

**THE MUNICIPALITY OF CENTRAL MANITOULIN  
BY-LAW 2023-18**

**BEING A BY-LAW TO ALLOW AND REGULATE THE KEEPING  
OF BACKYARD CHICKENS.**

**WHEREAS** Sections 9 and 10 of the Municipal Act S.O. 2001, c.25, as amended, confer the power to a municipality to pass By-laws regulating or prohibiting animals;

**AND WHEREAS** Section 103 of the Municipal Act confers the power upon a municipality to pass a By-law for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain circumstances;

**AND WHEREAS** Section 129 of the Municipal Act permits municipalities to pass By-laws to prohibit noises likely to disturb inhabitants within the municipality;

**AND WHEREAS** Section 391 of the Municipal Act enables a municipality to enact By-laws imposing fees or charges on any class of persons for services or activities provided or done by or done on behalf of it;

**AND WHEREAS** Council is desirous to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

**AND WHEREAS** it is deemed expedient to enact a By-law to regulate the keeping of backyard chickens in the Municipality, that such a By-law be passed.

**NOW THEREFORE** the Council of the Municipality of Central Manitoulin hereby enacts as follows:

**1.0 Short Title:** The short title of this by-law is "Backyard Chicken By-law".

**2.0 Enforcement of By-law:** The By-law shall be enforced by the "Animal Control Officer" or any By-law Enforcement Officer designated by the Municipality.

**3.0 Definitions:**

"**Animal Control Officer**" shall mean the person appointed under the provisions of this By-law as an Animal Control Officer;

"**Being at large**" shall mean to be found in any place other than the property of the owner of the chicken and "be at large" has a corresponding meaning.

"**Chicken**" shall mean an animal classified as *Gallus domesticus*, of the family Phasianidae of the Order Galliformes. May also be referred to as a Hen.

"**Clerk**" shall mean the Clerk of the Municipality of Central Manitoulin;

"**Council**" shall mean the Council of the Municipality of Central Manitoulin;

"**Dwelling unit**" shall mean one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons and containing only one kitchen or other facility for the preparation of meals;

"**Municipality**" shall mean The Municipality of Central Manitoulin;

"**Officer**" shall mean a Municipal Law Enforcement Officer, a Provincial Offences Officer or any other officer deemed by Council to administer this By-law;

"**Owner**" of a chicken includes a person who possesses or harbors a chicken and owns and owner have corresponding meaning, and where the owner is a minor, the person responsible for the custody of the minor;

"**Public place**" includes highway, public park, and other municipal property;

## 4.0 GENERAL

A person may keep chickens in their backyard within the Municipality in accordance with the provisions set out in this By-law. The provisions in this By-law shall only be applied to properties zoned other than Agricultural or Rural. Every person shall comply with the following requirements:

- 4.1 No person shall allow or permit their chicken to be at large.
- 4.2 No person shall keep a rooster on a property smaller than two (2) hectares.
- 4.3 No person shall keep more than four chickens on a property.
- 4.4 All persons shall ensure chicken coops are constructed and maintained:
  - 4.4.1 Fully enclosed to prevent escape;
  - 4.4.2 To exclude rodents and predators;
  - 4.4.3 To provide protection from the weather and be adequately ventilated;
  - 4.4.4 Contain a perch area sufficient to accommodate all hens;
  - 4.4.5 Contain an accessible dust bath area;
  - 4.4.6 In a clean condition as to not allow for odours to cause a nuisance to neighboring residents;
  - 4.4.7 To provide each hen with at least 0.37m<sup>2</sup> (4sq.ft) of coop floor area;
  - 4.4.8 To provide each hen with 0.92m<sup>2</sup> (10sq.ft) of roofed outdoor enclosure.
- 4.5 No person shall keep a chicken coop closer than:
  - 4.5.1 Five (5) metres from the rear lot line of the property on which the chicken coop is located, and
  - 4.5.2 Five (5) metres from any side lot line of the property on which the chicken coop is located.
- 4.6 All persons shall ensure dead chickens are disposed of within 24 hours.
- 4.7 No person shall fail to have hygienic storage of and prompt removal of chicken feces.
- 4.8 All persons who keep one or more hens shall ensure that the property on which the hens are kept has residential zoning under the zoning by-law and contains at least one residential dwelling unit.
- 4.9 No person shall fail to provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure.
- 4.10 No person shall fail to keep each hen in the enclosed area at all times.
- 4.11 No person shall fail to provide each hen with adequate:
  - 4.11.1 Food,
  - 4.11.2 Clean water,
  - 4.11.3 Shelter,
  - 4.11.4 Light,
  - 4.11.5 Ventilation,
  - 4.11.6 Veterinary care, and
  - 4.11.7 Opportunities for essential behaviors such as scratching, dustbathing, and roosting, all sufficient to maintain the hen in good health.
- 4.12 No person shall fail to maintain each hen enclosure in good repair and sanitary condition, and free from obnoxious smells and substances.
- 4.13 No person shall fail to keep a food and water container in each coop.
- 4.14 No person shall fail to keep each coop locked from sunset to sunrise.
- 4.15 No person shall fail to remove leftover feed, trash, and manure in a timely manner.
- 4.16 No person shall fail to store manure:
  - 4.16.1 Within a fully enclosed container, and
  - 4.16.2 In quantities not exceeding one cubic metre (1m<sup>3</sup>) at a time;
- 4.17 No person shall fail to remove all other manure not used for fertilizing forthwith.
- 4.18 No person shall fail to follow biosecurity procedures recommended by Canadian Food Inspection Agency.
- 4.19 No person shall fail to keep hens for personal use only, and not sell:
  - 4.19.1 Eggs,
  - 4.19.2 Manure,

**4.19.3** Meat, or

**4.19.4** Other products derived from hens.

**4.20** No person shall keep a hen in a cage.

**4.21** No person shall slaughter or butcher hens on the property.

**4.22** When a coop is built within a shed or other structure, only the portion actually used to house hens shall be required to meet the setback requirements of section 2.5.

**4.23** Every person shall ensure that hens are kept in accordance with all other laws including Municipal by-laws respecting noise, lot maintenance, property standards, and animals as well as provincial legislation respecting the keeping of animals.

## **5.0 POWERS OF OFFICER**

**5.1** Pursuant to section 436 of the Municipal Act, 2001, an officer may enter onto and across any lands, at any reasonable time, without warrant to conduct an investigation or inspection to ensure the provisions of this By-law are being complied with.

**5.2** Every chicken found running at large contrary to the provisions of this By-law may be seized and impounded by an Officer or their designate and impounded in the Animal Shelter designated by Council. An owner has three days excluding holidays, in which they have the right to redeem an impounded chicken from the Animal Control Officer or By-law Officer. If claimed within the aforementioned time period, chickens may be redeemed for pound fees levied at the rate imposed by the Municipality and any fees/fines determined in the Schedules.

**5.3** Where at the end of three (3) days mentioned in subsection (1) of this section, if the chicken has not been restored to the owner, the Officer may sell the chicken for such price as he/she deems reasonable or surrender to a home in good standing with the Municipal by-laws.

**5.4** Where a chicken seized is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Peace Officer or Animal Control Officer may euthanize the chicken in a humane manner as soon after seizure as they think fit without permitting any person to reclaim the chicken or without offering it for sale, and no damages or compensation shall be recovered by the owner on account of its destruction.

**5.5** No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this By-law.

**5.6** Each day that a contravention of this By-Law continues shall constitute a separate offence.

## **6.0 SEVERABILITY**

**6.1** If a court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such sections or part of a sections shall not be construed as having persuaded or influenced council to pass the remainder of the By-law and it is hereby declared the remainder of the By-law shall remain valid and in force.

## **7.0 PENALTY**

**7.1** Any person who contravenes or fails to comply with 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.  
(SEE SCHEDULE "B")

**7.2** When a person has been convicted of an offence under this By-law:

1. The Ontario Court of Justice, or
2. Any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **8.0 TERM**

**8.1** This By-law shall remain in force and effect for a period of One (1) year from the

date of final reading and passage. The By-law may be extended by amendment from time to time.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
**Richard Stephens, Mayor**

\_\_\_\_\_  
**Denise Deforge, CAO/Clerk**

I, \_\_\_\_\_, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law 2023-18 passed by the Council of the Municipality of Central Manitoulin on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Clerk**

DRAFT

**SCHEDULE 'A' TO BY-LAW 2023-18**

**FEEES**

<b>1. BAIL-</b>	<b>FIRST OFFENCE:</b>	<b>\$20.00</b>
	<b>SECOND OFFENCE:</b>	<b>\$35.00</b>
	<b>THIRD AND ALL SUBSEQUENT</b>	<b>\$50.00</b>
<b>2. INVESTIGATIONS-</b>	<b>UP TO</b>	<b>\$600.00</b>
<b>3. IMPOUND FEES-</b>	<b>SUMMER</b>	<b>\$20.00/DAY</b>
	<b>WINTER (NOV. 1<sup>st</sup> – MAR 31<sup>st</sup>)</b>	<b>\$30.00/DAY</b>

**DRAFT**

**MUNICIPALITY OF CENTRAL MANITOULIN**

**PART 1**

**PROVINCIAL OFFENCES ACT**

**BY-LAW 2023-18**

**REGULATE THE KEEPING OF BACKYARD CHICKENS.**

**SCHEDULE “B”**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision creating or defining offence</b>	<b>Set Fine</b>
<b>1</b>	<b>Permit Chicken to be at large.</b>	<b>4.1</b>	<b>\$100.00</b>
<b>2</b>	<b>Permit to keep a Rooster on a lot smaller than 2 hectares.</b>	<b>4.2</b>	<b>\$300.00</b>
<b>3</b>	<b>Permit more than 4 Chickens on property smaller than 2 hectares.</b>	<b>4.3</b>	<b>\$100.00</b>
<b>4</b>	<b>Permit a Chicken coop that fails to fully enclose the Chickens and prevent escape.</b>	<b>4.4.1</b>	<b>\$100.00</b>
<b>5</b>	<b>Permit a Chicken coop within 5 metres of rear lot line.</b>	<b>4.5.1</b>	<b>\$200.00</b>
<b>6</b>	<b>Fail to keep the Chicken coop within 5 metres of side lot line.</b>	<b>4.5.2</b>	<b>\$200.00</b>
<b>7</b>	<b>Fail to dispose of dead Chickens within 24 hours.</b>	<b>4.6</b>	<b>\$100.00</b>
<b>8</b>	<b>Fail to have hygienic storage/prompt removal of feces.</b>	<b>4.7</b>	<b>\$100.00</b>
<b>9</b>	<b>Fail to provide at least 0.37m<sup>2</sup> (4sq.ft) of coop floor area.</b>	<b>4.4.7</b>	<b>\$100.00</b>
<b>10</b>	<b>Fail to provide at least 0.92m<sup>2</sup> (10sq.ft) of roofed outdoor enclosure.</b>	<b>4.4.8</b>	<b>\$100.00</b>
<b>11</b>	<b>Fail to keep each hen in the enclosed area at all times.</b>	<b>4.10</b>	<b>\$100.00</b>
<b>12</b>	<b>Fail to provide each hen with food.</b>	<b>4.11.1</b>	<b>\$200.00</b>
<b>13</b>	<b>Fail to provide each hen with water.</b>	<b>4.11.2</b>	<b>\$200.00</b>
<b>14</b>	<b>Fail to provide each hen with shelter.</b>	<b>4.11.3</b>	<b>\$200.00</b>
<b>15</b>	<b>Fail to provide each hen with light.</b>	<b>4.11.4</b>	<b>\$200.00</b>
<b>16</b>	<b>Fail to provide each hen with ventilation.</b>	<b>4.11.5</b>	<b>\$200.00</b>
<b>17</b>	<b>Fail to provide each hen with veterinary care.</b>	<b>4.11.6</b>	<b>\$200.00</b>
<b>18</b>	<b>Fail to provide each hen with opportunities for essential behaviors.</b>	<b>4.11.7</b>	<b>\$200.00</b>
<b>19</b>	<b>Fail to maintain enclosure in good repair and sanitary condition.</b>	<b>4.12</b>	<b>\$200.00</b>
<b>20</b>	<b>Fail to keep food/water container in each coop.</b>	<b>4.13</b>	<b>\$200.00</b>

21	Fail to keep coop locked from sunset to sunrise.	4.14	\$100.00
22	Fail to remove left over feed, trash and manure in a timely manner.	4.15	\$200.00
23	Fail to store manure within a fully enclosed container.	4.16.1	\$200.00
24	Store more than one cubic metre (1m <sup>3</sup> ) of manure.	4.16.2	\$200.00
25	Fail to remove all manure not used for fertilizing.	4.17	\$200.00
26	Fail to follow biosecurity procedures recommended by the Canadian Food Inspection Agency.	4.18	\$500.00
27	Sell eggs from backyard Chickens.	4.19.1	\$200.00
28	Sell manure from backyard Chickens.	4.19.2	\$200.00
29	Sell meat from backyard Chickens.	4.19.3	\$200.00
30	Sell other products derived from backyard Chickens.	4.19	\$200.00
31	Permit hen to be kept in a cage.	4.20	\$200.00
32	Hinder or Obstruct Officer.	5.5	\$500.00

**Note: The penalty provision for the offences indicated above is section 5.1 of this By-Law 2021-08 of which a certified copy has been filed.**