

Authority: Licensing and Standards Committee Item LS20.1, adopted as amended, by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

BY-LAW 1109-2017

To amend City of Toronto Municipal Code Chapter 349, Animals, to update the list of prohibited animals exemptions and to permit a pilot project for backyard hens in Wards 5, 13, 21 and 32.

Whereas under sections 7 and 8 of the *City of Toronto Act, 2006*, the City may pass by-laws respecting animals; and

Whereas Council has authorized changes to Municipal Code Chapter 349, Animals, to update the list of prohibited animals exemptions contained in § 349-4, Exceptions, and to permit a pilot project for backyard hens in Wards 5, 13, 21 and 32;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 349, Animals, is amended as follows:

A. By adding a new subsection § 349-4P as follows:

P. The skunk, pine martin, armadillo and porcupine animals possessed by Earth Rangers on October 3, 2017 provided that such animals are only kept in the City by Earth Rangers for educational purposes.

B. By deleting subsection § 349-4D and replacing it with the following:

D. Toronto Zoo Animals.

C. By adding the following as a new § 349-4.1:

§ 349-4.1. Hens pilot program.

A. The Executive Director is authorized to establish a pilot program for up to three years to permit the keeping of hens in Wards 5, 13, 21 and 32.

B. The pilot program established in Subsection A shall include the following conditions:

- (1) participants in the pilot program must register with the City in a form satisfactory to the Executive Director and must be the owner or lawful occupant of the property where the hens are to be kept;
- (2) only owners or occupants of residential properties are permitted to be registered and participate in the pilot program;
- (3) owners or occupants of apartment buildings, condominium buildings, and/or properties without sufficient outdoor space to

house the hens, as determined by the Executive Director, will not be permitted to register or participate in the pilot program;

- (4) no person shall be permitted to keep more than four hens on any property;
- (5) participants shall be required to permit City staff to attend and inspect the property as deemed necessary by the Executive Director to fulfill the purposes of the pilot program, and to ensure compliance with any applicable by-laws;
- (6) participants shall be required to agree to terms and conditions satisfactory to the Executive Director and enter into an agreement with the City on such terms and conditions including those standards set by the Executive Director in accordance with Subsection C prior to being permitted to keep hens on the participant's property;
- (7) no person shall keep roosters on any property;
- (8) participants must comply with Article III of this Chapter and all other applicable laws;
- (9) hens must remain at all times on the participant's property;
- (10) if a hen is found off the property of the participant, it will be considered at large in the City; and
- (11) any eggs produced as a result of the pilot program are for personal consumption only, and no person shall sell, offer for sale or otherwise distribute any eggs produced as a result of the pilot program.

C. In addition to Subsection B, the Executive Director shall establish standards pertaining to the following items and require all participants to comply with such standards during the pilot program, all to the satisfaction of the Executive Director:

- (1) side and rear yard setbacks for the locating of outdoor hen enclosures;
- (2) standards for the outdoor enclosure structures and operating conditions, as appropriate, to ensure participants are taking appropriate measures to mitigate against attracting pests, vermin, or other wildlife;
- (3) appropriate animal care and welfare requirements;

- (4) standards to ensure that public health and safety concerns are mitigated; and
 - (5) any other criteria as deemed necessary by the Executive Director to ensure community nuisance concerns are minimized.
- D. The Executive Director is authorized to suspend any participant from the pilot program who, in the opinion of the Executive Director, has taken any action or failed to take any action that has jeopardized public health, or the health of a hen, or caused community disruption.
- E. Section 349-2 shall not apply to hens which are kept by a registered participant in accordance with a pilot program established under this section 349-4.1.
2. Subsection 1A shall be deemed repealed and of no force or effect as of January 1, 2021 and subsection § 349-4P of Chapter 349, Animals, is deleted effective January 1, 2021.
3. Subsection 1C shall be deemed repealed and of no force or effect as of November 1, 2020 and subsection § 349-4.1 of Chapter 349, Animals, is deleted effective November 1, 2020.

Enacted and passed on October 4, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)