



The Corporation of the City of Peterborough

By-Law Number 19-xxx

Being a by-law to establish a time-limited system to permit and regulate backyard hens in urban areas of the City as a pilot project.

Now therefore, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

Short Title

1. This By-Law may be referred to as the "Urban Hen Temporary By-law".

Interpretation

2. A reference to any statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time.
3. Unless otherwise stated, a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
4. The headings in this By-law are for convenience only and do not form part of this By-law.
5. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
6. In the event of any inconsistency between a provision of this By-law and of any other by-law related to Hens, the provision that more restrictively regulates prevails to the extent of the inconsistency.
7. This By-law does not restrict any activity by or on behalf of the City.
8. In this By-law:
 - a) "Animal" means any member of the animal kingdom other than a human and includes birds.
 - b) "By-law" means this By-law.
 - c) "CAO" means the City's Chief Administrative Officer.
 - d) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
 - e) "Coop" means a structure described, constructed and maintained as more particularly described in section 12.
 - f) "Council" means the City's Council.
 - g) "Hen" means a domesticated female chicken that is at least sixteen (16) weeks of age.
 - h) "Keep" means to own, possess, harbour or to have custody.
 - i) "Manager" means any of the following City staff:
 - i) CAO;
 - ii) Commissioner of Corporate and Legislative Services;
 - iii) City Clerk;
 - iv) Executive Director, Peterborough Humane Society;
 - j) "Officer" means
 - i) a Manager;

- ii) each person from time to time appointed as a municipal law enforcement officer to enforce all or any of the City's by-laws;
- iii) each person from time to time employed and authorized by the Board of Health for the Peterborough County-City Health Unit to undertake enforcement on its behalf; and
- iv) each person from time to time employed and authorized by Peterborough Humane Society to undertake enforcement on its behalf.
- k) "Owner" means all of the persons who own a Property.
- l) "Property" means land and premises thereon that is capable of conveyance as a single lot pursuant to all applicable law for which the only permitted use pursuant to the City's Zoning By-law is single unit dwelling.
- m) "Sell" means to exchange or deliver for money or its equivalent.

Permit Required

- 9. No person may Keep or permit to be Kept a Hen except an Owner pursuant to a permit issued by the Manager to the Owner.
- 10. No permit may be issued except upon payment of a fee hereby established as \$250.
- 11. The total number of permits issued at any one time may not exceed one hundred fifty (150).

Minimum Standards for Keeping Hens

- 12. No Owner may Keep or permit to be Kept a Hen except pursuant to the following conditions and restrictions:
 - a) No fewer than two (2) and no more than four (4) Hens are Kept at any time;
 - b) The Hen is kept at the Property identified in the permit;
 - c) The Property is the Owner's principal residence;
 - d) The Owner complies with all federal, provincial and municipal law in any way related to the keeping of Hens;
 - e) The Coop is constructed and maintained to:
 - i) comply with all applicable law;
 - ii) be weatherproof, be resistant to moisture and mould, and to retain heat sufficient for each Hen's health in cold weather;
 - iii) a height not exceeding two (2) metres;
 - iv) include one (1) nest box;
 - v) include for each Hen a perch that is no less than fifteen (15) centimetres long; and
 - vi) include an attached, securely closed, roofed outdoor area having a bare earth or vegetated floor of sufficient size to permits Hens to roam within;
 - f) The Coop is securely constructed and maintained to prevent:
 - i) a Hen to escape;
 - ii) any rodent from harbouring underneath, within or within its walls; and
 - iii) entrance by another Animal;
 - g) No more than one (1) Coop is constructed or maintained on the Property;
 - h) The Coop is located in the Property's rear yard and at grade level;
 - i) The Property's rear yard is enclosed by a fence;
 - j) The Hen is Kept in the Coop at all times;
 - k) The Hen is provided with food, water, shelter, light, ventilation, care and opportunities for activities including scratching, dust-bathing and roosting that are sufficient to maintain the Hen in good health;
 - l) A food container and a water container are kept in the Coop;

- m) The Coop is maintained in good repair and sanitary condition and free from vermin and noxious or offensive smells and substances;
- n) Without limiting paragraph m) of this section 12, the Coop's floors are lined with shavings, straw or other appropriate materials to absorb manure;
- o) Trash, manure and leftover feed are removed from the Coop each day;
- p) Feed for the Hen is stored within an enclosed and secure container;
- q) Manure is disposed of pursuant to all applicable law; and
- r) The Owner complies with biosecurity measures from time to time established by Canadian Food Inspection Agency to reduce potential for disease outbreak.

13. No Owner may do or permit to be done the following:

- a) Sell eggs, manure, meat or other products derived from a Hen;
- b) Slaughter any Hen; and
- c) Dispose of a Hen except by delivering it to a farm, abattoir, veterinarian or other person or place that is lawfully permitted to dispose of the Hen.

Delegation

14. The Manager may do such things as the Manager considers appropriate in the administration of this By-law including:

- a) issuing, refusing to issue, establishing conditions for, suspending and revoking a permit contemplated by section 9;
- b) exempting and refusing to exempt an Owner from any requirement of section 12 and establishing conditions for any exemption; and
- c) collecting fees from time to time established by Council in relation to this By-law.

15. If there is any disagreement between a Manager as to whether or how a power delegated to the Manager pursuant to this By-law should be exercised, the determination of the CAO prevails to the extent of the disagreement.

16. It is Council's opinion that any legislative power delegated pursuant to this By-law is of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

17. Subject to section 15, any decision by the Manager pursuant to this By-law is final and not subject to review including review by any Court.

Enforcement

18. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may

- a) make an order requiring the person who contravened this By-law to discontinue the contravening activity; and
- b) make an order requiring the person who contravened this By-law to do work to correct the contravention.

19. Without limiting section 21, each person to whom an order is given pursuant to section 18 and who fails to comply with the order is guilty of an offence.

20. Without limiting sections 19 and 21, if an Officer is satisfied that a person to whom an order has been given pursuant to section 18 has failed to comply with the order, the Officer may cause to be done the work set out in the order at the person's expense.

21. Each person who contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine of no less than \$200 and no more than \$10,000 for each day or part of a day on which the offence commences or continues.

General

22. Any order or notice to be given to a person pursuant to section 18 is sufficiently given:

- a) when given verbally to the person;

- b) when delivered in writing to the person;
- c) on the third (3rd) day after it is sent by regular letter mail to the person's last known address; or
- d) when sent to the person by e-mail or other means of electronic transmission.

23. No proceeding for damages or otherwise may be commenced against the City, a member of Council or an officer, employee or agent of the City or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

Temporary By-law

24. Animal By-law 17-096 is amended:

- a) By adding to its Schedule "A", in the cell under the heading, "Specifics", in the row respecting the species, "Galliformes", immediately before the last parenthesis, the following text: "and except chickens kept pursuant to Backyard Hens Temporary By-law 19-xxx"; and
- b) immediately prior to the repeal of this By-law, by deleting from its Schedule "A" the text added pursuant to the preceding paragraph 24.a).

25. This By-law is repealed on [day that is 2 years after it is passed]

By-law passed this _____ day of September, 2019.

Diane Therrien, Mayor

John Kennedy, City Clerk