

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. 108-2023

**A BY-LAW TO AMEND BY-LAW 234-2020, BEING A BY-LAW TO REGULATE THE
KEEPING OF BACKYARD HENS WITHIN THE CORPORATION OF THE COUNTY
OF PRINCE EDWARD
("Backyard Hens By-law")**

WHEREAS pursuant to Section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single tier municipality may pass by-laws respecting animals;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes a municipality to impose fees or charges for services or activities provided by the municipality;

AND WHEREAS the Council of the Corporation of the County of Prince Edward deems it expedient to regulate the control of backyard hens in the municipality and to regulate the care and keeping of said animal pursuant to its authority to do so under the said Act and any other applicable Act;

NOW THEREFORE the Council of The Corporation of the County of Prince Edward enacts as follows:

1. GENERAL

1.1 This by-law may be cited as the "Backyard Hen By-law".

2. DEFINITIONS

In this by-law, unless the context requires otherwise:

2.1 "Backyard Hen" means a domesticated biological female chicken that is a minimum of four (4) months old and is not located on a Farm.

2.2 "Clerk" means the Clerk of The Corporation of the County of Prince Edward.

2.3 "Farm" means the use of land, building or structure for apiaries, aviaries, the growing of field crops, ornamental crops, tobacco, ginseng or mushrooms; the breeding, raising, boarding, sale or training of horses; the breeding, raising or sale of cattle, goats, sheep, swine and fur bearing animals: cattle or goat dairying; raising or sale of chickens, ducks, geese, turkeys, pigeons or other fowl, game birds, fish and frogs; or egg production.

- 2.4 "Hen Coop" means a fully enclosed weatherproof and tamperproof building where Backyard Hen(s) are kept and which the interior includes nest boxes for egg laying, perches for the Backyard Hen(s) and food and water containers.
- 2.5 "Hen Enclosure" means the sum of the hen run and hen coop.
- 2.6 "Hen Run" means a secure enclosure that allows Backyard Hen(s) access to the outdoors.
- 2.7 "Municipality" means The Corporation of the County of Prince Edward.
- 2.8 "Officer" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or their designate.
- 2.9 "Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 2.10 "Settlement Area" means built up areas where development is concentrated and which may have a mix of land uses including Urban Centres, Villages and Hamlets.

3. GENERAL PROVISIONS/PROHIBITIONS - BACKYARD HENS

- 3.1 The provisions of this section shall apply to the keeping of Backyard Hens within the boundaries of The Corporation of the County of Prince Edward.
- 3.2 Nothing in this section shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all application Federal and Provincial Statutes and Regulations.
- 3.3 No person shall keep on his or her premises backyard hens except where:
 - (1) the premises consist of lands zoned to permit a single-family dwelling or a nursing home;
 - (2) a Hen Coop and Hen Run are provided on the premises and are a maximum of 10 square metres in gross floor areas other than on a Rural Residential (RR) zoned lots where Hen Coops and Hen Runs are permitted to be a maximum of 30 square metres.
 - (3) a Hen Coop and Hen Run are a maximum height of 3 metres.
 - (4) a Hen Coop shall be enclosed on all sides, if not buried.

- 3.4 No Owner is permitted to keep more than six (6) backyard hen(s) at any time on an appropriately zoned lot in a settlement area. No property in the settlement area shall house more than six (6) hens in total regardless of hen ownership.
- 3.5 Notwithstanding Section 3.4, No Owner is permitted to keep more than (10) backyard hen(s) at any time in on a property zoned Rural Residential (RR). No property zoned Rural Residential (RR) shall house more than ten (10) hens in total regardless of hen ownership.
- 3.6 The Owner of the Backyard Hen(s) must reside on the property where the Backyard Hen(s) are kept. Tenants must obtain written consent from the registered property owner to keep Backyard Hen(s) on the property.
- 3.7 An Owner shall comply with the following provisions:
- a) The keeping of a rooster is strictly prohibited.
 - b) Backyard Hen(s) must be provided with access to feed and clean water at all times; such feed and water shall be kept in solid tamperproof containers outside the hen coop. Uneaten feed shall be removed in a timely manner.
 - c) Backyard Hen(s) shall be provided with shelter, light, ventilation, veterinary care, and opportunities for essential behaviours, all sufficient to maintain the hen in good health.
 - d) The Hen Coop and Hen Run shall be maintained in good repair and sanitary condition, free from vermin and obnoxious smells and substances.
 - e) All manure shall be stored within a fully enclosed waterproof container covered by a fully enclosed structure or weatherproof container. No more than 0.08 cubic metres (2.8 cubic feet) of manure shall be stored on the premises at a time. All manure shall be disposed of properly.
 - f) The slaughtering or killing of Backyard Hen(s) on site is strictly prohibited.
 - g) The selling of eggs, manure or other product derived from Backyard Hen(s) is prohibited.
 - h) All deceased Backyard Hen(s) shall be disposed of promptly through the services of a veterinarian, at a livestock disposal facility or through a facility approved by the Ministry of Agriculture Food and Rural Affairs and are disposed of in accordance with all applicable laws.
 - i) Backyard Hen(s) being at large is strictly prohibited.

4. PENALTY

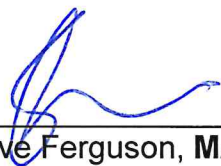
1. Any person who contravenes any provision of this By-Law may be subject to such penalties as are authorized under the Administrative Monetary Penalties By-law No. 4519-2019, as amended, and all such penalties shall be recoverable pursuant to the provisions of the Administrative Monetary Penalties By-law No. 4519-2019, as amended.
2. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable for a fine as provided for by the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.
3. Pursuant to the authority established in s. 429(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, every person who contravenes any provision of this by-law is guilty of an offence and upon conviction pursuant to Part III of the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended, shall be subject to the following penalties:
 - a) a person who is convicted of an offence is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.
 - b) a corporation who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.

5. EFFECTIVE DATE

- 5.1 That the effective date of this By-Law shall be the date of passage thereof.

Read a first, second and third time and finally passed this 13th day of June, 2023.


Catalina Blumenberg, **CLERK**


Steve Ferguson, **MAYOR**

