

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW 2024-05

BEING A BY-LAW TO REGULATE BACKYARD CHICKENS

WHEREAS Section 10(2) of the Municipal Act, 2001 authorizes councils of municipalities to pass by-laws with respect to the keeping of animals;

WHEREAS the Council of the Township of Horton recognizes the benefits of backyard chickens and deems it desirable to permit them;

AND WHEREAS Council of the Township of Horton considers it advisable to pass such a by-law;

NOW THEREFORE Council of the Township of Horton enacts as follows:

1. Definitions:

1.1 In this by-law,

"Agricultural Property" means a property that is zoned Rural with the appropriate acreage that would designate a farm use in the zoning by-law.

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

"Animal Control Officer" means an authorized employee or agent of the Township of Horton who is responsible for the enforcement of the provisions of this by-law.

"At Large", in the case of a chicken, means being outside a coop or run and not on their owner's property.

"By-Law Enforcement Officer" means a person or a person employed by a third party contractor appointed by the Township of Horton for the purposes of enforcing the provisions of this by-law and other municipal by-laws and related provincial offences by authority of the Ontario Police Services Act, 1990, Chapter P. 15, Section 15.

"Chicken" means a domestic fowl kept for its eggs or meat, but not a Rooster.

"Chicken Run" means covered secure enclosure that allows backyard chickens access to outdoors.

"Coop" means a fully enclosed weatherproof building where backyard chickens are kept and which the interior of includes nest boxes for egg laying, perches for the chickens to sleep on and food and water containers.

"Front Yard" means a yard extending across the full width of the lot between the front lot line and the nearest main walls of the main building or structure on the lot.

"Keep" means to have temporary or permanent custody or control of an animal, and "keeps" and "kept" have corresponding meanings.

"Minor" means a person who has not attained the age of eighteen years.

"Owner" includes any person who possesses, harbours, or keeps an animal or chicken 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.

“Rear Yard” means a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the main building or structure on the lot.

“Residential Property” means a property that is zoned for residential use in the zoning by-law that applies to the property (Residential one, Residential two)

“Rural” means a property that is zoned Rural in the zoning by-law that applies to the property.

“Veterinarian” means a person licensed under the Veterinarian’s Act;

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

2. Application:

2.1 Except otherwise provided, the regulations established by this by-law apply to all backyard chickens within the boundaries of the Township and to the owners of such backyard chickens.

3. Administration:

3.1 By-Law Enforcement is responsible for the administration and enforcement of this by-law.

3.2 Except as otherwise provided, the regulations established by this by-law apply to all backyard chickens within the boundaries of the Township and the owners of backyard chickens.

4. Regulations for the Keeping of Chickens:

4.1 a) No person shall keep backyard chickens anywhere within the Township unless they are compliant with this by-law

b) Every person who has a chicken coop shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the Township to inspect the property, to determine whether all requirements of this by-law are being complied with.

c) The total area of all chicken coops are to be less than 160 square feet (15 square meters) and must be limited to one story and less than 10 feet high. If the chicken coop is larger than the aforementioned, a building permit shall be applied for.

d) Chicken coops and chicken runs shall be located in the rear yard and shall be a distance of a least 3.0 metres

e) Chicken coops shall not be attached to a building and shall not contain plumbing unless a building permit is obtained.

f) Chicken coops and runs shall be located at least 7.5 metres from any church or business.

g) Chicken coops and runs are not permitted in any front or side yard.

h) For Residential One (R1), Residential Two (R2), and Limited Service Residential (LSR) zoned properties, a maximum of 6 backyard chickens will be permitted.

i) For Rural zoned properties the following applies:

- 0.5-2 acres – a maximum of 10 backyard chickens will be permitted
- 2-5 acres – a maximum of 20 backyard chickens will be permitted
- Over 5 acres of property – no maximum

j) Tenants must obtain permission from the property owner to keep backyard chickens on the owner's property.

k) The owner of the backyard chickens must reside on the property where the backyard chickens are kept.

l) Home slaughter of backyard chickens is prohibited and any deceased backyard chickens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

m) Backyard chickens shall be kept in their coops between 9 p.m. and 6 a.m.

n) Chicken coops and chicken runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odors, substances and vermin.

o) Stored manure shall be kept in an enclosed structure such as a compost bin, and no more than three cubic feet shall be stored at any one time.

p) No owner shall cause or permit their chicken to become a public nuisance by persistently clucking.

q) No owner shall cause or permit their chicken to be at large.

4.2 The regulations set out in section 4.1 do not apply to a Rural zoned property with a farm use that is 25 acres or greater, as per the Township's Comprehensive Zoning By-Law.

4.3 This By-Law prohibits the keeping of Roosters, unless the property is a Rural zoned property with a farm use that is 25 acres or greater as per the Township's Comprehensive Zoning By-Law.

5. Offence and Penalty Provisions

5.1 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.

5.2 Every owner of an animal who contravenes any provision of this by-law or whose animal 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 comes into force on the final day of passing.

BE IT FURTHER ENACTED that all by-laws, or parts thereof and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a first time the 19th day of December, 2023.

READ a second time the 16th day of January, 2024.

READ a third and final time and passed this 16th day of April, 2024.

DEPUTY MAYOR Daina Proctor

CAO/CLERK Hope Dillabough