
SECTION: Farm Animal Policy and Procedure
SUBJECT: Keeping of Animals By-law, Temporary Exemption from the Provisions of By-law 4086/81/01.

PURPOSE: The purpose of this policy and procedure is to establish consistent guidelines when residents wish to house farm animals on property that is zoned other than Agricultural within the City of Port Colborne.

SCOPE: The City Of Port Colborne Keeping of Animals By-law 4086/81/01.

POLICY STATEMENT The Keeping of Animals By-law provides for prohibiting and regulating animals within the City of Port Colborne

. The By-law addresses concerns such as:

- ◆ Care of Animals
- ◆ Prohibited or Dangerous Animals
- ◆ Domesticated and Farm Animals
- ◆ Seizing, Impounding and Sale or Killing of Animals
- ◆ Registration and Licensing of Animals

PROCEDURE: The following conditions and caveats must apply in respect of an application to Council to amend by-law number 4086/81/01 on a temporary basis, to permit the keeping of certain animals generally excluded in non-agricultural lands and includes a list of rules that must be adhered to if any owner of a property wishes to house farm animals on property not zoned Agricultural.

- ◆ Minimum lot size 1 acre or 0.39 ha
- ◆ Only an owner of a property can apply for this exemption.
- ◆ Only the animals listed in Schedule “F” of the Keeping of Animals By-law 4086/81/01 as amended qualifies for an exemption under this policy.
- ◆ All costs associated with an application and subsequent temporary exemption from by-law 4086/81/01 are the sole responsibility of the owner of the property and the owner shall enter into an agreement with the City that any and all costs incurred by the city shall be paid forthwith by the owner to the City and failing the payment of any costs, the amount unpaid shall be added to the tax roll and be collected as taxes. The following is a list of the types of costs to be paid by the owner as a condition of an exemption to by-law 4086/81/01:
 - ◆ costs incurred for legal fees, both those of the owner and all legal fees incurred by the City,
 - ◆ cost for production of and registration of easements or agreements,
 - ◆ costs incurred for subsequent removal and disposal of animals by the owner or by the City or its agents,

- ◆ fencing, screening or similar appurtenances despite the provisions of the Line Fences Act,
 - ◆ special features or facilities required as identified during the application stage to qualify for the temporary keeping of animals and exemption from the stated by-law, and
 - ◆ any incidentals or additional costs required by the City in order that the owner may have the privilege of having an exemption to the said by-law.
- ◆ The owner of the property must provide original written approvals of the application to the City, in wording described below, from all neighbours (both owners and tenants if not owner occupied) within 500 feet (152 metres) of the boundary of the applicant's property or lot lines. Written approval must include the date, neighbour's name (owner and tenant as the case may be), mailing address, telephone number and signatures. Wording to be agreed to by both owners and tenants, if tenant occupied:
- "I (insert names of the owners here) do hereby notify the City of Port Colborne, that I (we) are not opposed to the amendment of City By-law 4086/81/01 to permit (insert the name of the applicant) to keep the following farm animals: (list type/kind of animal including any names, markings or other identifiable features including photo(s) of the animal(s)) on their property located at (insert applicant's municipal address here) and further I grant this consent with the knowledge that I may withdraw such consent for any reason whatsoever and at any time by filing notice with the City of Port Colborne delivered to its corporate office at 66 Charlotte Street, Port Colborne, L3K 3C8."
- ◆ In the event an owner of land within 500 feet of the subject property sells the property, the applicant for exemption must obtain a new and revised letter of approval from the new owner/tenant and file same with the City.
 - ◆ The owner must provide complete and thorough details of the animal(s) which are the subject of the temporary exemption including name, photos, breed, sex, and any identifying marks or tattoos that would identify the animal from another.
 - ◆ Animals for consumption (resale) transfer/storage for or on behalf of any other person do not qualify for exemption from by-law number 4086/81/01. The intention of this policy is to temporarily provide for an exemption from the prohibition as set out in Schedule "F" to by-law 4086/81/01 for farm animals that the owner/applicant considers as pet(s).
 - ◆ For the purposes of this policy a copy of Schedule "F" to By-law 4086/81/01 is attached to this policy to specifically identify the types of animals that may be temporarily exempted from the by-law. Schedule "F" to By-law 4086/81/01 may be amended from time to time and shall be deemed to form part of this policy for illustrative purposes in a revised or amended form.

AGREEMENT:

An agreement between the owner/applicant and the City of Port Colborne is condition precedent to an amendment to the by-law 4086/81/01. The following minimum provisions must be included in an agreement:

- ◆ The owner must provide for unrestricted access to the City or its agents and accordingly will register on title an easement in favour of the City to access the property at any time. A copy of the registered/deposited easement shall be attached to the agreement and shall remain in force as long as the exemption to by-law 4086/81/01 remains in force.
 - ◆ The agreement shall provide that the owner grants irrevocable permission to the City or its agents authorizing the City or its agents complete and unfettered access at any time to enter onto the property for the purpose of inspecting or removing the farm animals identified in this agreement.
 - ◆ The owner must irrevocable indemnify the City or its agents from any damage or injury whatsoever claimed against the city or its agents in the exercise of any action arising from the application of this policy including the disposal of any animals, the cost of which is agreed that if unpaid by the owner will be added to the property taxes and collected as taxes.
 - ◆ The agreement must provide that once the permitted animals as described in the application and exempted from by-law 4086/81/01 are deceased or cease for any reason whatsoever from remaining on the property, that the City be notified and the exemption to by-law 4086/81/01 will be revoked, and the owner/applicant may prepare appropriate documentation for the city's consideration to release the easement and cancel the agreement under this policy.
 - ◆ On written notice mailed/served by the City on the owner/applicant based on the removal or withdrawal of any one or more letters of consent originally granted by any person within 500 feet (152 metres) of the boundary of the owner/applicant's property or lot lines in accordance with this policy, the owner/applicant shall within sixty (60) days remove the animals exempted from the provisions of by-law 4086/81/01
 - ◆ In lieu of a letter of credit the owner must provide that any and all costs incurred by the City must be paid within 30days of notice from the city failing which the amount shall be added to the tax roll and collected as taxes.
 - ◆ Annually, the owner/applicant shall supply a report on the condition and health of the animal(s) exempted from by-law 4086/81/01 or sooner should the condition of the animals change or should the animal(s) die or be removed from the property.
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