

The Corporation of the Town of Tecumseh

By-Law Number 2021 - 43

Being a by-law to approve a two year Pilot Program for Licensing Urban Hens

Whereas Sections 11 (3) 9, and 103 of the Municipal Act 2001, S.O. 2001, c. 25, provide that by-laws may be passed by councils of municipalities for prohibiting or regulating the keeping of animals; if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for the seizure and impounding of animals being at large or trespassing contrary to the by-law and for the sale of impounded animals under certain conditions;

And Whereas Section 425 of the Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

And Whereas Section 446 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that if a municipality has the authority under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of its being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

And Whereas Council deems it desirable to pass a by-law providing for a system of licensing, controlling, regulating and urban hens;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** an Urban Hens Licensing Pilot Program (Pilot Program) be approved for a two (2) year term commencing March 1, 2020, to permit the keeping of hens in the urban areas of the Town of Tecumseh;
2. **That** the Terms and Conditions of the Pilot Program be approved as set out in Schedule A attached hereto and forming part of this by-law;
3. **That** the Registration Form for the Pilot Program be approved as set out in Schedule B attached hereto and forming part of this by-law;
4. **That** this By-law shall be administered and enforced by the Chief Building Official, a By-law Enforcement Officer or such other person as the Council of the Town designates.
5. **That** where any matter or thing is to be determined in the application of or enforcement of this By-law, the determination of such matter or thing shall be at the sole discretion of the Town.

6. **That** a By-law Enforcement Officer may enter upon any lands and into buildings at any reasonable time to inspect any hen coop/run for the purposes of determining or effecting compliance with this By-law.
7. If, after inspection, the By-law Enforcement Officer is satisfied that there is a contravention of this By-law, or the conditions of a permit issued pursuant to this By-law, the By-law Enforcement Officer may issue an order to the owner and may, at the same time, provide the owner and occupants of the land with a copy of such order.
8. An order issued under Section 7 shall contain:
 - a) the municipal address and / or the legal description of the property;
 - b) notice that the hen(s) and / or hen coop and run must comply with the provisions of this By-law or the hen(s) and / or hen coop and run shall be removed within the time period specified; and
 - c) notice that if compliance with the order is not achieved, the hen(s) and / or hen coop and run may be pulled down, removed, stored and disposed of at the expense of the owner, and that the Town, in addition to all other remedies it may have, may enter onto the lands with its employees and agents for this purpose.
9. An order issued pursuant to Section 7 shall be served personally on the owner or by prepaid registered mail to the last known address of the owner.
10. If a notice or order is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of the mailing unless the person to whom the notice or order is given or that person or their agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.
11. Any costs incurred by the Town in the enforcement of this By-law shall be recovered in like manner and with the same priority as municipal taxes or alternatively as a lien in accordance with the Repair and Storage Liens Act, 2006, c. 32, Schedule A, s. 39, as a debt owed by the owner of the hen(s) and hen coop and run.
12. No person shall obstruct a By-law Enforcement Officer or any agent of the Town while they are carrying out their duties under this By-law.
13. **That** every person who contravenes any section of the Terms and Conditions as set out in Schedule A is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and may be punishable as such.

14. Notwithstanding Section 13 above, every person who contravenes any provision of this By law is guilty of an offence and may, at the option of the Town be prosecuted pursuant to the provisions of Part 1 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time and upon conviction thereof is liable to a set fine as determined in accordance with the procedure delineated in the Act and regulations passed thereunder.
15. **That** By-law No. 2020-14 be repealed and replaced with this By-law No. 2021-43.
16. **That** this By-law shall come into force and take effect upon third and final reading.

Read a first, second, third time and finally passed this 8th day of June, 2021.

Gary McNamara, Mayor

Laura Moy, Clerk