



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
BY-LAW NUMBER 3576-2022**

**A BY-LAW RESPECTING THE REGULATION AND CONTROL OF BACKYARD
FOWL WITHIN THE TOWNSHIP OF AUGUSTA**

WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2002, c.25, as amended, provides that powers of every Council are to be exercised by By-Law unless specifically authorized to do otherwise;

AND WHEREAS Sections 11(1) and (2) of the Municipal Act, 2001, provides that a lower-tier municipality may provide any services 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)9 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 section 425 of the Municipal Act, 2001, S.O. 2001, c.25, provides for a municipality to pass By-laws providing that a person who contravenes a By-Law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS section 426 of the Municipal Act, S.O. 2001, c.25 provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-Law passed under this Act;

AND WHEREAS section 429 of the Municipal Act, S.O. 2001, c.25 provides for a municipality to establish a system of fines for offences under a By-Law of the municipality passed under this Act;

AND WHEREAS Section 436 of the Municipal Act, 2001 provides for a municipality to pass By-Laws that authorize the municipality to enter on land at any reasonable time for the purpose of carrying out an inspection to determine if a By-Law of the Municipality is being complied with, or to determine if an order or direction of the municipality made under the Act or made under the By-Law is complied with, and may require information, inspect documents and take samples.

AND WHEREAS section 444 of the Municipal Act, 2001, provides that a municipality may make an order to require a Person to discontinue contravening a By-Law and to do the work required to correct the contravention;

AND WHEREAS Section 445 of the Municipal Act, 2001, provides that if a municipality is satisfied that a contravention of a By-Law of the municipality passed under the Municipal Act has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the Municipal Act, 2001, provides that a municipality may proceed to do things at a Person's expense which that Person is otherwise required to do under a By-Law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of the Corporation of the Township of Augusta enacts as follows:

1.0 DEFINITIONS

- 1.1. **"Backyard Coop"** means an enclosed weatherproof and ventilated building where fowl are kept.
- 1.2. **"Backyard Fowl"** means the accessory keeping of fowl and roosters for the purpose of companionship as a pet or providing eggs or meat for personal consumption by occupants of a dwelling on the same lot, and does not include accessory livestock, or agricultural uses otherwise defined by the Township of Augusta's Zoning By-Law.
- 1.3. **"Backyard Run"** means an area enclosed by wire screen intended for permitting fowl to be outdoors.
- 1.4. **"Clerk"** means the Clerk of the Corporation of the Township of Augusta or their designate.
- 1.5. **"Council"** means The Council of The Corporation of the Township of Augusta.
- 1.6. **"Dwelling"** means one or more rooms in a building, designed as, or intended as, or capable of being used or occupied as a single independent housekeeping unit and containing living, sleeping, sanitary and food preparation facilities or facilities for the installation of kitchen equipment and has an independent entrance. For the purpose of this By-Law, a dwelling unit does not include any commercial accommodation or a recreational trailer.
- 1.7. **"Fowl"** means all birds or fowl normally raised for food or egg production, and without limiting the generality of the foregoing, includes, Chickens, Turkeys, Geese, and Ducks.
- 1.8. **"MDS"** means Minimum Distance Separation guidelines from the Ministry of Agriculture, Food and Rural Affairs.
- 1.9. **"Officer"** shall mean the By-Law Enforcement Officer for the Township of Augusta as appointed by Council, Police Officer, any other person, or company directed by the Clerk to enforce parts of this By-Law.
- 1.10. **"Owner"** means any person, tenant or property owner who possesses, harbours, or keeps fowl, and where the owner is a minor, the person responsible for the custody of the minor, the word "Owns" has a corresponding meaning.
- 1.11. **"Property"** shall mean a parcel of land, vacant or occupied or to be occupied by one of more main buildings, structures, or uses, with any accessory buildings, including all yards, required by the Township of Augusta Zoning By-Law.
- 1.12. **"Property Owner"** means the registered Owner(s) of a property within the Township of Augusta.
- 1.13. **"Public Nuisance"** shall mean an act or process by backyard fowl, which interferes with a person's enjoyment of their property, and anything that disturbs the health and safety of the general public or keeps people from being comfortable and shall include excessive noise and smells.

- 1.14. **“Running at Large”** shall mean fowl being elsewhere than on the property of the Owner and not being under the immediate control of the Owner.
- 1.15. **“Rooster”** shall mean a male domestic chicken.
- 1.16. **“Tenant”** means a person who rents or leases a dwelling/property from an Owner.
- 1.17. **“Township”** means the Corporation of the Township of Augusta.
- 1.18. **“Zoning By-Law”** means a By-Law passed under Section 34 of the Planning Act that restricts the use of land in the Township of Augusta.

2.0 ADMINISTRATION

- 2.1. The provisions of this By-Law shall apply to the keeping of Backyard Fowl in all Residential Village Zones and Rural Zones with less than 2 ha (4.94ac.) in accordance with the Zoning By-Law within the boundaries of the Township of Augusta.

3.0 BACKYARD FOWL REGULATIONS

- 3.1. Every tenant of a property who would like to have back yard fowl shall obtain the Property Owner’s written consent to keep backyard fowl on the Property and must provide a copy of such written consent to the Township if requested.
- 3.2. No Owner shall keep more than the following number of backyard fowl:

Property Size	Residential Village - RV		Rural - RU
	Up to 0.5ac (0.202ha)	Over 0.5ac (0.202ha)	4.94 ac (Under 2 ha)
Maximum # of Fowl	5	10	25

- 3.3. Every Person who has backyard fowl shall allow, at any reasonable time, an Officer to inspect the Property, to determine whether all requirements of this By-Law are being complied with.
- 3.4. No Owner shall keep roosters.
- 3.5. The Owner shall ensure that all deceased backyard fowl are disposed of promptly, in a sanitary manner.
- 3.6. The Owner shall ensure that their backyard fowl do not run at large.
- 3.7. The Owner shall ensure that feed for their backyard fowl is stored in a container that is impermeable from mice, rats, and other vermin or animals.

4.0 BACKYARD FOWL COOP / RUN REGULATIONS

- 4.1. Every Owner shall ensure that backyard fowl are provided with coops and runs.
- 4.2. Every Owner shall ensure that backyard fowl coops or runs are not located in a front or side yard.
- 4.3. Every Owner shall ensure that backyard fowl coops (including manure storage area) and runs, meet all minimum zoning requirements and setbacks, for accessory structures in the zone the property is located in the Township of Augusta Zoning By-Law.
- 4.4. Every Owner shall ensure that backyard fowl coops (including manure storage area) and runs, that are structures larger than 10sqm. meet all MDS II Guidelines.

- 4.5. Every Owner shall ensure that backyard fowl coops and runs are:
- a) maintained in good repair, in a clean, dry, odour free, and sanitary condition, and;
 - b) constructed and maintained to prevent wildlife from harbouring underneath or within it or within its walls and to prevent entrance by any other animal.

5.0 GENERAL

- 5.1. Every Owner shall ensure that manure is stored and managed in a manner which will not cause an adverse effect, as defined by the *Environmental Protection Act (1990) in Subsection 14(1)* or any amendments hereto.
- 5.2. No Owner shall permit backyard fowl to be or cause a public nuisance.

6.0 PENALTY

- 6.1. Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction, shall be liable to a penalty as provided under the *Provincial Offences Act, R.S.O. 1990, c.P33*, as amended, as set out in Schedule "A" Set Fines.

7.0 OTHER

- 7.1. Where a provision of this By-Law conflicts with a provision of another By-Law enforced in the Township, the provisions that establish the higher standard shall prevail in order to protect the health, safety, and welfare of the general public.
- 7.2. This By-Law shall come into force and take effect upon its passing.
- 7.3. This By-Law will be reviewed on or before the anniversary of the passing dated below.

8.0 SEVERABILITY

- 8.1. If any provision of this By-Law or application thereof to any person or circumstance is held invalid by any Court, other provisions or applications of the By-Law which can given effect without the invalid provision or application shall not be affected, and to this end the provisions of this By-Law are declared to be severable.

9.0 ENFORCEMENT

- 9.1. This By-Law may be enforced by all Officers.
- 9.2. No person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 9.3. No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 9.4. Every person shall comply with any Order or Notice issued under the authority of this By-Law.

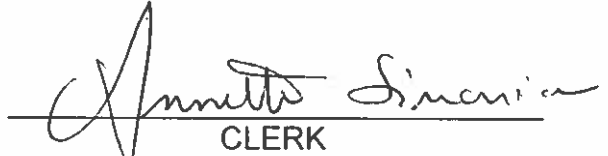
10.0 SHORT TITLE

10.1. This By-Law may be referred to as the "Backyard Chicken By-Law"

READ a first and second time this 26th day of September 2022

READ a third time and passed this 26th day of September 2022


MAYOR


CLERK

**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW 3576-2022**

**A BY-LAW TO RESPECTING THE REGULATION AND CONTROL OF BACKYARD FOWL WITHIN THE TOWNSHIP OF AUGUSTA
SCHEDULE "A" – SET FINES**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Keep backyard fowl without obtaining consent from the property owner.	Section 3.1	\$200.00
2.	Keeping more fowl than what is permitted	Section 3.2	\$200.00
3.	Keeping of a rooster	Section 3.4	\$200.00
4.	Improperly disposing of deceased fowl	Section 3.5	\$200.00
5.	Fowl running at large	Section 3.6	\$200.00
6.	Fowl feed improperly stored	Section 3.7	\$200.00
7.	Fail to provide runs and coops for fowl	Section 4.1	\$200.00
8.	Fowl coops or runs located in front or side yard	Section 4.2	\$200.00
9.	Fowl coop or outdoor run not meeting setbacks	Section 4.3	\$200.00
10.	Improperly maintained fowl coop or outdoor run	Section 4.5a	\$200.00
11.	Improperly constructed fowl coop or outdoor run	Section 4.5b	\$200.00
12.	Backyard fowl being or causing a public nuisance	Section 5.2	\$200.00

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: October 3, 2022

Electronic Signature:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

Note: The general penalty provision for the offences listed above is Section 6.1 of Bylaw 3576-2022, a certified copy of which has been filed.

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. 3576-2022, of the Township of Augusta attached hereto is the set fine for that offence. This Order is to take effect on October 3, 2022.

Dated at Ottawa, this 3rd day of October 2022.

ELECTRONIC SIGNATURE:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

October 3, 2022

Rbowman@augustafire.ca

Augusta Township
3560 County Road 26, RR 2
Prescott, Ontario K0E 1T0

Attention: Mr. Rob Bowman
Fire Chief/Manager of By-Law

Dear Mr. Bowman:

Re: Set Fines – Provincial Offences Act – Part I
By-Law No. 3576-2022: Backyard Fowl

Enclosed herewith are the original Order (Part I) dated October 3, 2022, and original schedule of set fines for By-Law No. 3576-2022, the By-Law indicated in the schedule.

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

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Augusta.

Yours truly,

ELECTRONIC SIGNATURE:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

c.c.: Ms. Devyani Anandjit
Crown Law Office – Criminal, Ministry of the Attorney General