

The Corporation of the Municipality of Meaford

By-law Number 077-2014

Being a by-law to regulate the keeping of Backyard Poultry and to regulate the establishment of Community Gardens within the Municipality of Meaford

Whereas, section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the "Municipal Act, 2001") provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise; and

Whereas, Section 8(3) of the Municipal Act, 2001 provides Municipalities with broad authority to govern affairs as it considers appropriate and to enhance the Municipality's ability to respond to municipal issues; and,

Whereas, Sections 11(1) and (2) of the Municipal Act, 2001, provides that a lower-tier municipality may provide any service or thing that the Municipality considers necessary or desirable for the public in respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons; and,

Whereas, Section 11(3) of the Municipal Act, 2001, provides that a lower-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: animals; and,

Whereas, the Council of the Corporation of the Municipality of Meaford deems it expedient, necessary and in the public interest to regulate the keeping of Backyard Poultry and the establishment of Community Gardens for the purpose of public health and safety.

The Council of The Corporation of the Municipality of Meaford enacts as follows:

1.0 Definitions

In this By-law:

"Backyard Poultry" means the accessory keeping of poultry for the purposes of companionship as a pet or of providing food for the personal consumption of occupants of a dwelling on the same lot, and

does not include accessory livestock, or intensive agricultural uses otherwise defined by the Municipality of Meaford's Zoning By-law;

"Community Garden" means any planter, bed (raised or otherwise) or piece of land that is used to produce flowers, fruits and/or vegetables as a community, neighbourhood or group initiative but shall not include such use established on lands zoned for Agricultural Use by the Municipality of Meaford's Zoning By-law;

"Community Garden, Collective" means those gardeners who contribute to the productive operation of their respective community garden, and includes the Community Garden Executive;

"Community Garden, Executive" means an organization, entity or other group of two or more individuals who agree to represent or administer the operations of a community garden project;

"Clerk" means the Clerk of The Corporation of the Municipality of Meaford;

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

"Permit" means a permit issued under this by-law;

"Municipality" means the Corporation of the Municipality of Meaford;

"Officer" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or their designate; and

"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.

2.0 General Prohibitions/Provisions – Backyard Poultry

2.1. The provisions of this section shall apply to the keeping of Backyard Poultry within the boundaries of the Municipality of Meaford.

2.2 Nothing in this section shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial Statutes and Regulations.

- 2.3 No person shall keep Backyard Poultry unless that person first registers with and receives a permit from the Municipality of Meaford. An application for such permit must be signed by the applicant and/or landowner and shall include the following mandatory fields and declarations:
- a) Date;
 - b) Name, Address, Postal Code & Telephone Number;
 - c) A declaration that the applicant has reviewed the following documents:
 - i) The OMAFRA Factsheet entitled "Biosecurity Recommendations for Small Flock Poultry Owners";
 - ii) The Resource Kit entitled "Keeping Your Birds Healthy" distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs;
 - d) A declaration that the applicant will provide for suitable housing and shelter of poultry in their care and will maintain such housing in a clean and wholesome state, having regard for Biosecurity Recommendations for Small Flock Poultry Owners;
 - e) A declaration that the applicant will provide the Backyard Poultry 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; and,
 - f) A declaration that the applicant has reviewed the relevant sections of the Municipality of Meaford's Zoning By-law and will abide by the permissions and provisions therein.
- 2.4 A person who keeps one or more hens as Backyard Poultry shall:
- a) Provide each hen with at least 0.37 m² of coop floor area, and at least 0.92m² of covered outdoor enclosure;
 - b) Provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
 - c) Provide and maintain, in each coop, at least one roost giving 15cm of space per hen and also one nest box per four hens;
 - d) Keep each hen in an enclosed area at all times;
 - e) Provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors, all sufficient to maintain the hen in good health;
 - f) Maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;

- g) Construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within its walls, and to prevent entrance by any other animal;
- h) Keep a food container and water in each coop;
- i) Keep each coop locked from sunset to sunrise;
- j) Remove leftover feed, trash, and manure in a timely manner;
- k) Store manure within an enclosed structure, and store no more than three cubic feet of manure at a time;
- l) Remove all other manure not used for composting or fertilizing;
- m) Follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- n) Keep hens for personal use only;
- o) Not slaughter, or attempt to euthanize, a hen on the property; and,
- p) Not dispose of a hen except by delivering it to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully.

2.5 A person who keeps Backyard Poultry other than hens, where permitted by amendment to the Municipality of Meaford's Zoning By-law, shall:

- a) Abide by items d) through p) of Section 2.4 of this by-law - such items modified by replacing 'hen' with the species of the other poultry proposed;
- b) Provide for suitable housing and shelter, tailored to the needs of the species of poultry in their care.

3.0 General Prohibitions/Provisions – Community Gardens

- 3.1 The provisions of this section apply to the establishment of a Community Garden within the boundaries of the Municipality but shall not apply where said Community Garden is overseen or administered by the Municipality of Meaford, nor where such Community Garden is affiliated with and will be carried out on the same lands as an Institutional use permitted by the Municipality of Meaford's Zoning By-law;
- 3.2 No person shall establish or operate a Community Garden within the Municipality of Meaford unless the Garden Executive first registers with and receives a permit from the Municipality of Meaford. An application for such permit must be signed by the Garden Executive and shall include the following mandatory fields and declarations:

- a) Date;
- b) Name, Address, Postal Code & Telephone Number of each member of the Garden Executive
- c) Location of the Garden
- d) A declaration that the members of the Community Garden Executive will:
 - i) Provide proof of a liability insurance policy in the amount of two million dollars for the Community Garden, which shall include the Municipality as an additional insurance where such Garden is to be located on Municipal lands;
 - ii) Ensure that all participants in the Community Garden, who will be members of the Community Garden Collective, sign an agreement indicating their understanding of the scope of their responsibilities and their obligations as gardeners in the Community Garden;
 - iii) Ensure that the Community Garden site is maintained to a high level of cleanliness, order and tidiness, ensuring that litter is removed from the site and tools, equipment or other items are not left unattended;
 - iv) Tidy the Garden site at the end of each growing season, including plots and surrounding area;
 - v) Ensure that the Community Garden site is returned to a level and tidy condition with all related structures removed upon termination of the Community Garden activities at that location;
 - vi) Ensure that all members of the Collective are aware of the obligations set forth in this declaration.
- e) A declaration that the Community Garden Executive have reviewed the relevant sections of the Municipality of Meaford's Zoning By-law and will abide by the permissions and provisions therein.

3.3 An application for Community Garden shall also include the written consent of the owner or occupant of the Community Garden site and where proposed on Municipally owned lands, should be accompanied by any separate lease/use agreement deemed necessary by the Municipality in order to address additional matters such as insurance, public access and conditions for termination of said agreement.

8.0 Right of Entry

- 8.1 For the purposes of ensuring compliance with this by-law, an Officer may at any time, enter any land and/or building associated with a Community Garden.
- 8.2 Every owner shall permit the Officer to inspect any land and/or building for the purpose of determining compliance with this by-law.
- 8.3 Notwithstanding any provision of this by-law, an Officer shall not enter any room or place actually being used as a dwelling, unless:
 - a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended; or
 - b) a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended, is obtained.

9.0 Refusal, Revocation, Suspension

- 9.1 Any person who has been issued a permit under this by-law, shall at all times comply with the by-laws of the Municipality and any contravention of any by-law or any other Provincial or Federal law may be grounds for the refusal, suspension or revocation of the permit.
- 9.2 Any person who has been issued a permit under this by-law, shall at all times comply with the declarations made within an application for permit under this by-law. Non-compliance may be grounds for the refusal, suspension or revocation of the permit.
- 9.3 A permit that has been suspended or revoked, as issued under this by-law, shall be returned to the Clerk and the Municipality will provide written notice addressed to the application/permit holder's last known address giving the reasons for the refusal, suspension or revocation of the permit.

10.0 Offences, Punishment and Procedure

- 10.1 Any person who contravenes any of the provisions 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 R.S.O. 1990, Chapter P33, as amended.

- 10.2 Notwithstanding Section 10.1 of this by-law, every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000, exclusive of costs.
- 10.3 A corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine not exceeding \$50,000.
- 10.4 The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.
- 10.5 If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Treasurer for the Municipality, or agent, may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.
- 10.6 If the fine referred to in Section 10.5 of this by-law remains unpaid after the final date specified in the notice, the fine shall be deemed to have priority lien status for the purposes of Sections 1(2.1) and (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

11.0 Validity and Severability

- 11.1 Should any section, subsection, clause, paragraph 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.

12.0 Short title and Administration

12.1 The short title of this By-law is the Community and Urban Agriculture By-law.

12.2 This By-law shall be administered by the Clerk.

12.3 The lands known as the 4th Canadian Division Training Centre Meaford commonly known as "Camp Meaford" or "LFCTC Meaford" and the activities carried on at the premises of LFCTC Meaford are exempt from the provisions of this by-law.

13.0 Repeal

13.1 This by-law repeals all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.

14.0 Effective Date

14.1 This By-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 22nd day of September, 2014.



A blue ink signature of Francis Richardson, Mayor.

Francis Richardson, Mayor

A blue ink signature of Robert H. A. Tremblay, Clerk.

Robert H. A. Tremblay, Clerk