

BY-LAW NUMBER 2018-019

GOVERNING CUSTODY OF LAYING HENS IN NON-AGRICULTURAL ZONING

WHEREAS the Municipality of Kazabazua did not have regulations governing the keeping of laying hens in a non-agricultural environment;

WHEREAS the Council considers it appropriate and in the public interest to revise the regulations concerning the keeping of laying hens in a non-agricultural environment;

WHEREAS it is necessary, therefore, to lay down rules applicable to the custody, control and care of animals within the boundaries of the Municipality of Kazabazua;

WHEREAS the SQ 2017-005 Regulation concerning animals does not include the custody of laying hens in non-agricultural zoning within the municipality;

WHEREAS the municipality will authorize the keeping of laying hens within the urban perimeter, subject to the commitment in Annex A-1;

WHEREAS the 'citizen' wishes to obtain a license under article 3.0 of the regulation;

WHEREAS the Act on health of animals, as well as to the well-being and safety of the animal Act already imposes obligations and restrictions of general application;

WHEREAS that the 'citizen' is the owner of the property covered by the care of hens or he has obtained the written consent of the owner.

WHEREAS the draft by-law concerning this by-law was presented at the council meeting of October 2, 2018 and a notice of motion was given on October 2, 2018;

CONSEQUENTLY, IT IS PROPOSED by Sylvain La France, **SECONDED** by Craig Gabie and resolved;

THAT By-law number **2018-019** be adopted and that, consequently, Council decree:

1. PREAMBLE

The preamble to this Regulation forms part of it as if it were reproduced below.

2. TITLE

This By-law is titled custody of laying hens in non-agricultural zoning.

3. CONDITIONS

Any person who wishes to keep one or more hens in urban area and non-agricultural area in the municipality of Kazabazua limits, can only do it on a property of at least 4000 m² (+ or - one acre) and only after obtaining a license issued by the municipality.

3.1 The conditions for obtaining and maintaining the license provided for in section 3.0 of this regulation are the following:

- 3.1.1 Have completed an application for license in good standing according to the form established by the municipality.
- 3.1.2 The applicant (s) must have signed the document entitled « Commitment governing custody of hens in the non-agricultural area » in annex A-1 of the regulation and to respect the requirements at all time during the custody of hens.
- 3.1.3 Activities will take place on a property zoned habitation with a dwelling with a minimum surface of 4000 m² (+ or - one acre) and only if a principle residence is erected there.
- 3.1.4 The applicant (s) has paid the \$ 10 license fee.
- 3.1.5 The applicant has provided a scaled plan describing the location of the shelter for the hens and its dimensions must be in accordance with construction requirements under « Engagement governing the custody of hens in the non-agricultural area. » in the A-1 annex of the present regulation.
- 3.1.6 No other licenses for the keeping of laying hens has been issued for this address of the dwelling for which the license is requested.

- 3.1.7 If the applicant (s) is not the owner of the building affected by the application for a license, he or she must provide a written proxy by the owner and allowing him to keep some hens at the address of the dwelling affected by the application for a license.
- 3.1.8 A provision will be put in place one, and only once, during the implementation of the present by-law and this will be to provide for a 30-day period for infringement to any citizen in possession of laying hens at the time of the issue of the said Regulation, so that they can ensure their conformity.
- 3.2 The license issued under article 3.0 and 3.1 of this regulation is annually and covers the period from January 1st of the current year to December 31st of the same year. The license is non-refundable, indivisible and non-transferable. In the 60 days prior to expiration of the license, the licensee thereof must inform the municipality or his representative of its intention to renew its license or not.
- 3.3 The municipal council authorizes officers of the municipality, persons appointed by council and officers of the peace to visit and examine, between 8:00am and 5:00pm or beyond these hours for reasonable cause, any property, movable or real estate as well as the outside or the inside of any House, or building, to see if the regulations there are executed and any tenant or occupant of these houses, buildings or building owner must receive these people and answer all the questions posed to them relatively to the enforcement of this regulation.
- 3.4 The municipality may, at any time, revoke the licence, without notice or delay, if the incumbent does not respect the conditions for obtaining and maintaining the license according to article 1.1 of this regulation.

4. PENALTY

Whoever contravenes to a provision of this regulation commits an offence.

- 4.1 Anyone who commits a first offense gets a warning and is obliged to make the correction within a three (3) to seven (7) days period.
- 4.2 Anyone who commits a second offence in a period of two (2) years of the first offense is punishable by a fine of at least two hundred dollars (\$200.00) to a maximum of five hundred dollars (\$500.00) and is obliged to make the correction within a three (3) to seven (7) days period.
- 4.3 Anyone who commits a third offence in a period of two (2) years of the first offense infringement is punishable by a fine of not less than four hundred dollars (\$400.00) and more than one thousand dollars (\$1000.00) and make the correction in a period between three (3) to seven (7) days.
- 4.4 Anyone who commits a fourth offence in a period of two (2) years of the first offense is punishable by a fine of not less than four hundred dollars (\$400.00) and more than one thousand dollars (\$1000.00) and will lose its license and cannot apply for a new licence for a period of two (2) years.

Annex A-1

COMMITMENT

GOVERNING CUSTODY OF LAYING HENS IN NON-AGRICULTURAL ZONING

FROM:

Sir / Madam _____ (**name of person**) (hereinafter referred to as the 'citizen') natural person resident of Kazabazua at the address _____

TOWARDS:

The municipality of KAZABAZUA (hereinafter the municipality), public law legal person legally constituted under annex IV of chapter 56 of the laws of Quebec (L.Q. 2000, c. 56) having its business at 30 Begley road, at Kazabazua (Quebec).

1. The « citizen » is committed to fully respect the following standards required by the municipality for the keeping of hens in the urban perimeter:
 - a. Do not hold more than five (5) laying hens by address on the licence.
 - b. Not to hold a rooster.
 - c. Have only a single shelter for chickens by address.
 - d. The shelter for chickens and the exterior parquet must be located in a back yard, fenced or enclosed by one or elements or obstacles (for example a barrier) preventing the chickens to wander on surrounding properties or on any public road.
 - e. The shelter for chickens will be laid out so as to ensure the hens have a space in the shade in warm period and a dry, isolated and warm in the cold season.
 - f. The shelter for chickens will be located at a minimum distance of two (2) metres of any lot line and more than 10 meters if one of these lot lines is that of an educational institution.
 - g. The shelter and the parquet must be located more than 30 m from any natural watercourse (stream, River, Lake or swamp... etc.)
 - h. The shelter will include a parquet made of wire fence constructed in such a way that the hens cannot freely come out.
 - i. The minimum size of the shelter for chickens should correspond to 0.37 m² per laying hen and the outside parquet to 0.92 m² per hen. Shelter for chickens may not exceed a floor area of 10 m². A perch must be installed inside the shelter and measure in length a minimum of 20 cm per hen. A method of aeration must be included to insure proper ventilation of the shelter. The area of the parquet may not exceed a maximum height of the roof of the shelter for chickens and limited to 2.5 m.
 - j. The shelter for hens will have an adequate number of boxes to brood for the number of hens, or one (1) box for each two (2) hens.
 - k. Shelter for chickens will be built with aesthetic and be compatible with the immediate environmental materials.
 - l. The shelter and its outdoor parquet will be maintained in a good state of cleanliness.
 - m. Feces will be removed from the shelter on a daily basis and the citizen will have to hygienically dispose of the feces, and the citizen must ensure to dispose of them weekly but they are not to be included in domestic household waste or recycling.
 - n. The chickens will be fed and treated in an appropriate way.
 - o. Food and water dishes will be changed daily and kept in the shelter in order not to attract other animals, rodents, or winged wildlife.
 - p. The food will be stored in a rodent or other animal proof area.
 - q. The water used for cleaning the shelter will not pour out on any neighbouring property and the citizen will ensure that it will not pour out into any watercourse such as a Lake, River, Creek etc.

- r. Avian influenza or any other contagious diseases will be declared to a veterinarian or directly to the MAPAQ (Ministry of agriculture, fisheries and food of Quebec) will indicate the measures to be taken to avoid an epidemic. The citizen agrees to visit the MAPAQ site according to <http://www.mapaq.gouv.qc.ca/fr/Productions/santeanimale/maladies/soussurveillance/grippeaviaire/Pages/grippeaviaire.aspx> and visit the site of the Agency Canadian food inspection which produced a small video presenting these instructions: <http://www.inspection.gc.ca/animaux/animaux-terrestres/biosecurite/outils/fra/1344790074044/1344790183249>.
 - s. The citizen agrees to recognize the signs of flu in chickens as:
 - i. A lack of energy and appetite;
 - ii. A decrease in egg production and spawning of many eggs that have soft shells or without any shell;
 - iii. Swelling of the head, eyelids, Ridge, the wattles and hocks;
 - iv. A coughing, sneezing and nervous signs;
 - v Diarrhea;
 - vi. A lack of coordination;
 - vii. Sudden death.
 - t. No surface water will be used to provide drinking water and to clean the shelter for chickens and its outdoor parquet.
 - u. A dead chicken must be removed from the property within 24 hours after the discovery of it, to prevent any possible contamination.
 - v. Hens will be not kept inside a House and it's dependencies.
 - w. At night, hens must be kept inside of the shelter designed for this purpose as described in paragraph 1.e, f, g, h, i, j. and between 9:00 p.m. and 6:00 am. in the morning.
 - x. Odors associated with chickens or compost feces should not be noticeable to the neighbours.
 - y. Laying hens will be kept inside the shelter and the parquet; no "wandering" hen will be tolerated.
 - z. It is understood that the citizen undertakes not to sell eggs, meat, manure or other products derived from this activity.
2. The citizen undertakes to hold a liability insurance during the period of keeping of laying hens and declares that he has informed his insurer of the keeping of laying hens on his property.
 3. The citizen agrees to assume all expenses related to the keeping of laying hens on his property, including all costs related to the care, replacement of hens, euthanasia or incineration, if any.
 4. This undertaking will remain in effect as long as the citizen is keeping laying hens.
 5. In the 60 days preceding the expiry of the license the citizen must inform the municipality in writing of his intention to renew or not his license.
 6. A citizen who does not wish to renew his license, or whose renewal of the license is refused by the municipality, undertakes, at his own expense, to return the property to its original state and dispose of the shelter and parquet for laying hens within 30 days of the end of the keeping of the laying hens.
 7. The citizen holding a license to keep laying hens releases the municipality and its representatives from any liability for any damage or possible damage related to the presence and the activities of keeping laying hens on his property.
 8. The citizen cannot assign or transfer this commitment.
 9. The citizen undertakes to respect any other law or any other regulation applicable to the keeping of laying hens.
 - 10 The citizen undertakes to send any notice required under this undertaking to the following address:

Municipality of Kazabazua
30 Begley road
Kazabazua, Québec J0X 1X0

SIGNATURE OF THE CITIZEN

I, _____ acknowledge that I have read, understood and accept each and every one of the provisions of this agreement and I agree to comply by it.

SIGNED IN KAZABAZUA, this _____ day of _____ 20 _____

The citizen

AUTHORIZATION #: _____

