

**ADMINISTRATIVE COMPILATION
DRAFT BYLAW NUMBER 04-20**

**CONCERNING THE IMPLEMENTATION OF A PILOT PROJECT TO
ENABLE THE HOLDING OF LAYING HENS**

Adopted by the Municipal Council on May 27, 2020

Entry into force in June 2020

Name and/or number of bylaw, policy, resolution	Date of approval by Council	Date of coming into force	Status

1st draft

PREFACE

The reader is hereby advised that any errors or omissions that may be identified in the text below do not affect the enforceability of the regulations and amendments referred to therein, as sanctioned in their original version.

1st draft

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**CONCERNING THE IMPLEMENTATION OF A PILOT PROJECT TO ENABLE THE
HOLDING OF LAYING HENS**

SPECIAL meeting of the Council of the Municipality of Pontiac, held on May 27, 2020, at 6:00 p.m., via teleconference, at which meeting were present:

The Mayor, Mrs. Joanne Labadie

The Council Members:

Leslie-Anne Barber

Susan McKay

Nancy Draper-Maxsom

Thomas Howard

Scott McDonald

Isabelle Patry

All Council members and being a quorum.

WHEREAS during this health crisis, there was a craze for food independence;

WHEREAS it is presently prohibited to have laying hens in certain areas of the Municipality;

WHEREAS, under certain conditions, the Council intends to allow the presence of laying hens on its territory;

WHEREAS the Council also wishes to analyze the impact of this usage before considering the possibility of amending its regulations;

WHEREAS, in order to do so, certain rules and conditions must be established to minimize inconveniences to residents;

WHEREAS the Municipality of Pontiac wishes to authorize a pilot project for a determined period, allowing the keeping of laying hens, throughout the territory of the Municipality;

WHEREAS the Municipality of Pontiac wishes to authorize a pilot project for a specified period, allowing the keeping of laying hens throughout the territory of the municipality;

WHEREAS a notice of motion to this effect was tabled at this meeting;

THEREFORE, it is moved by Councillor, Mr. Scott McDonald and seconded by Councillor, Mrs. Leslie-Anne Barber.

AND RESOLVED THAT the Municipal Council of the Municipality of Pontiac hereby orders and regulates the following by the present draft bylaw:

SECTION 1 - PREAMBLE

The preamble is an integral part of this 1st draft bylaw.

SECTION 2 - INTERPRETATION AND APPLICATION

2.1 OBJECTIVE

The purpose of this 1st draft bylaw is to authorize, in the form of a pilot project, the keeping of laying hens for personal use in all areas of the Municipality of Pontiac where residential use is authorized. This bylaw does not apply to farms for the purpose of business as authorized in zones where agricultural use is permitted.

2.2 DEFINITIONS

In this first draft bylaw, the following definitions apply:

Cage: A protected or enclosed space that is not adjacent to a chicken coop, in which live animals are placed.

Chick: Hens, newborn birds less than 6 weeks old.

Outdoor enclosure: An outdoor space, adjacent to a chicken coop, surrounded by a mesh on each side and above, in which hens can be outdoors while being prevented from leaving it.

Chicken coop: An enclosed building where hens are kept.

Hen or laying hen: Female bird of the Gallinaceous family, raised for the purpose of producing eggs for human consumption.

SECTION 3 - ADMINISTRATIVE PROVISIONS

3.1 DURATION OF THE PILOT PROJECT

3.1.1 - The pilot project aimed at authorizing the keeping of hens throughout the territory of the Municipality of Pontiac is valid for a period of two (2) years following the coming into force of the present bylaw.

3.1.2 - The Municipality of Pontiac, at any time, may suspend in whole or in part the application of the pilot project for the duration it determines.

3.1.3 - In the event of a definitive suspension of the pilot project, any owner, tenant or occupant of a property located on the Municipality's territory, who keeps hens as per the present bylaw, must dispose of them and proceed with the dismantling of the hen house and enclosure, within a maximum of 30 days following receipt of a written notice sent by the Municipality.

3.2 APPLICATION OF THIS REGULATION

3.2.1 - The individuals designated by the Municipal Council for the application of the bylaws shall be responsible for its enforcement.

SECTION 4 - SPECIFIC PROVISIONS FOR THE REARING OF HENS

4.1 AUTHORIZATION

4.1.1 - It is permitted to keep a maximum of five (5) hens per residential property (per unit of evaluation) (it is suggested to keep a minimum of 3 hens for animal conditions) The following conditions are met:

- 1 - The lot of the residential property must have a minimum area of 2,000 m²;
- 2 - A main building for single-family residential use is erected on the property that is the subject of the application. The rearing of hens may also be authorized on a vacant lot adjacent to a lot with a main building for residential use and belonging to the same owner.

4.2 REARING OF HENS

4.2.1-Hens must be kept at all times inside the chicken coop or outside the fenced enclosure so that they cannot run free. Chicken coops and their enclosures must be installed in the backyard or side yard of the property. In addition, in all cases, the chicken coop and enclosure must respect the setbacks prescribed by the zoning bylaw and respect, at all times, a fixed setback of 30 metres from any lake, watercourse or wetland, and from any well.

4.2.2 - The hens must be kept inside the chicken coop from sunset to sunrise. Once the hens have entered the chicken coop, it must be secured so that no predators can access it.

4.2.3 It is prohibited to:

1. Keep one or more hens inside a dwelling;
2. Keep hens in cages ;
3. Install the chicken coop and enclosure within 2 metres of a lot line;
4. Keep or own a rooster;
5. Keep one or more chicks.

4.3 THE POULTRY AND THE OUTER HOUSING

4.3.1. The installation of a chicken coop and an outdoor enclosure shall be compulsory for all chicken farms. Only one poultry house and one pen shall be allowed per residential property, under the following conditions:

1. The design of the chicken coop should provide good ventilation and adequate living space;
2. The chicken coop and enclosure shall not exceed an area of 10.0 m² each;
3. The maximum height measured from the floor to the highest level of the chicken coop roof or outer enclosure shall not exceed 2.5 metres;
4. Hens must be given water inside the chicken coop or through protected feeds and water troughs so that no predators can access or contaminate them;
6. The layout of the chicken coop and/or the outside enclosure should provide shade in hot weather and a source of heat in winter (dry and insulated place);
6. When farming activity ceases permanently, the chicken coop and the outdoor enclosure must be dismantled, and the premises must be repaired within 60 days.

4.4. MAINTENANCE, HYGIENE, NUISANCES

4.4.1 The chicken coop and its outside enclosure must be kept in a good condition of cleanliness and excreta must be removed from the chicken coop on a daily basis;

4.4.2 The hen keeper must dispose of excrement in a hygienic manner. It is forbidden to dispose of this material in the municipal garbage.

4.4.3 Cleaning water from the chicken coop or the outside enclosure may not be spilled onto neighbouring property.

4.4.4 Odours associated with this activity should be minimized in the vicinity.

4.4.5 The hen keeper should make regular visits to the chicken coop (at least 3 visits per day) to ensure the health and well-being of the hens and to check that there is enough fresh water and feed.

4.5. INSPECTION

4.5.1 In addition to the powers and responsibilities assigned to him under the bylaw in force in the Municipality, the authority having jurisdiction may, at any time after issuance of the certificate of authorization, verify the compliance of all properties that have been granted a certificate of authorization.

4.6. DISEASE AND SLAUGHTER

4.6.1 To avoid the risk of an outbreak, any serious illness must be reported to a veterinarian. It is forbidden to euthanize a hen on a property where it is being kept. The slaughter of hens must

only be carried out by an approved slaughterhouse or by a veterinarian, whether or not the meat of the hens is consumed by the owner. A dead hen must be removed from the property within 24 hours of the death of the animal.

4.7 PRODUCT SALES AND DISPLAY

4.7.1 It is prohibited to sell eggs, meat, manure or other substances from hens.

4.7.2 All forms of signs referring in any way to the sale, donation or presence of hens are prohibited.

SECTION 5 - CERTIFICATE OF AUTHORIZATION

5.1 CERTIFICATE OF AUTHORIZATION, CONDITIONS FOR OBTAINING AND KEEPING A CERTIFICATE OF AUTHORIZATION PURSUANT TO SECTION 5 OF THIS 1ST DRAFT BYLAW AND APPLICABLE FEES

5.1.1. Any owner, tenant or occupant of a property located on the Municipality's territory who wishes to keep hens must first obtain a certificate of authorization to this effect from the Municipality.

- a) Fill out the application form for a permit and certificate prepared by the Urban Planning Department;
- b) The applicant has paid the cost of the licence in the amount of \$25;
- c) The applicant has provided a photo as well as a plan up to scale describing the location of the chicken coop and its dimensions. The chicken coop, its location and dimensions must comply with this bylaw;
- d) No permit to keep laying hens has been issued for this municipal address for which the permit is requested;
- e) If the applicant is not the owner of the immovable covered by the application.

5.1.2 The certificate of authorization shall be valid for the duration of the pilot project, i.e., two years from the adoption of this bylaw.

5.1.3 Any request for a permit referred to in section 5 of this 1st draft bylaw must be addressed to the competent authority, i.e., the Urban Planning Department, and meet the requirements of this bylaw.

5.2 ACQUIRED RIGHTS

5.2.1 No acquired right will be recognized to an owner, tenant or occupant having kept hens before the coming into force of the present bylaw establishing a pilot project.

SECTION 6 - END OF THE PILOT PROJECT

6.1 Towards the end of the pilot project, a report shall be submitted to Council to provide an update on the situation. Council will make the decision to withdraw the pilot project, to continue it or to see to the modification of its urbanism bylaws.

SECTION 7 - PENAL PROVISIONS

7.1 INFRINGEMENT

7.1.1 Anyone who contravenes any of the provisions of the present bylaw commits an offence and is liable to a fine of between \$300 and \$1,000. In the event of a repeat offence, minimum fines are doubled, ranging from \$600 to \$2,000.

7.1.2 In all cases, the costs of prosecution are extra.

SECTION 8 - FINAL PROVISIONS

This 1st draft bylaw will come into force in accordance with the law and will be published on the Municipality's website.

Carried

Tabled on May 27, 2020, draft bylaw 04-20.

Joanne Labadie
Mayor

Pierre Said
Director General and Secretary-Treasurer

Notice of motion: May 27, 2020
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