

The Corporation of the Township of Brock

By-law Number 3290-2024

Being a By-law TO AMEND THE “Exotic Animal By-law” (2402-2012-PP) to regulate the keeping of backyard hens within the Rural Residential and Hamlet Residential Zones in the Municipality of the Township of Brock

Whereas on the 6th day of February 2012, the Municipal Council of the Corporation of the Township of Brock (“Council”) enacted By-law 2402-2012-PP the “Exotic Animal Bylaw”, being a by-law to prohibit and regulate the keeping of certain animals within the Township of Brock; and

Whereas the Township’s “Exotic Animal By-law” 2402-2012-PP prohibits the keeping of keeping of livestock within the Township except in accordance with the relevant provisions of the comprehensive Zoning By-law; and

Whereas the Township’s Zoning By-law permits the keeping of livestock only within Rural (RU) and Rural Buffer (RB) zones; and

Whereas on the 15th of July 2024, Council passed a resolution directing staff to update the Township’s policies to permit backyard hens in Rural Residential (RR) and Hamlet Residential (HR) zones; and

Whereas Council deems it appropriate to amend the existing “Exotic Animal By-Law” 2402-2012-PP, to permit backyard hens in Rural Residential (RR) and Hamlet Residential (HR) zones.

Now Therefore, the Council of The Corporation of the Township of Brock enacts as follows:

1. That Clause I “Definitions” is hereby amended to add the following definitions be inserted in alphabetical order, and the definitions be re-numbered accordingly:

“Free Roaming” means a Hen that is outside of a Hen Coop or a Hen Run;

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

“Hen Coop” means a fully enclosed, locking weatherproof structure where Hens are kept and which the interior, includes nest boxes for egg laying, roosts for the Hens to sleep on, food and water containers;

“Hen Owner” means any Person who possesses, harbours or keeps a Hen;

“Hen Run” means a covered and secure enclosure that allows Hen's access to an outdoor area;

“Rooster” means a domesticated male chicken.

2. That Clause II “Keeping of Livestock” Section 1 is hereby amended to read as follows:

No person shall keep livestock within the Township except in accordance with the relevant provisions of the comprehensive Zoning By-Law. Backyard Hens (chickens) shall also be permitted within the Rural Residential (RR) and Hamlet Residential (HR) zones in accordance with the provisions of this By-law. A rooster is not permitted in the RR and HR zones.

3. That a New Clause IV “Keeping of Hens” is hereby added, with the following Sections, and all subsequent Clauses within the By-law re-numbered accordingly:

1. No person shall keep more than four (4) hens on a lot within the Rural

Residential (RR) and the Hamlet Residential (HR) Zones, or otherwise as permitted within the relevant provisions of the Township's comprehensive Zoning By-law.

2. No person shall keep a rooster on a lot within the Rural Residential (RR) and the Hamlet Residential (HR) Zones.
3. Every person keeping hens shall comply with the following:
 - a) The hen owner must reside on the property where the hens are kept.
 - b) Hen coops and hen runs shall only be permitted within the rear yard within the Rural Residential (RR) and the Hamlet Residential (HR) Zones.
 - c) Hen coops and hen runs shall be maintained in a sanitary condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
 - d) Every hen owner shall ensure that the hen coop and hen run is located a minimum of three (3) metres from any dwelling, shop, or apartment building, and a minimum of two (2) metres from any property line.
 - e) Hens must be kept in a locked hen coop from 9:00 p.m. to 6:00 a.m. Hens shall be confined to an enclosed hen coop or hen run at all times. The free roaming of hens on the property is prohibited.
 - f) Hens must be at least 4 months old when acquired.
 - g) The sale of eggs, manure and other products associated with the keeping of hens is prohibited.
 - h) Stored manure shall be kept in an enclosed structure or container such as a compost bin, stored a minimum of one (1) metre from any property line and no more than three (3) cubic feet of manure shall be stored at any one time. All other manure not used for composting or fertilizing shall be removed.
 - i) Maximum of one (1) hen coop, and one (1) hen run shall be permitted per lot.
 - j) A hen coop and hen run shall have a maximum ground floor area of 9.0 m².
 - k) A hen coop shall be at least 0.37 m² of floor area per hen, along with a minimum of 0.93 m² per hen for the hen run.
 - l) A hen coop and hen run shall not exceed 3 metres in height.
 - m) Home slaughter of hens is prohibited on a lot within the Rural Residential (RR) and the Hamlet Residential (HR) Zones.
 - n) Deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
 - o) A hen coop shall have adequate ventilation and shall be weather and predator proof.
 - p) Hens shall be provided 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.

- q) Feeders and water containers shall be provided and cleaned regularly and disinfected.
 - r) Feed shall be stored in rodent proof containers and secured at all times, to prevent rodents and other animals from accessing it.
 - s) Notwithstanding any other policy, a hen coop and hen run shall meet all other requirements for an accessory structure as outlined in the Town's Zoning By-law.
4. No licence is required for the keeping of hens.
4. That a new Clause be added titled "Order to Discontinue Activity", with the following Sections:
- 1. A By-law Officer may issue an Order requiring any Person to discontinue a contravention of this By-law.
 - 2. An Order under this section shall identify:
 - (a) the location of the Property on which the contravention occurred;
 - (b) reasonable particulars of the contravention of the By-law; and,
 - (c) the date by which there must be compliance with the Order.
 - 3. An Order under this section may be given orally or in writing and if in writing, may be served personally on the Person to whom it is directed or sent by registered or regular mail to the last known address of that Person. If the Order is delivered by mail to the last known address of that Person, it shall be deemed to have been received on the third day after it is mailed. An affidavit of service shall be admissible as evidence in any proceeding as proof of service of mailing of the Order.
5. That a new Clause be added titled "Powers of Entry and Inspection", with the following Section:
- 1. By-law Officers and individuals acting under their direction may, at any reasonable time, or at any time when a contravention is occurring or alleged to be occurring, enter onto any Property to determine if the provisions of this By-law are being complied with and may enter onto any Property to carry out any remedial actions required to bring the Property into conformity with the By-law.
6. That a new Clause be added titled "Work Orders", with the following Sections:
- 1. Where a person contravenes this By-law, a By-law Officer may issue a Work Order to the person or the Owner of the property where the contravention occurred, directing them to do the work set out in the Work Order to correct the contravention. The person or Owner shall comply with the Work Order within the time specified in the Work Order.
 - 2. The Order shall set out the:
 - (a) reasonable particulars of the contravention adequate to identify the contravention on which the contravention occurred; and
 - (b) work to be done and the date by which the work must be done.
 - 3. An Order under this section may be given orally or in writing and if in writing, may be served personally on the person to whom it is directed or sent by regular mail to the last known address of that person. If the Order is delivered by regular mail to the last known address of that person, it

shall be deemed to have been received on the third day after it is mailed. An affidavit of service shall be admissible in evidence in any proceeding as proof of service of mailing of the Order.

4. The Township may recover the remedial action and enforcement cost incurred under subsection 1 of this By-law by legal action and/or by adding them to the tax roll and collecting them in the same manner as property taxes in accordance with Section 446 of the Municipal Act.
7. That a new Clause be added titled “Penalties”, with the following Sections:
 1. Every person who contravenes or fails to comply with any of the provisions of this by-law is guilty of an offence, and pursuant to section 429 of the Municipal Act, 2001, is liable to a maximum penalty of \$10,000.00 (ten thousand dollars) and a minimum penalty of not less than \$350.00 (three hundred and fifty dollars).
 2. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, pay a set fine, and the Chief Judge of the Ontario Court of Justice shall be requested to establish set fines as set out in Schedule ‘B’.
 3. If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
 - a) prohibiting the continuation or repetition of the offence by the person convicted.
 - b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
 4. Nothing in this By-law limits the Township’s right or ability to enforce this By-law by any other and all legal means.
 5. Schedule ‘B’ shall not come into force and effect until approved and filed by the Regional Senior Justice, pursuant to Provincial Offences Act Part 1. A copy of this approval shall be attached and form part of this By-law.
8. That Class Aves (Birds) within Schedule “A” – Prohibited Animals in the Township of Brock, be amended to reflect the keeping of Backyard Hens (chickens) shall also be permitted within the Rural Residential (RR) and Hamlet Residential (HR) zones.
9. That this By-law comes into force and effect on the date of its passing and enactment.

Enacted and passed this 21st day of October 2024.

Mayor
Walter Schummer

Clerk/Deputy CAO
Fernando Lamanna