This is an office consolidation of By-Law 14-25 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

BY-LAW NUMBER 14-25 (As amended by By-law 119-26)
-OF-
THE CORPORATION OF THE COUNTY OF BRANT

A By-Law to regulate the keeping of Backyard Hens in Non-Urban Residential Zones.

WHEREAS Section 5(3) of the *Municipal Act, 2001,* S. 0. *2001,* c.25, as amended (the "Act"), provides that municipal powers must be exercised by by-law; and

WHEREAS Section 8(1) of the Act grants broad authority to municipalities to govern their affairs and address local issues; and

WHEREAS Section 8(3) of the Act allows by-laws under Section 10 to regulate, prohibit, impose conditions, and require licenses, permits, or registrations; and

WHEREAS Section 10(2) of the Act authorizes municipalities to pass by-laws for purposes including economic, social, and environmental well-being, health and safety, protection of persons and property, and animals; and

WHEREAS Section 391(1) of the Act permits municipalities to impose fees or charges for services, activities, or property use; and

WHEREAS Sections 425 and 429 of the Act establish that by-law contraventions constitute offences and authorize fines; and

WHEREAS subsection 434.1 of the Municipal Act, 2001 provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act; and

WHEREAS subsection 434.2(1) of the Municipal Act, 2001 provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality; and

WHEREAS Section 436 of the Act allows municipalities to conduct inspections to ensure compliance with by-laws, orders, or license conditions; and

WHEREAS Sections 444 and 445 of the Act authorize municipalities to issue orders to discontinue or correct by-law contraventions; and

WHEREAS Section 446 of the Act permits municipalities to complete required work in default and recover costs from the responsible party; and

WHEREAS the Council of the County of Brant deems it advisable to enact a by-law to permit and regulate the keeping of backyard hens within the County;

NOW THEREFORE the Council of The Corporation of the County of Brant hereby enacts as follows:

1. TITLE

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

2. SCOPE

2.1 This by-law shall regulate the number, location, size of living conditions, maintenance, and disposal of waste related to Backyard Hens on properties Zoned Non-Urban Residential within the County

2.2 All Backyard Hens and Backyard Hen Coops on private property shall be kept, erected, and maintained in accordance with the provisions of this by-law.

3. INTENT

3.1 The purpose of this by-law is to permit, regulate, and control the keeping of Backyard Hens on properties zoned Non-Urban Residential, and specifically authorize Backyard Hens and Backyard Hen Coops that:

a) are appropriate in size and location;
b) minimize adverse impacts on nearby public and private property; and
c) do not create a safety hazard or nuisance, including but not limited to, impacts on abutting properties, businesses, schools, long-term care facilities, and places of worship.

4. DEFINITIONS

4.1 In this by-law,

"Abutting Property" means any parcel of land 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.

"Animals" means any member of the animal kingdom, other than a human.

"Backyard Hen" means a domestic female egg laying chicken (Gallus gallus domesticus) that is at least 4 months old.

"Backyard Hen Coop" means a Backyard Hen House and Backyard Hen Run.

"Backyard Hen House" means a fully enclosed, weatherproof structure, where Backyard Hens are kept which includes, but is not limited to, nest boxes for laying eggs, perches for Backyard Hens to roost on, and food and water containers.

"Backyard Hen Run" means a covered and secure enclosure that allows Backyard Hens access to the outdoors from a Backyard Hen House.

"Business" means any structure, whether publicly owned or privately owned, that exists or is adapted for occupancy for transaction of business but does not include any home-based business, as defined in the County of Brant Comprehensive Zoning By-law.

“Director” means the Director of Enforcement and Regulatory Services.

“Long-Term Care Facility” means a building designed and predominantly occupied by senior citizens or medical patients and includes a nursing home, hospitals, medical office, medical clinics, and retirement homes.

"County" or "County of Brant" means The Corporation of the County of Brant and includes the geographical area.

"Child Care Centre/Day Care/Home Child Care” means the provision of temporary care for or supervision of children as is further defined and regulated by the Child Care and Early Years Act, 2014, S. O. 2014, c.11, Sched. 1, as may be amended from time to time.

"Easement" means any right, liberty, or privilege in, over, along or under a defined area of land which the owner of the land, has granted to another party for specific use, right or purpose, while retaining ownership of the said land. Such area of land may be legally described in a registered deed for the provision of private use or unregistered.

"Exterior Side Yard" means the space abutting a public highway that extends from the front yard to the rear yard between an interior side lot line and the nearest point of the main building, not including a permitted projection.

"Front Yard" means the space paralleling the front lot line extending across the full width of a lot between the front lot line and nearest part of any main building on the lot, not including a permitted projection.

"Highway" means a common and public highway, including but not limited to a street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the public for the passage of vehicles and includes the area between the lateral property lines thereof.

"Interior Side Yard" means the space not abutting a highway that extends from the front yard to the rear yard between an interior side lot line and the nearest point of any main building, not including a permitted projection.

"License" means a license issued by the County pursuant to this by-law.

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

"Officer" means a person appointed by the County as a Municipal Law Enforcement Officer or Animal Control Officer.

"Owner" means, with reference to Backyard Hens, any person who possesses, harbors or keeps a Backyard Hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor; and means, with reference to property, the individual(s), entities, or corporations holding title of a property.

"Person" includes an individual, association, organization, partnership, public bodies, corporations, societies, and includes an agent or employee of any of them in relation to the acts and things that they are capable of doing and owning, respectively.

"Place of Worship" means a building used for public worship.

"Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, and erections and includes vacant property thereon whether heretofore or hereafter erected;

"Rear Lot Line" means the lot line furthest from and opposite the *front lot line,* but if there is no such line, that point furthest from and opposite the *front lot line.* If there are two or more *rear lot lines* segments at different distances from the *front lot line,* as in the case of an L-shaped lot, each segment shall be considered to be the *rear lot line* for that portion of the *front lot line* directly opposite.

"Rear Yard" shall mean the space paralleling the *rear lot line* that extends across the full width of the lot between a *rear lot line* and the nearest point of the principal building not including a permitted projection.

"Residential Property" means, for the purpose of this by-law, any *property* that is zoned Non-Urban Residential in the County's Comprehensive Zoning By-law, as amended, and used as a domestic establishment in which one or more *persons* usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

"Residential Tenants" means *persons* renting or leasing a *property* used or intended to be used for residential purposes only.

"Rooster" means a male domestic chicken (Gallus gallus domesticus).

"School" means a public, separate or private educational establishment operated by a Board of Education as defined in *the Education Act.*

"Veterinarian" means a veterinarian who is a Doctor of Animal Health, licensed and trained in Ontario to provide medical and surgical care for *Animals.*

"Zoning By-law" means the County of Brant Comprehensive Zoning By-law, as amended, or any successor thereto.

5. ADMINISTRATION AND ENFORCEMENT

5.1 The municipality may appoint officers and other staff to carry out the administration and enforcement of this by-law.

6. GENERAL PROVISIONS

6.1 No *person* shall keep *backyard hens* unless in compliance with this By-law, the Comprehensive Zoning By-law, and any other by-law that may be applicable.

6.2 No *person* shall keep more than four (4) *backyard hens on* a residential *property.*

6.3 No *person* shall keep *backyard hen(s)* on a *residential property* unless they hold a valid *license* issued by the *County* in accordance with this by-law.

6.4 No *person* shall keep *backyard hens* on a *residential property* without a *backyard hen coop.*

6.5 No *residential tenant* shall keep *backyard hens* without first obtaining written permission from the *property owner* to keep *backyard hens* on the *owner's property.*

6.6 No *person* shall keep *backyard hens* on any *property* unless they reside on the *property* where the *backyard hens* are kept, except where a *residential tenant* has permission from a *property owner* for the keeping of *backyard hens* in accordance with Section 6.5.

6.7 No person shall,

a) keep a rooster on a residential property;
b) keep any hen that is determined to be under four (4) months old.

6.8 No *person* shall sell eggs, *chicken by-products, food made with chicken by-products,* manure, or other products associated with the keeping of *backyard hens.*

6.9 Every *backyard hen owner* shall ensure that *backyard hens* are provided with feed and clean water at all times. Feed and water shall be kept in solid containers.

6.10 Every *backyard hen owner* shall ensure that *backyard hens* are kept in accordance with the biosecurity procedures recommended by the Canadian Food Inspection Agency's *"Basic Biosecurity Principles for Poultry"* and "Biosecurity for small flock and pet bird owners", each as amended from time to time.

6.11 All backyard hen owners shall be registered with the Chicken Farmers of Ontario.

6.12 Every backyard hen owner shall ensure that backyard hens are always kept securely in a backyard hen coop.

6.13 Every property owner shall ensure that all lands and premises where backyard hens are kept are maintained in a sanitary condition at all times and all cleanings from the said birds and premises shall be disposed of in a manner that will not create a public nuisance or health hazard and in accordance with the provisions of the Health Protection and Promotion Act, R.S.O., 1990, c.H.7, as amended, and regulations pursuant thereto.

6.14 No person shall fail to comply with an order.

7. BACKYARD HEN COOPS AND HEN HOUSES

7.1 No *person* shall have a *backyard hen coop:*

a) Located in any *front* or *exterior side yard*.
b) That is less than 2.44 metres (8 feet) from the rear lot line and less than 2.44 meters (8 feet) from the interior side yard lot line of the lot on which the backyard hen coop is located.
c) That is less than 15.0 metres (50 feet) from any *school.*
d) That is less than 7.5 metres (25 feet) from any *place of worship* or business
e) That is less than 3.0 metres (10 feet) from all windows and doors of dwellings that are located on the abutting *property.*
f) That is less than 30.0 metres (100 feet) from any *long term care facility* or *childcare facility.*
g) That has a total floor area that exceeds 10.0 square metres (108 ft²).
h) That exceeds 2.0 metres (6.5 feet) in height.
i) On a *residential property* unless the lot size is 1000 square meter, (10,764ft^2) or greater.
j) That is located within an *easement.*
k) That is located within 15.0 metres of a drilled well with more than 6.0 metres of casing below ground level or that is located within 30.0 metres of a non-drilled well or drilled well with less than 6.0 metres of casing below ground level in accordance with *Ontario Water Resources Act* R.R.O. 1990, Ontario Regulation 903 Wells.

7.2 Every licensee shall ensure that a backyard hen coop is fully enclosed on all sides and from above (i.e. fencing, chicken wire, roof covering). All backyard hen coops are to be constructed to prevent the backyard hens' escape and prevent entry by intruders/predators.

7.3 Every *licensee* shall ensure that a *backyard hen house* is designed to provide *backyard hens* with a draft-proof, dry, and insulated environment.

7.4 No *person* shall have a *backyard hen coop* or *keep backyard hens* on a *residential property* unless it has a legally existing single detached dwelling, in accordance with the Comprehensive Zoning Bylaw.

7.5 No *person* shall keep *backyard hens* between 9:00 p.m. of one day until 6:00 a.m. of the next day unless secured in a Backyard Hen House.

8. MANURE

8.1 No person shall use or store manure except as follows:

a) A maximum of 0.08 cubic metres (3 cubic feet) of manure can be stored in an airtight container on the *property.*
b) The manure storage and the *backyard hen house* cannot exceed a total area of 10 square metres (108 ft²).
c) Small amounts of manure may be worked into the soil as soil amendments.

d) All other unused manure exceeding the maximum total area outlined in Section 8.1(b) must be removed in accordance with the County's Waste Collection By-law, as amended, or any successor thereto.
e) That is located within 15.0 metres of a drilled well with more than 6.0 metres of casing below ground level or that is located within 30.0 metres of a non-drilled well or drilled well with less than 6.0 metres of casing below ground level in accordance with the *Ontario Water Resources Act* R.R.O 1990, Ontario Regulations 903 Wells.

9. SLAUGHTER AND DECEASED BACKYARD HENS

9.1 No person shall slaughter or permit the slaughtering of any backyard hen on the property.

9.2 No person shall dispose of deceased backyard hens unless it is at a livestock disposal facility or through the services of a Veterinarian or through a facility as approved by the Ministry of Agriculture, Food and Rural Affairs and in accordance with all laws.

10. LICENCES

10.1 No person shall operate a backyard hen coop on any residential property within the County unless they have first obtained a backyard hen license.

10.2 Licenses may be subject to conditions as determined by the County or agent acting on behalf of the County.

10.3 The Director is hereby delegated to prescribe the requirements of Schedule "A" necessary to implement this by-law and may amend such Schedule from time to time as the Director deems necessary, without amendments to this by-law.

10.4 Backyard hen license fees shall not be refunded whether a license is issued or not. The license fee shall be in accordance with the County's Fees & Charges By-law as amended.

10.5 A backyard hen license may be revoked when:

a) The applicant or licensee does not meet or no longer complies with any individual requirement of this by-law;
b) The applicant or licensee has furnished false information or misrepresents any fact or circumstance required pursuant to this by-law;
c) The licensee fails to pay a fine imposed by a court or administrative penalty for a contravention of this By-law; or
d) The licensee fails to meet any condition of the license.

10.6 As part of the application process, the agencies or individuals to whom the application is circulated by the County may require and conduct an inspection of the property and any backyard hen coop on the applicant's property at any reasonable time without a warrant.

10.7 A backyard hen license shall not be transferred from one person to another or from one property to another.

11. ENFORCEMENT

11.1 Every person shall surrender a backyard hen license for reasonable inspection upon the demand of an officer.

11.2 An *officer* may, upon producing proper identification if requested, enter upon any *property* at any reasonable time without a warrant for the purpose of inspecting the property to determine;

a) whether the property, backyard hen coop or the keeping of backyard hens conforms with the standards prescribed in this by-law; or
b) whether an order issued under this by-law has been complied with.

11.3 For the purposes of an inspection under this by-law, an *officer* may:

a) require the production of documents or things relevant to the inspection;
b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
c) require information from any *person* from concerning a matter related to the inspection including their name and address; and
d) along or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

11.4 If a sample is taken under subsection 11.3(d) of this by-law:

a) the sample shall be divided into two parts, and one part shall be delivered to the *person* from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities, or
b) the sample has not been divided into two parts, a copy of any report on the sample shall be given to the *person* from whom the sample was taken.

11.5 A receipt shall be provided for any document or thing removed under subsection 11.3(b) of this by-law and the document or thing shall be promptly returned after the copies or extracts are made.

11.6 Copies of extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value, as the originals.

11.7 Where a backyard hen coop is erected, or located, or backyard hens are kept in contravention of this by-law, or the backyard hen coop or the keeping of backyard hens constitutes a safety hazard or a concern in relation to this by-law, an Officer may immediately seize and remove the backyard hens or backyard hen coop, without notice or compensation.

11.8 An Officer who finds that a residential property, backyard hen coop, the keeping of backyard hens, or a licensee does not conform with any of the standards prescribed in this by-law, may make an order:

a) stating the municipal address or the legal description of the *property*;
b) giving reasonable particulars of the repairs to be made or conditions that need to be rectified in order to come into compliance with this by-law or that the *backyard hen coop* and *backyard hens* be removed from the *property;* and
c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense.

11.9 When an order under this by-law is not complied with within the time specified in the order an Officer may remove the backyard hen coop and/or backyard hens without notice or compensation.

a) For the purpose of a removal under this section, the Officer may be assisted by any person and the Officer and that person may enter upon the property at any reasonable time without a warrant.

11.10 The cost incurred by the *County of Brant* in removing a *backyard hen coop* and/or *backyard hen(s)* under this by-law is deemed to be municipal taxes and may be added to the tax roll and collected in the same manner as municipal taxes.

a) Despite the foregoing, the cost incurred by the *County of Brant* in removing a *backyard hen coop* and/or *backyard hen(s)* under this part of the by-law is a debt payable to the *County of Brant* and may be recovered in any court of competent jurisdiction.

12. SERVICE

12.1 An order issued under this by-law may be served personally or served by sending it by prepaid registered mail to the last known address of:

a) the person to whom the order is directed, and
b) the owner of the property upon which the backyard hen coop is located or where the keeping of backyard hens is occurring if different from the person named in the order.

12.2 Where the service of an order is made by registered mail, service shall be deemed to have been effective on the fifth (5th) day after the order is mailed.

12.3 An order is deemed to be sufficiently served when an Officer posts a copy of the order either on the backyard hen coop in respect to which the order is made, or on the property upon which the backyard hen coop is erected, located, or displayed.

13. OFFENCES AND PENALTIES

13.1 Any person who contravenes or causes or permits any contravention of any provision 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.

13.2 Every *person* who is guilty of an offence under this by-law shall be subject to the following penalties:

a) upon first conviction, to fine not less than $100 and not more than $50,000;
b) upon a second or subsequent conviction, to fine not less than $500 and not more than $100,000;
c) upon conviction for a continuing offence, to a fine of not less than $100 and not more than $10, 000 for each day or part of a day that the office continues. The total of the daily fines may exceed $100,000;
d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than $100 and not more than $10,000. The total of all fines for each included offence may exceed $100,000.

13.3 For the purpose of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction has been entered at an earlier date for the same offence.

13.4 If an order has been issued under this by-law or by the court, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

13.5 In addition to the fines that may be imposed under subsection 13.2 of this by-law, a special fine may be imposed in relation to a contravention and conviction under section 6.8 of this by-law. The total amount of the special fines may exceed $100,000. A special fine shall be calculated on the basis of:

a) a fine of not less than $50.00 and not more than $1,000 per egg sold or .08 cubic metre of manure sold or kilogram of other product resulting from the keeping of backyard hens.

13.6 In addition to any penalty imposed and any other remedy, the court in which the conviction had been entered and any court of competent jurisdiction, thereafter, may make an order:

a) Prohibiting the continuation or repetition of the violation by the *person* convicted.

14. OBSTRUCTION

14.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

14.2 For greater clarity, any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer upon request and failing to do so shall be deemed to be an act which obstructs or hinders an Officer in the execution of their duties.

15. GENERAL

15.1 In this by-law, words in the singular include the plural and words in the plural include the singular.

15 .2 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 public shall prevail.

15.3 This by-law includes the attached schedule "A" which is hereby declared to form part of this by-law.

15.4 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.

15.5 That this By-law shall come into force and take effect upon passage of the amending Zoning By-Law.

READ a first and second time, this 25th day of February, 2025.

READ a third time and finally passed in Council, this 25th day of February, 2025.

THE CORPORATION OF THE COUNTY OF BRANT

_____
David Bailey, Mayor

_____
Sunayana Katikapalli, Clerk