

The Corporation of the Township of Hornepayne

By-Law No. 2225-26

**Being a By-Law to amend By-Law No. 2001,
being a By-Law to regulate animals within
the Township of Hornepayne, as amended**

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass by-laws respecting animals; and,

WHEREAS the Council of The Corporation of the Township of Hornepayne enacted By-Law No. 2001, being a by-law to regulate animals within the Township of Hornepayne; and,

WHEREAS By-Law No. 2001 was amended by By-Law No. 2095 to include penalties; and,

WHEREAS Council is undertaking a comprehensive review of the Township's Animal By-Law; and,

WHEREAS Council deems it desirable to amend By-Law No. 2001, as amended, on an interim basis to permit the keeping of hens on certain residential properties, subject to conditions; and,

WHEREAS Council intends this amendment to be temporary only and not to create any grandfathering, permanent permission, or continuing right to keep chickens;

NOW BE IT THEREFORE ENACTED by the Council of the Corporation of the Township of Hornepayne:

DEFINITIONS

That By-Law No. 2001, as amended, be amended by adding the following definitions:

- a. **"Chicken"** means a domesticated fowl of the species *Gallus gallus domesticus*, and includes hens and roosters.
- b. **"Hen"** means a female chicken.
- c. **"Rooster"** means a male chicken.
- d. **"Urban Residential Property"** means a property located within the Township of Hornepayne that is used for residential purposes and is located within an area where livestock, farm animals, or agricultural animals are not otherwise permitted under the Township's applicable by-laws.

INTERIM PERMISSION TO KEEP HENS

That By-Law No. 2001, as amended, be amended by adding the following section:

Keeping of Hens on Urban Residential Properties

Despite any other provision of this By-Law, a person may keep hens on an Urban Residential Property only where all of the following conditions are met. This permission is temporary only and is subject to the No Grandfathering or Continuing Right provisions of this By-Law:

- a. no more than six hens shall be kept on a property at any time;

- b. roosters are prohibited;
- c. chickens other than hens are prohibited;
- d. hens may only be kept on property owned by the person keeping the hens, and shall not be kept by a tenant, renter, occupant, or any other person on rented, leased, or occupied land that they do not own;
- e. hens shall be kept for personal use only and not for commercial purposes;
- f. hens shall be kept in a coop or enclosure suitable for the health and safety of the hens;
- g. hens shall be provided with adequate food, clean water, shelter, ventilation, and care;
- h. the coop, enclosure, and surrounding area shall be kept clean, sanitary, and free from offensive odours;
- i. feed shall be stored in a secure container to reduce the attraction of pests, rodents, bears, wildlife, or other animals;
- j. manure and waste shall be managed and disposed of in a sanitary manner;
- k. hens shall not be permitted to run at large;
- l. hens shall be contained on the owner's property at all times;
- m. the keeping of hens shall not create a nuisance, including but not limited to excessive noise, odour, unsanitary conditions, pests, rodents, wildlife attraction, or other adverse impacts on neighbouring properties; and
- n. the keeping of hens shall comply with all applicable federal, provincial, and municipal laws, regulations, and by-laws.

COMPLAINTS, INSPECTIONS, AND ORDERS

That By-Law No. 2001, as amended, be amended by adding the following section:

Complaints, Inspections, and Orders

- a. Where the Township receives a complaint or where the By-Law Enforcement Officer has reason to believe that hens are being kept in a manner contrary to this By-Law, the By-Law Enforcement Officer may investigate the matter.
- b. Where the By-Law Enforcement Officer determines that hens are being kept contrary to this By-Law, or that the keeping of hens is causing or contributing to odour, noise, unsanitary conditions, pests, rodents, wildlife attraction, animal welfare concerns, property standards concerns, or other nuisance impacts, the By-Law Enforcement Officer may require the owner to take corrective action.
- c. Corrective action may include, but is not limited to:
 - i. cleaning or repairing a coop or enclosure;
 - ii. improving feed storage;
 - iii. improving waste or manure management;
 - iv. reducing the number of hens;
 - v. relocating a coop or enclosure, where possible;

- vi. removing one or more hens from the property;
 - vii. removing all hens from the property; or,
 - viii. prohibiting hens from being kept on the property.
- d. Where the By-Law Enforcement Officer orders the removal of hens from a property, the owner shall comply within the time period specified by the By-Law Enforcement Officer.

PROHIBITED ACTS

That By-Law No. 2001, as amended, be amended by adding the following section:

Prohibited Acts

- a. No person shall:
- i. keep more than six hens on an Urban Residential Property;
 - ii. keep a rooster on an Urban Residential Property;
 - iii. keep chickens other than hens on an Urban Residential Property;
 - iv. keep hens on rented, leased, or occupied land that the person does not own;
 - v. keep hens for commercial purposes;
 - vi. permit hens to run at large;
 - vii. permit hens to leave the property on which they are kept;
 - viii. keep hens in a manner that creates a nuisance;
 - ix. fail to keep a coop, enclosure, or surrounding area in a clean and sanitary condition;
 - x. fail to provide hens with adequate food, water, shelter, ventilation, or care;
 - xi. fail to securely store feed;
 - xii. fail to properly manage or dispose of manure or waste; or,
 - xiii. fail to comply with an order or direction issued by the By-Law Enforcement Officer.

REMOVAL OF HENS

That By-Law No. 2001, as amended, be amended by adding the following section:

Removal of Hens

- a. Where a person fails to comply with this By-Law or an order or direction of the By-Law Enforcement Officer, the By-Law Enforcement Officer may require hens to be removed from the property.
- b. Any person ordered to remove hens from a property shall remove the hens within the time period specified by the By-Law Enforcement Officer.
- c. Any person ordered to remove hens from a property shall not keep hens on that property unless expressly authorized by a future by-law enacted by Council.

NO GRANDFATHERING OR CONTINUING RIGHT

That By-Law No. 2001, as amended, be amended by adding the following section:

No Grandfathering or Continuing Right

- a. The permission to keep hens under this By-Law is temporary, conditional, and interim in nature.
- b. Nothing in this By-Law creates any grandfathering, legal non-conforming use, vested right, entitlement, permanent permission, or continuing right to keep chickens on any property within the Township.
- c. Any person who keeps hens under this By-Law does so with full knowledge that the permission may be amended, restricted, repealed, or replaced by Council at any time.
- d. If a new Animal By-Law prohibits chickens, or does not expressly permit chickens on Urban Residential Properties, all chickens kept under this By-Law shall be removed from the property in accordance with the new Animal By-Law.
- e. If the new Animal By-Law does not specify a removal period, all chickens shall be removed within fourteen calendar days of the new Animal By-Law coming into force.
- f. No person shall be entitled to compensation, reimbursement, damages, or any other payment from the Township for any loss, cost, expense, or inconvenience arising from the amendment, repeal, expiry, or replacement of this By-Law, including any requirement to remove chickens from a property.

GENERAL

Interim Nature of Amendment

This By-Law is interim in nature and is intended to apply only until a new Animal By-Law is adopted by Council, unless repealed or amended earlier.

Upon the coming into force of a new Animal By-Law regulating animals within the Township, this By-Law shall be deemed repealed unless the new Animal By-Law expressly provides otherwise.

Any permission to keep hens under this By-Law shall automatically end upon the coming into force of a new Animal By-Law unless the new Animal By-Law expressly permits the continued keeping of chickens on Urban Residential Properties.

Penalties

For greater certainty, any person who contravenes any provision of By-Law No. 2001, as amended by By-Law No. 2095 and this By-Law, is subject to the penalty provisions set out in By-Law No. 2095, as may be amended or replaced from time to time.

Conflict

Where there is a conflict between this By-Law and any provision of By-Law No. 2001, as amended by By-Law No. 2095, this By-Law shall prevail to the extent of the conflict.

All other provisions of By-Law No. 2001, as amended, remain in full force and effect.

Severability

If any section, subsection, clause, paragraph, or provision of this By-Law is 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 provision so declared to be invalid.

Short Title

This By-Law may be referred to as the “Interim Urban Hen Amendment By-Law.”

Force and Effect

This By-Law shall come into force and shall take effect upon passage.

Read a first, second, and third time and finally passed this 5th day of August 2026.

Presiding Officer

Clerk