



THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

BY-LAW NO. 2974-17

Being a By-law to Regulate Backyard Chickens in the Municipality of Shuniah

Recitals

- a) Council has reviewed and established that the residents of the Municipality of Shuniah to have the opportunity to keep chickens on their own residential property to produce eggs for personal use.
- b) Council further deems it necessary to regulate backyard chickens to areas suitable to accommodate this use.
- c) Council wishes to allow backyard chickens within the Community Residential areas of the Municipality of Shuniah.
- d) Council further recognizes that the Rural Zones of Shuniah will continue to have Agricultural uses as set out in the Zoning By-law for the Municipality of Shuniah and may include backyard chickens.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF SHUNIAH ENACTS AS FOLLOWS:

1. Definitions

"Backyard Chicken" means a domesticated female chicken that is at least 4 months old and does not include roosters, ducks, turkeys, exotic fowl, goose or other bird, or fowl.

"Community Residential" shall mean the zone referred to under By-law 2038-00 the zoning By-law for the Municipality of Shuniah.

"Rural" shall mean the zone referred to under By-law 2038-00 the zoning By-law for the Municipality of Shuniah.

"Agricultural Use" shall mean a use of land, building or structures for the raising of livestock and other farm animals including poultry, horses, cows, pigs, birds, sheep, and other exotic livestock, the growing of agricultural crops including but not limited to food crops, turf grass, greenhouse crops, mushrooms and nursery stock and shall include value added agricultural products from the farm operation of the property.

2. Regulations

Every person shall comply with the following regulations:

- a) The keeping of backyard chickens shall be restricted to properties that are zoned Community Residential [RC] and Rural [RU]
- b) The keeping of backyard chickens shall not be construed to mean an Agricultural Use.
- c) The property has one residential dwelling on it and that dwelling is a single unit dwelling;
- d) A tenant shall obtain permission from the property owner to keep chickens on the owner's property;
- e) The owner of the backyard chickens resides at the property where the backyard chickens are kept;
- f) No more than five backyard chickens are kept per property;
- g) Roosters are prohibited;
- h) Backyard chickens are kept for personal use only;
- i) Any sick or ill chicken must be treated through the services of a veterinarian;
- j) Any deceased chickens shall be disposed of at a livestock disposal facility or through the services of a veterinarian;

- k) Storage and disposal of feces shall be hygienically managed;
- l) Backyard chicken food shall be stored securely to prevent attracting vermin;
- m) Backyard chickens shall not run at large;
- n) A single coop for the backyard chickens shall be built and maintained in accordance with good animal husbandry practices and shall be provided, and shall meet the following specifications:
 - i) the coop must be located in the rear yard of a lot and must provide a fully enclosed area for the backyard chickens;
 - ii) the coop must not be located within 10 metres of any neighbouring residential dwelling.
 - iii) the coop must not be located any closer than 3 metres to a property line.
 - iv) the coop must not be located in front of the main dwelling;
 - v) the coop must not be closer than 30 metres to a dug well or any lake, river, streams, pond, wetland, ditch, or drainage course;
 - vi) the coop must not be closer than 15 metres to a drilled well;
 - vii) the coop must not exceed 2 metres in height;
 - viii) the coop must not exceed 9 square metres in total area;
 - ix) the coop must be secured from floor to ceiling and have a contained roof structure;
 - x) the coop's run and non solid structure areas must be contained and covered in a mesh like material and must be dug down into the ground and surrounded on all sides by gravel or crushed rock;
 - xi) the coop must not be located closer than 3 metres from any window or door of any residential building;
 - xii) the coop must be maintained and cleaned regularly to minimize odour and prevent attracting vermin; and
 - xiii) Coops must comply with all other By-laws, statutes, and regulations.
- o) If it is suspected that any backyard chicken is ill, the owner is required to contact a veterinarian immediately to diagnose the illness; if a backyard chicken is diagnosed with a communicable disease, the owner is required to contact the District Health Unit and to comply with directions provided by Health Unit.
- p) This by-law allows for the keeping of backyard chickens and does not have the effect of limiting permitted Agricultural Uses within the Rural Zone as outlined in the Municipal Zoning By-law.

3. Enforcement and Fines

- 3.1. The provisions of this By-law shall be enforceable by a Municipal By law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual.
- 3.2. No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.
- 3.3. Every person who contravenes any Provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine in the amount to be determined pursuant to the Provincial Offences Act, as amended. Every such fine is recoverable under the Provincial Offences Act, as amended.

4. Schedule

- 4.1. Schedule "A" attached hereto forms part of this By-law.

5. Short Title

- 5.1. This By-law may be referred to as the "Backyard Chicken By-law".

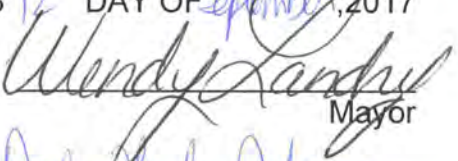

6. Severability

- 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 section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law as being invalid and is hereby declared that the remainder of the By-law shall be valid and remain in force.

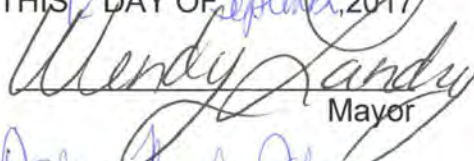
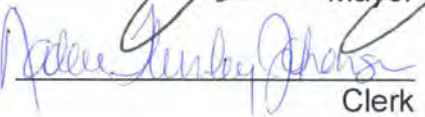
7. Enactment

- 7.1. This By-law shall come into force and take effect upon Third and Final Reading and;
- 7.2. Schedule "A" to this By-law being forwarded to and approved by the Senior Regional Justice of the Ontario Court of Justice

READ A FIRST AND SECOND TIME THIS 12th DAY OF September, 2017


Mayor

Clerk

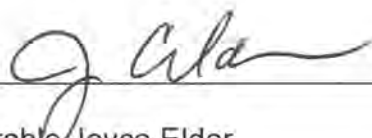
READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF September, 2017


Mayor

Clerk

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and By-law No. 2974-17, Part I, of the Municipality of Shuniah, Thunder Bay District, attached hereto are the set fines for these offences, to take effect October 12th, 2017.

Dated at Thunder Bay this 12th day of October, 2017.



The Honourable Joyce Elder
Regional Senior Justice
Northwest Region

Set Fine
Schedule "A" to By-law No. 2974-17

Municipality of Shuniah
By-law 2974-17: Backyard Chickens
Part 1 Provincial Offences Act

Item#	Column 1 Short Form Wording	Column 2 Provisions Creating or Defining Offence	Column 3 Set Fine
1	Backyard Chickens kept on property not Zoned Community Residential or Rural.	2 a)	\$100.00
2	Backyard Chickens kept on property without a residential dwelling.	2 c)	\$ 50.00
3	Backyard Chickens kept by tenant on property without owner's permission	2 d)	\$ 50.00
4	Backyard Chicken kept on property where owner does not reside.	2 e)	\$ 50.00
5	Number of chickens kept on property exceed 5 chickens.	2 f)	\$ 50.00
6	Keeping a Rooster	2 g)	\$ 50.00
7	Storage of chicken feces not hygienically managed.	2 k)	\$ 50.00
8	Storage of chicken food not secured.	2 l)	\$ 50.00
9	Backyard chicken(s) running at large.	2 m)	\$ 50.00
10	Coop not in compliance with standards.	2 n)	\$ 50.00
11	Hinder or Obstruct Officer	3.2	\$ 50.00

**Note: The general penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P, 33.