

# THE MUNICIPALITY OF CENTRAL MANITOULIN

## BY-LAW NUMBER 2024-07

### BEING A BY-LAW to regulate the keeping of backyard chickens in the Municipality of Central Manitoulin

**WHEREAS** Section 8 through 11 of the *Municipal Act*, S.O. 2001, c. 25, as amended, confers broad authority on a Township to govern its affairs as it considers appropriate and to pass by-laws to regulate or prohibit matters within its jurisdiction;

**WHEREAS** the Municipal Act, R.S.O. 2001, Sections 128 provides that by-laws may be passed by Councils of local municipalities to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause a public nuisance and further, that by-laws may be passed for purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** the Council of the Municipality of Central Manitoulin deems it desirable to pass such a by-law to regulate the keeping of certain kinds of animals within residential areas within the Municipality;

**NOW THEREFORE** the Council of the Municipality of Central Manitoulin enacts the following:

#### **1. Definitions**

**1.1 “Chicken”** shall mean female chickens that are raised for the purpose of providing companionship, eggs or as a meat source. May include other fowl such as ducks.

**1.2 “Coop”** shall mean a fully enclosed weatherproof building where hens are kept and which the interior includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers.

**1.3 “Deadstock”** shall mean an animal that is specified in the regulations and that has died from a cause, other than slaughter.

**1.4 “Entrails”** shall mean the internal part of an animal body.

**1.5 “Hen”** shall mean a domesticated female chicken that is at least four (4) months old.

**1.6 “Municipality”** shall mean the Municipality of Central Manitoulin.

**1.7 “Rooster”** shall mean an adult male chicken.

**1.8 “Run”** shall mean a covered secure enclosure that allows hens access to the outdoors.

**1.9 “Running at large”** shall mean to be found at any place other than the property of the owner of the chicken.

**1.10 “Slaughter”** shall mean the killing of chickens for food.

#### **2. General Provisions**

Every person in the Municipality of Central Manitoulin may keep hens in their backyard. The provisions in this By-law shall only be applied to properties zoned other than Agricultural or Rural. Each person shall comply with the following provisions:

**2.1** No person shall permit more than six (6) hens on a property;

**2.2** No person shall permit the keeping of roosters;

**2.3** Every person shall ensure that hens are housed in a coop that is constructed and maintained to provide protection from weather and be adequately ventilated; to exclude rodents and predators and that all coops and runs are maintained in clean condition and kept free of obnoxious odours;

**2.4** Every person shall ensure that coops have a chicken box and perch area sufficient to accommodate all chickens; that feeders and water containers are provided and cleaned regularly; and that all chickens have access to an enclosed outdoor run and an accessible dust bath area;

**2.5** Every person shall ensure that all stored feed is to be kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;

**2.6** Every person shall ensure that chickens are kept in their coops from 9 p.m. to 6 a.m. and that neighbouring residents are not disturbed;

**2.7** No person shall allow or permit chickens to be running at large;

- 2.8 No person shall allow or permit the sale of eggs, manure or other products associated with the keeping of chickens;
- 2.9 No person shall fail to provide each hen with adequate food, water, medical care and ventilation;
- 2.10 Every person shall follow all current legislation for slaughtering of chickens including Regulation 31/05 (Meat) under the Food Safety and Quality Act, 2001 administered by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA): "Slaughter your own animals to feed your family." "The meat from an animal slaughtered under this option cannot be sold, delivered, distributed, or transported off the farm under any circumstances."

**3.0 Prohibitions**

- 3.1 All persons shall ensure that entrails and other non-used Chicken parts from slaughtered Chickens shall be disposed of in a sanitary manner that will not cause offensive conditions for neighbouring property, attract rodents or vermin or in a manner that prevents the spread of any communicable diseases that would be injurious to people, pets or other wildlife;
- 3.2 Chickens are to be kept in accordance with all other laws including Municipal by-laws respecting noise, property maintenance standards, as well as provincial legislation with regards to the keeping of animals;
- 3.3 No person shall dispose of deadstock chickens in a manner that is not consistent with Ontario Regulation 106/09 "Disposal of Deadstock".

**4.0 Enforcement Penalties**

- 4.1 The provisions of this By-law shall be enforced by the By-law Enforcement Officer or designate.
- 4.2 Any person who contravenes or fails to comply with any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, Chapter P.33. (See Schedule "A").
- 4.3 The By-Law Enforcement Officer or designate may issue an order requiring the removal of any chickens or any structures that are in contravention of this By-Law.
- 4.4 Any person who fails to comply with an order made under Subsection 3.0 is guilty of an offence.
- 4.5 Each day that a contravention of this By-Law continues shall constitute a separate offence.
- 4.6 Any persons convicted of a breach of any of the provisions of this By-Law by a Provincial Court Judge or competent jurisdiction thereafter shall be issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence. Also, in addition to any other penalty, all recoverable costs shall also be imposed on the person convicted.
- 4.7 No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this By-Law.

**5.0 Severability**

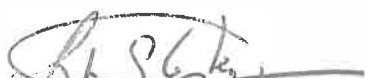
- 5.1 Should any section, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the part so declared to be invalid.

**6.0 Administration**

- 5.1 That this By-law shall come into full force and effect after third and final reading thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS**

  30<sup>th</sup>   DAY OF   May   2024.

  
Richard Stephens, Mayor

  
Denise Deforge, CAO/Clerk

I, \_\_\_\_\_ Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-Law 2024-07 passed by the Council of the Municipality of Central Manitoulin on the 30<sup>th</sup> day of May, 2024.

\_\_\_\_\_  
Clerk

**MUNICIPALITY OF CENTRAL MANITOULIN**

**PART 1**

**PROVINCIAL OFFENCES ACT**

**BY-LAW 2024-07**

**REGULATE THE KEEPING OF BACKYARD CHICKENS.**

**SCHEDULE "A"**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision creating or defining offence</b>	<b>Set Fine</b>
1.	Allow or Permit the keeping of more than six (6) hens.	2.1	\$100.00
2.	Allow or Permit the keeping of a rooster or roosters.	2.2	\$200.00
3.	Fail to provide coop that protect from weather, predators and rodents.	2.3	\$200.00
4.	Fail to keep coop and runs in a clean condition free of obnoxious odours.	2.3	\$250.00
5.	Fail to provide sufficient box, perch area and/or outdoor run.	2.4	\$200.00
6.	Fail to keep chicken(s) in coop between 9pm and 6am.	2.6	\$200.00
7.	Fail to keep chickens from disturbing neighbouring residents.	2.6	\$200.00
8.	Allow or permit chicken(s) to run at large.	2.7	\$200.00
9.	Allow or permit the sale of eggs, manure, or other products associated with the keeping of chickens.	2.8	\$350.00
10.	Fail to provide adequate food, water, medical care and ventilation for hens.	2.9	\$200.00
11.	Fail to follow legislation for slaughter of chickens including sale, delivery, distribution or transportation of meat.	2.10	\$500.00
12.	Hinder or obstruct an officer performing their duty.	4.7	\$500.00

**Note: The penalty provision for the offences indicated above is section 4.2 of this By-Law# 2024-07 of which a certified copy has been filed.**

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION  
  
159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST  
  
159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5  
  
TELEPHONE/TÉLÉPHONE (705) 564-7624

July 15, 2024

Ms. Susanne Meert, By-law Officer  
Municipality of Central Manitoulin  
P.O. Box 187, 6020 Hwy #542  
Mindemoya, Ontario, P0P 1S0

Dear Ms. Meert:

**Re: Set Fine Application – Provincial Offences Act – Part I  
Municipality of Central Manitoulin, Manitoulin District**

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 2024-07, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Municipality of Central Manitoulin.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Gore Bay, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

c.c.: His Worship Gary McMahan, Regional Senior Justice of the Peace  
Her Worship Lori-Ann Toulouse, Local Administrative Justice of the Peace

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TELEPHONE/TÉLÉPHONE (705) 564-7624

July 15, 2024

Ms. Melissa Adams, Crown Counsel  
Crown Law Office, Criminal  
720 Bay Street, 10th floor  
Toronto, Ontario  
M5G 2S9

Dear Ms. Adams:

**Re: Set Fine Application – Provincial Offences Act – Part I  
Municipality of Central Manitoulin, Manitoulin District**

Please find enclosed a copy of an Order dated July 15, 2024, and a copy of a letter to Ms. Susanne Meert, By-law Officer for the Municipality of Central Manitoulin.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
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TELEPHONE/TÉLÉPHONE (705) 564-7624

## PROVINCIAL OFFENCES ACT

### Part I

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 each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2024-07, of the Municipality of Central Manitoulin, Manitoulin District, attached hereto is the set fine for that offence. This Order is to take effect July 15<sup>th</sup>, 2024.

Dated at the City of Greater Sudbury, this 15<sup>th</sup> day of July, 2024.

A handwritten signature in blue ink that reads "Karen Lische".

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KAREN LISCHE  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

**MUNICIPALITY OF CENTRAL MANITOULIN**  
**PART 1**  
**PROVINCIAL OFFENCES ACT**  
**BY-LAW 2024-07**  
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*Chickens*

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