

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 39-2024

BEING A BY-LAW TO REGULATE THE KEEPING OF HENS WITHIN THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

(Office Consolidation May 2026)

WHEREAS section 5(3) of the *Municipal Act, R.S.O. 2001, S.O. 2001, c. 25* states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

WHEREAS section 9 of the *Municipal Act, R.S.O. 2001, S.O. 2001, c. 25*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act; and

AND WHEREAS Section 10 (2) 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;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1.0 Short Title

1.1 The by-law shall be known and cited as the "Backyard Hens By-law".

2.0 Scope

2.1 This by-law shall regulate the living conditions, maintenance and disposal of backyard hens on residential properties of the Village of Merrickville-Wolford

2.2 All hens and coops on private property in residential zones shall be kept and erected in accordance with the provisions of this by-law.

2.3 Notwithstanding Section 2.2, this By-law shall not apply to properties zoned Rural or Agriculture that are over 2 hectares (5 acres) in size.

3.0 Intent

3.1 The purpose of this by-law is to permit, regulate and control the keeping of hens on residential properties, authorizing hens and coops that minimize adverse impacts on nearby and abutting public and private property.

4.0 Definitions

4.1 In this By-law,

Abutting Property means any parcel or lot that has a lot line or portion of a lot line in common with the subject property, including a shared intersection of lot lines.

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 Village of Merrickville-Wolford who is responsible for the enforcement of the Act.

Hen 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 Corporation of the Village of Merrickville-Wolford.

Dwelling means a self-contained residential unit.

Easement means a legal instrument registered on a property which permits the use of land by a third party or organization as specified on title.

Backyard Hen means a female chicken kept for its eggs or meat.

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

Licence means a licence issued by the Village of Merrickville-Wolford pursuant to this by-law.

Licensee means a person to whom a licence has been issued pursuant to this by-law.

Order means an order made under this by-law.

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.

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

Residential Property means a property that is zoning R1, R2, R3, LSR, MHP or H in the Village of Merrickville-Wolford Zoning By-law and permits residential uses.

Rooster means a male domestic chicken.

Zoning By-law means a by-law passed under Section 34 of the *Planning Act* that restricts the use of lands within the Village of Merrickville-Wolford.

5.0 Administration

5.1 The Corporation of the Village of Merrickville-Wolford is responsible for the administration and enforcement of this By-law.

6.0 General Provisions

6.1 A residential tenant must obtain permission from the property owner to keep hens on the owner's property.

6.2 The owner of the hens must reside on the property where the hens are kept.

6.3 Every person shall keep hens secured in their hencoop between 9:00 p.m. and 6:00 a.m.

6.4 The following provisions apply to the use and storage of manure:

- a) 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.
- b) 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.

- c) If negative conditions arise as a result of manure storage, the manure storage shall be emptied at an appropriate off-site disposal area.

6.5 Home slaughter of hens is prohibited.

6.6 Every person shall ensure the hen coop is fully enclosed on all sides and from above (ie. Fencing, chicken wire, roof covering). All hen houses are to be constructed to prevent the hens' escape and prevent entry by intruders/predators.

6.7 Feed for hens shall be stored in a secure, vermin proof, enclosed container (preferably steel or aluminum)

6.8 Hen coops are to be designed to provide hens with a dry and warm environment.

6.9 Every person shall ensure that hens are kept securely in a hen coop or run at all times.

6.10 No person shall allow their hen(s) to roam at large or be on a public road or in a public place at any time.

7.0 Permission & Enforcement

7.1 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 Village of Merrickville-Wolford to inspect the property, other than any room or places used as a dwelling, to determine whether all requirements of this By-law are being complied with.

7.2 Where a coop or licensee does not comply with this by-law, the designated official may order the coop and person to remove or bring the coop and hens into compliance in the manner and within the time specified in the order.

7.3 The order mentioned in Section 7.2 may be served:

- a) By personal service upon the person;
- b) By prepaid registered mail sent to the last address of the property owner, shown on the records of the Village of Merrickville-Wolford; or
- c) By prominently posting a copy of the order either on the coop in respect to which the order is made, or on the property upon which the coop is erected, located, or displayed.

7.4 The written order shall contain the particulars of the non-compliance with this by-law, a specified time limit in which to effect compliance and either an order to comply with the by-law within the time limit specified in the order, or an order to remove the coop and/or animals within the time limit specified in the order.

7.5 Where the order is served in accordance with Section 7.3, it is deemed to have been received by the party being served upon the mailing or posting of the order.

7.6 Where a coop is erected, or located, or hens are kept in contravention of this by-law, the designated official may immediately remove the hens or coop, that constitute a safety hazard or a concern in accordance with the provisions of this by-law, without notice or compensation.

7.7 The cost incurred by the Village of Merrickville-Wolford in removing a coop and/or hen(s) under this part of the By-law is deemed to be municipal taxes and may be added to the collector's roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the Village of Merrickville-Wolford in removing a coop and/or hen(s) under this part of the

by-law is debt payable to the Village of Merrickville-Wolford and may be recovered in any court of competent jurisdiction.

7.8 This by-law may be enforced by any of the following:

- a) Municipal By-law Enforcement Officer,
- b) Animal Control Officer.

8.0 Offences and Penalties

8.1 Any person who contravenes or causes or permits any contraventions of any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act or any successor legislation.

8.2 Every person enforcing this by-law shall have the right of entry on any property for the purpose of carrying out an inspection to determine whether this by-law is being complied with and for the enforcement of this by-law pursuant to Section 436 of the Municipal Act, S.O. 2001, C. 25, as amended from time to time.

9.0 Obstruction

9.1 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.

10.0 Validity

10.1 Where a provision of this by-law conflicts with the provisions of another by-law in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.

10.2 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

11.0 Commencement

11.1 This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first and second time on the 10th day of June, 2024.

Read a third and final time and passed on the 8th day of July, 2024.

Michael Cameron, Mayor

Julia McCaugherty-Jansman, Clerk