

ANIMALS

CHAPTER 287 HEN COOP LICENSING

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Article 1 TITLE AND SCOPE

287.1.1 Title and scope

This Chapter shall be known and cited as the “Hen Coop Licensing Chapter” and shall apply to the whole geographic limits of the City of Orillia. In the text of this Chapter, it is referred to as “this Chapter”.

Article 2 DEFINITIONS

287.2.1 Animal Control Officer - defined

“Animal Control Officer” means an Animal Control Officer employed by the Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.).

287.2.2 Being at large - defined

"being at large" means to be found in any place other than the property of the owner of the hen and "be at large" has a corresponding meaning.

287.2.3 Capitalized terms - meaning as in Zoning By-law

Unless otherwise defined herein, all capitalized terms in this Chapter shall have the meaning as defined in the City of Orillia Zoning By-law 2014-44, as amended, or successor legislation.

287.2.4 City - defined

“City” means the Corporation of the City of Orillia.

287.2.5 Council - defined

“Council” means the Council of the Corporation of the City of Orillia.

287.2.6 Hen - defined

“hen” means a female chicken.

287.2.7 Hen coop - defined

“hen coop” means a Structure and/or enclosure used to house a hen or hens.

287.2.8 Licence - defined

“licence” shall mean a licence granted by the Manager of Legislative Services under the provisions of this Chapter.

287.2.9 Lot - defined

“lot” means a parcel or tract of land, the title of which is legally conveyable as a separate parcel.

287.2.10 M - defined

“m” is an abbreviation and shall mean metre(s).

287.2.11 Manager of Legislative Services - defined

“Manager of Legislative Services” shall mean the City’s Manager of Legislative Services, or designate.

287.2.12 Minor - defined

“minor” means a person under the age of 18.

287.2.13 Officer - defined

“Officer” means a Municipal By-law Enforcement Officer, Police Officer, or Animal Control Officer.

287.2.14 Outdoor Run - defined

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

287.2.15 Owner of hens - defined

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

287.2.16 Owner of the lot - defined

“owner of the lot” means the registered owner of the lot at which a hen and/or hen coop is located.

287.2.17 Rooster - defined

“rooster” means a male chicken.

287.2.18 Sewage works - defined

“sewage works” means any works for the collection, transmission, treatment or disposal of sewage, or any part of such works.

287.2.19 Tribunal - definition

“Tribunal” means the City of Orillia Licensing Appeal Tribunal.

287.2.20 Zoning By-law - defined

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

Article 3 GENERAL PROVISIONS

287.3.1 Application - in writing

Every application for a licence shall be made in writing on a form provided by the City and the required fee shall be deposited with the City at the time of application.

287.3.2 Incomplete application

Where an applicant has failed to provide any fee or document required under this Chapter for the issuance or renewal of a licence, the application shall be considered incomplete. If the application remains incomplete after thirty (30) days from the date the application was submitted, the Manager of Legislative Services may issue a Notice of Incomplete Application and close the file.

287.3.3 Refusal to issue licence

The Manager of Legislative Services shall refuse to grant a licence under this Chapter to any person if:

- (a) any application or other document provided to the City by or on behalf of the applicant contains a false statement or provides false information;
- (b) the applicant has failed to comply with the requirements of this Chapter or other applicable By-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity, or premise, facilities, equipment, and other property used in connection with the licensed activity, including but not limited to:

(i) *Health Protection and Promotion Act*

- (ii) *Food Safety and Quality Act*
 - (iii) *Ontario Society for the Prevention of Cruelty to Animals Act,*
 - (iv) *Fire Protection and Prevention Act; and*
 - (v) *Electricity Act.*
- (c) the Manager of Legislative Services determines that the issuing of the licence would be contrary to the public interest in respect of the health and safety of any person or animal;
- (d) the applicant has any outstanding fine imposed under the *Provincial Offences Act*, as amended, or successor legislation, for the contravention of any provision of this Chapter or any other municipal By-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such licensed activity.

287.3.4 Suspension or revocation - general

The Manager of Legislative Services may suspend or revoke a licence for any one or more of the grounds listed in Section 287.3.3.

287.3.5 Written notice - refusal, suspension or revocation

After a decision is made by the Manager of Legislative Services to refuse, suspend or revoke a licence, written notice of that decision shall be given forthwith to the applicant or licensee.

287.3.6 Written notice - refusal, suspension or revocation - requirements

The written notice to be given under Section 287.3.5 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds for the decision;
- (c) be signed by the Manager of Legislative Services; and
- (d) state that the applicant or licensee is entitled to a hearing by the Tribunal if the applicant or licensee delivers to the CAO/City Clerk within fifteen (15) days after the notice is served, a notice in writing that adheres with Section 287.3.9, requesting a hearing by the Tribunal accompanied by an appeal fee of \$50.

287.3.7 Right to appeal

The applicant or licensee may appeal the Manager of Legislative Services' decision to refuse, suspend, revoke or to impose any condition on a licence to the Tribunal by filing a written notice of appeal with the CAO/City Clerk, within fifteen (15) days following the receipt of written notice of the Manager of Legislative Services' decision.

287.3.8 Incomplete application - no right to appeal

The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

287.3.9 Content of notice of appeal

Where an applicant or licensee requests a hearing before the Tribunal, the notice of appeal shall be in writing to the CAO/City Clerk and shall include:

- (a) the original signature of the applicant, or representative;
- (b) the reasons in support of the appeal;
- (c) the applicant's address, telephone number and, where available, fax number;
- (d) the name, address, and telephone number of any agent, representative, or lawyer representing the applicant.

287.3.10 Written request - hearing scheduled

On receipt of a written request for a hearing from the applicant or licensee, the CAO/City Clerk, through the Tribunal Coordinator shall schedule a hearing of the Tribunal and give reasonable notice of the date, time, and place of the hearing in accordance with Chapter 117 of the Municipal Code - Licensing Appeal Tribunal Chapter.

287.3.11 Appeal does not suspend decision

The filing of an appeal does not operate to suspend the Manager of Legislative Services' decision.

287.3.12 Deadline to appeal final

The decision of the Manager of Legislative Services shall be final if the CAO/City Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Manager of Legislative Services' decision. A notice of appeal is ineffectual to create a right to a hearing unless it is received by the CAO/City Clerk on or before the appeal deadline.

287.3.13 Licensing Appeal Tribunal Chapter applies

The provisions of Chapter 117 of the Municipal Code - Licensing Appeal Tribunal apply to any appeal that is made under this Section.

287.3.14 Fulfill outstanding requirements

Where the Tribunal has ordered that a licence be granted, reinstated, a suspension to a licence ended or a change to the condition(s) of a licence, the applicant or licensee shall fulfill any outstanding requirements for the licence under this Chapter.

287.3.15 Delivery of notice

Any written notice given under this Chapter shall be deemed to be received on the receipt date which is one of the following:

- (a) in the case of mailed documents, five (5) days following the mailing as determined from the post mark;
- (b) in the case of personal delivery, email or faxed document, the day of delivery; and
- (c) where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.

287.3.16 Notice - last known business or residential address

Where any written notice is mailed under this Chapter, it is sufficient to use the applicant's or licensee's last known business or residential address.

287.3.17 Transfer - licence

No licence issued under the provisions of this Chapter is transferable to any other person or lot.

287.3.18 Change information - notification

Every licensee shall notify the Manager of Legislative Services in writing within five (5) days of the happening of any of the following events:

- (a) any change in the licensee's name, address or telephone number; and
- (b) removal of the hen coop.

287.3.19 Licence - subject to conditions

In addition to any other powers conferred on the Manager of Legislative Services pursuant to this Chapter, the Manager of Legislative Services is authorized to impose any condition on a licence to be issued under this Chapter as he or she deems necessary to ensure the safety of public or of property.

287.3.20 Conditional licences

Every licensee shall comply with every condition imposed upon the licence.

Article 4 LICENSING

287.4.1 Requirement for licence

No person shall possess, harbour, or keep a hen without having a valid hen coop licence.

287.4.2 Application requirements

An application for a licence shall include the following:

- (a) Permission from the owner of the lot, if the applicant is not the owner of the lot subject to the application for a licence;
- (b) Proposed number of hens;
- (c) A site plan demonstrating compliance with this Chapter, the Zoning By-law and accurate lot dimensions, including: the proposed location (or area if the coop is movable) and dimensions of the hen coop and outdoor run, setbacks from the lot lines as well as from any other structures/buildings on the lot (including the distance between the dwelling and coop/outdoor run) and setbacks from any dwelling located on any lot sharing a lot line with the lot subject to the application;
- (d) The licence fee of \$100;
- (e) If applicable, an Electrical Safety Authority Certificate of Inspection stating that the electrical wiring and electrical devices serving the hen coop or outdoor run are in compliance with the *Electricity Act*;
- (f) A declaration that the applicant has reviewed the following documents and will provide and maintain suitable housing and shelter of hens in his or her care:
 - (i) The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Factsheet entitled "Biosecurity Recommendations for Small Flock Poultry Owners";
 - (ii) The Resource Kit entitled "Keeping Your Birds Healthy" distributed by OMAFRA; and
- (g) A declaration that the applicant has reviewed the provisions of this Chapter and will abide by the provisions therein.

287.4.3 One licence - per lot

Only one licence per lot shall be permitted.

287.4.4 Licence - expiry

Unless revoked, every licence issued by the Manager of Legislative Services shall have no expiry date associated with such licence.

**Article 5
REGULATIONS****287.5.1 Hen coops - outdoor runs - regulations**

Every owner of hens and every owner of the lot shall ensure the following regulations are adhered to:

287.5.1.1 Owner of hens - reside on lot

The applicant or licensee must reside on the lot where the hens are kept, unless the hens are kept on a property zoned Institutional One (I1), Open Space One (OS1) or Open Space Two (OS2) as defined in the City's Zoning By-law.

287.5.1.2 Number of hens permitted

A maximum of four (4) hens shall be permitted per lot.

287.5.1.3 Hens under four months old - prohibited

All hens on a lot shall be at least four (4) months old.

287.5.1.4 Lot size - minimum

No hen coop shall be permitted on a lot having a Lot Area less than 500 m².

287.5.1.5 Location of hen coops and outdoor runs

No hen coop or outdoor run shall be located within:

- (a) the Intake Protection Zone - 1 (IPZ-1) or Well Head Protection Area (WHPA) with a vulnerability score of 10, as defined by the City's Source Water Protection Mapping, as set out in Schedule "A";
- (b) a Front Yard or Exterior Side Yard,
- (c) 8 m of any Dwelling;
- (d) 3 m of any Lot Line;
- (e) 3 m of any Structure;
- (f) 3 m of any sewage works, or;
- (g) 15 m of any Lot Line on which a school is located.

287.5.1.6 Maximum - one hen coop and one outdoor run

A maximum of one (1) hen coop, and one (1) outdoor run shall be permitted per lot.

287.5.1.7 Size of hen coop

A hen coop shall be provided that has:

- (a) a maximum Ground Floor Area of 9.0 m²;
- (b) at least 0.37 m² of floor area for each hen;
- (c) a maximum Height of 5 m.

287.5.1.8 Size of outdoor run

An outdoor run shall be provided that has:

- (a) a maximum Ground Floor area of 9.0 m²;
- (b) at least 0.92 m² of outdoor enclosure for each hen;
- (c) a maximum Height of 5 m.

287.5.1.9 Hen coop - general requirements

All hen coops shall be a fully enclosed weatherproof structure or enclosure, and the interior shall include:

- (a) at least one nest box for egg laying;
- (b) at least one perch giving 0.3 m of space per hen;
- (c) at least one food, and water container.

287.5.1.10 Protection against predators

All hen coops and outdoor runs shall be secured against the entry of predators.

287.5.1.11 Cleanliness - sanitary

All hen coops and outdoor runs shall be kept in a clean and sanitary condition, and free of vermin, and obnoxious odours.

287.5.1.12 Manure - droppings - cleaned out daily - storage

All manure and droppings shall be removed daily from the hen coop and outdoor run, and only stored in a secured container or backyard composter. No more than 0.08 m³ of manure and/or droppings shall be stored at any one time.

287.5.1.13 Hens to be enclosed at all times

All hens shall be kept fully enclosed in a hen coop or outdoor run at all times.

287.5.1.14 Hens to be enclosed in coop at night

Despite Section 287.5.1.13, hens shall be kept fully enclosed in a hen coop between 9:00 p.m. and 6:00 a.m.

287.5.1.15 Food supply - storage

A hen's food supply shall be stored in secure, rodent/predator-proof containers.

287.5.1.16 Slaughter - disposal of carcasses

- (a) The slaughtering or euthanizing of hens is prohibited.
- (b) All deceased hens shall be disposed of forthwith at a livestock disposal facility or through the services of a veterinarian.

287.5.1.17 Selling - eggs - manure - meat - other products - prohibited

The selling of eggs, manure, meat, or other products associated with the keeping of hens is prohibited.

287.5.1.18 Change to wiring - device

If electrical wiring and/or an electrical device serving a hen coop or outdoor run is added, repaired, or replaced after a licence has been issued, an Electrical Safety Authority Certificate of Inspection stating that the electrical wiring and/or electrical device is in compliance with the *Electricity Act* shall be provided immediately upon request of an Officer.

287.5.2 Roosters - prohibited

No person shall possess, harbour, or keep any rooster.

Article 6 ANIMAL CONTROL SHELTER

287.6.1 Impounding - release fees - claim procedure

Subject to Section 287.6.5, an Officer may:

- (a) seize and impound any hen found to be at large; and
- (b) restore possession of the hen to the owner thereof where:
 - i) the owner claims possession of the hen within five days (exclusive of statutory holidays and Sundays) after the date of seizure; and

- ii) the owner pays a pound fee of \$30 for a hen seized and impounded plus a maintenance sum of \$6 for each day subsequent to the day of seizure that the hen remains impounded.

287.6.2 Owner liable - all fees - hen not claimed

Where a hen is impounded, the owner, if known, and whether the hen is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed and shall pay all fees on demand to the Animal Control Officer.

287.6.3 Hen not claimed - within five days - sale

At the end of the five days where possession of the hen has not been restored to the owner as set out in Section 287.6.1, the Pound Keeper may sell the hen for such a price as he or she deems reasonable.

287.6.4 Hen not claimed - within five days - disposal

Where the owner of a hen has not claimed the hen within five days after its seizure under Section 287.6.1 and the hen has not been sold, the Pound Keeper may kill the hen in a humane manner, or otherwise dispose of the hen as he or she sees fit, and no damages or compensations shall be recovered on account of its killing or other disposition.

287.6.5 Hen not claimed - within five days - destroyed for humane or safety reasons

An Officer may kill a hen in a humane manner where it is trespassing or at large, or where it has been seized under Section 287.6.1, if in his or her opinion, the hen should be destroyed without delay for humane reasons, or for the reasons of safety to persons or other animals, without permitting any persons to reclaim the hen or without offering it for sale, and no damages or compensations shall be recovered on account of its killing.

**Article 7
EXEMPTIONS**

287.7.1 Hen exemption - O.S.P.C.A.

This Chapter shall not apply to a branch of the Ontario Society for Prevention of Cruelty to Animals.

287.7.2 Hen exemption - veterinary hospital

This Chapter shall not apply to a lawfully permitted veterinary hospital under the City's Zoning By-law, which is under the care of a licensed veterinarian, and whom is keeping hens for treatment or other purposes directly related to his or her practice of veterinary medicine.

287.7.3 Hen exemption - City sanctioned event

This Chapter shall not apply to any hen being displayed or exhibited for a set period of time in a City sanctioned event, which is operated in accordance with the City's conditions.

**Article 8
ENFORCEMENT****287.8.1 Enforcement**

A Municipal By-law Enforcement Officer, Police Officer or Animal Control Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

287.8.2 Entry and inspection

An Officer may, at all reasonable times, enter on land including buildings and structures other than a dwelling unit, for the purpose of carrying out an inspection to determine compliance with this Chapter.

287.8.3 Notice to Comply

An Officer who finds a contravention of this Chapter may give written notice to the owner of the lot, requiring immediate compliance with this Chapter and/or to do work to correct the contravention of this Chapter within the time period specified in the notice.

287.8.4 Service of Notice to Comply - personally or regular post

The notice may be served personally on the owner of the lot, or by regular post to the last known address of the owner.

287.8.5 Failure to Comply with Notice to Comply

If the notice is not complied with, the City, by its employees, officers or agents, may enter upon the lot of the owner without further notice and undertake the action described in the notice. Costs incurred by the City in doing the work required by the notice may be collected in the same manner as property taxes.

287.8.6 Hinder or obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of "hinder" or "obstruct", a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

287.8.7 Penalties

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

287.8.8 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

287.8.9 Conflict - most restrictive prevails

Where there is a conflict or a contradiction between this Chapter and any other by-law of the City, the provision that is most restrictive shall prevail.

287.8.10 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder

Adopting By-law: By-law 2017-64

By-law Amendments: By-law 2019-56, 6 May 2019; By-law 2023-034, 3 April 2023.