of the property shall make the Backyard Chicken Licence null and void. The new occupant and/or owner shall submit a new initial application, not a renewal application.

Renewal Application

- 3.14 For applicants who have submitted an initial application for a property and received a licence, in the following years if no changes have been made since the initial application was submitted for that property, the applicant may submit a renewal application and the prescribed fee, to be issued the annual licence.
- 3.15 The renewal application and applicable licence fee shall be submitted by March 31st the year following the year in which the previous license was issued in. Failure to do so may result in the Township issuing a fine for failure to obtain a licence, and an order to remove hens if the license cap has been reached and there are no licenses available.
3. 16 Licensee's who apply to renew their license before the deadline of March 31st will be prioritized for the continuance of their license based on license availability.
- 3.17.1 Notwithstanding section 3.12, approval of a renewal is not guaranteed. The application to renew a license must demonstrate the license holder will continue to meet the regulations and standards required for license approval.

- 3.18 Licensee's who do not apply to renew their license before the deadline of March 31st of a renewal year will not be prioritized for the continuance based on license availability.
- 3.19 If an applicant submitted an initial application and received a licence, but has not submitted a renewal application in the two (2) years following the expiration of the initial licence, the applicant will be required to submit an initial application again and not a renewal.

General

- 3.20 Every application for a licence will be reviewed to determine whether it meets the requirements of this By-law. Part of this review will include circulation to applicable departments.
 - 3.20.1 Applications received after the annual cap has been reached, will be held on a waitlist in the sequence they were received.
 - 3.20.2 Upon license availability waitlisted applicants will be contacted in the order their application was received. These applicants will have 30 days to respond to the Township advising if they will proceed with their application.
 - 3.20.3 Waitlisted applicant's who do not inform the Township of their intention to proceed, will forfeit their position on the waitlist and the subsequent applicant will be contacted.
 - 3.20.4 When waitlisted applicants are offered an available license, they will be required to affirm that the information on their application has not changed. If the information has changed, they will be provided an opportunity to resubmit an application within a 30-days for immediate consideration.
- 3.21 Reviewing departments as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.
- 3.22 If at any time the Township determines, as a result of evidence that is provided, that the operation of a backyard chicken/hen coop does not conform to the requirements of this By-law, it may suspend or revoke the licence.
- 3.23 In the event of any changes to the conditions to which the licence approval was based on, the applicant shall notify the Township immediately of the changes and may be required to submit additional information, including but not limited to a new site sketch/plan of the coop location.

4. Property Regulations

- 4.1 A person is not eligible for a Backyard Chicken licence or the renewal of such licence unless:
- 1) The use or proposed use conforms with the Township's Zoning By-law and zone provisions that apply to the property;
 - 2) The property conforms to all applicable law, including the Health Protection and Promotion Act, laws regarding animal cruelty, and the Fire Protection and Prevention Act.

5. Backyard Chickens/Hen Regulations

- 5.1 A maximum of four (4) backyard chickens/hens shall be allowed on each permitted property.
- 5.2 All backyard chickens/hens shall be at least four (4) months old.
- 5.3 The keeping of roosters is strictly prohibited.
- 5.4 All deceased backyard chickens/hens shall be disposed of promptly in a sanitary manner.
- 5.5 The slaughtering of backyard chickens/hens on the property is prohibited.
- 5.6 The selling of eggs, manure, meat or other products derived from backyard chickens/hens is prohibited.

6. Backyard Chicken/Hen Coop Regulations

- 6.1 Within a settlement area as defined by the Township's Zoning By-law, no backyard chicken/hen coop (including manure storage area) or outdoor run, shall be located within:
- 1) The intake Protection Zone – 1 (IPZ-1) or Well Head Protection Area (WHPA) with a vulnerability score of 10, as defined by the Township's Source Water Protection mapping;
 - 2) A front yard or exterior side yard;
 - 3) 3 m of any dwelling;
 - 4) 1.2 m of any lot line;
 - 5) 1.5 m of any structure;
 - 6) 3 m from and downgradient of any well location to avoid potential water source contamination;

- 7) 3 m of any private sewage system (including tile bed); and,
 - 8) 15 m of any lot line on which a school is located.
- 6.2 Outside of a settlement area as defined by the Township's Zoning By-law, no backyard chicken/hen coop (including manure storage area) or outdoor run, shall be located within:
- 1) The intake Protection Zone – 1 (IPZ-1) or Well Head Protection Area (WHPA) with a vulnerability score of 10, as defined by the Township's Source Water Protection mapping;
 - 2) A front yard or exterior side yard;
 - 3) 5 m of any dwelling;
 - 4) 3 m of any lot line;
 - 5) 3 m of any structure;
 - 6) 3 m from and downgradient of any well location to avoid potential water source contamination;
 - 7) 3 m of any private sewage system (including tile bed); and,
 - 8) 15 m of any lot line on which a school is located.

General

- 6.3 A maximum of one (1) backyard chicken/hen coop and one (1) outdoor run shall be permitted per property.

A backyard chicken/hen coop shall be provided that has:

- 1) A maximum ground floor area of 9.0 m²
 - 2) At least 0.37 m² of floor area for each hen;
 - 3) A maximum height of 4.5 m.
- 6.4 The backyard chicken/hen coop and manure storage area, exclusive of the outdoor enclosure, shall not cumulatively exceed an area if 10 m².
- 6.5 All backyard chicken/hen coops shall be a fully enclosed weatherproof structure or enclosure with ventilation and a heat source, built to prevent any rodent(s) from harbouring underneath or within its walls and to prevent entrance by any other animal. The interior shall include:
- 1) At least one nest box for egg laying;

- 2) At least one perch giving 0.3 m of space per hen;
 - 3) At least one food and water container.
- 6.6 The backyard chicken/hen coop shall have a heat source that is a Canadian Standards Association (CSA) rated product and meets the Electrical Safety Authority (ESA) standards upon installation. It is the owner's responsibility to follow the manufacturer's instructions for the heat source to ensure proper use.
- 6.7 All backyard chicken/hen coops must be kept in a clean and sanitary condition at all times, free of vermin, obnoxious smells and substances and in good repair.
- 6.8 All backyard chicken/hen coops and outdoor runs shall be secured against the entry of predators.
- 6.9 Backyard chickens/hens must be provided with food and clean water at all times, shelter, light, and ventilation to assist in keeping the hens in good health. Food and water shall be kept in solid, rodent proof and weather proof containers. Uneaten feed shall be removed in a timely manner.
- 6.10 All stored manure shall be covered by a fully enclosed container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed daily from the hen coop and outdoor run.
- 6.11 All backyard chickens/hens must be kept securely in a coop or outdoor run at all times. Backyard chickens are not permitted to run at large.
- 6.12 The backyard chicken/hen coop must be locked from sunset to sunrise.

7. Right of Entry

- 7.1 Every person who holds a Backyard Chicken licence shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or agent of the Township 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.
- 7.2 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 Township in the exercise of a power or the performance of a duty under this By-law.

8. Offence and Penalty Provisions

- 8.1 Every person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

- 8.2 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.

9. Severability

- 9.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.
- 9.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

10. Force and Effect

- 10.1 This by-law shall take force and effect upon the passage hereof.
- 10.2 Licences issued under by-law 2020-091 shall be recognized as active under the authority of this by-law unless otherwise revoked for failure to comply with the provisions of this by-law.
- 10.3 Licenses issued under by-law 2020-091 shall be eligible for submission of a renewal application under the provisions of this by-law up until March 31, 2024.
- 10.3 By-law 2022-091 is hereby repealed.

Read a First, Second and Third Time and Finally Passed this 20th day of September, 2023.

Original signed by:

Jennifer Coughlin, Mayor

Original signed by:

Renée Ainsworth, Clerk

The Corporation of the Township of Springwater
Backyard Chickens Licensing By-law 2023-087

To regulate and licence the keeping of Backyard Chickens within the Township of Springwater

Schedule "A"

Part I Provincial Offences Act

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1	Fail to obtain licence	s. 3.1	\$205.00
2	Possess more than four (4) chickens	s. 5.1	\$205.00
3	Possess a rooster	s. 5.3	\$205.00
4	Permit slaughtering of chickens on property	s. 5.5	\$305.00
5	Permit the sale of products derived from chickens	s. 5.6	\$205.00
6	Fail to comply with coop location setbacks within settlement areas	s. 6.1	\$205.00
7	Fail to comply with coop location setbacks outside of settlement areas	s. 6.2	\$205.00
8	Permit more than one (1) coop or outdoor run on property	s. 6.3	\$205.00
9	Fail to comply with permitted size of coop and manure storage area	s. 6.4	\$205.00
10	Fail to maintain sanitary conditions	s. 6.7	\$305.00
11	Fail to keep coop and/or outdoor run secure	s. 6.8	\$205.00

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
12	Fail to keep manure in proper fully enclosed container	s. 6.10	\$205.00
13	Permit storage of manure over three (3) cubic feet	s. 6.10	\$205.00
14	Permit chickens to run at large	s. 6.11	\$205.00
15	Hinder or obstruct the Township, its employees, officers or agents	s. 7.2	\$400.00

Note: The general penalty provision for the offences listed above is Section 8.1 of By-law 2023-087, a certified copy of which has been filed.