

**Agricultural Advisory Committee  
Agenda**

**Meeting Number: 01-2023**  
**Meeting Date: March 22, 2023**  
**Meeting Time: 2:00 pm**  
**Meeting Location: Accursi Room A, Meridian Community Centre**

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**1. Call to Order and Declaration of Quorum****2. Land Recognition Statement**

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

**3. Approval of Agenda****4. Election of Chair and Vice-Chair****5. Overview of Parliamentary Procedure****6. Declaration of Pecuniary Interest and General Nature Thereof****7. Regular Business****7.1. Review of Terms of Reference and 2023 Meeting Schedule****7.2. Proposed Town of Pelham Dark Sky By-law and Greenhouse Light Mitigation By-law****7.3. Proposed Town of Pelham Backyard Hen By-law****7.4. Niagara Region Agricultural Action Plan**

**7.5. Appoint Representative on Stakeholder Committee for  
Natural Asset Management Plan**

**8. Next Meeting**

**9. Adjournment**

Advisory Committee Name:	Agricultural Advisory Committee
Meeting Date and Time:	Fourth Wednesday of the Month (bi-monthly – 6 times a year) 2:00 – 3:30 p.m.
Meeting Location:	TBD

### **Purpose**

The purpose of the Agricultural Advisory Committee (AAC) is to provide input and perspective on matters related to agriculture and agri-businesses that impact the Town of Pelham (the “Town”).

### **Mandate**

The mandate of the Agricultural Advisory Committee is to provide feedback, advice and recommendations to Town Council and staff with respect to the following areas:

- Agricultural land use policies
- Agri-tourism
- Value added agricultural uses
- Agricultural infrastructure
- Nutrient management
- Specialty crops
- Agricultural education
- Employment in agriculture
- Emerging agricultural issues, i.e. climate change

### **Membership:**

The Committee shall be appointed by Town Council and comprised of the following:

- One (1) Member of Council (Ex-offio);
- One resident representative who resides in the rural area of the Town and is not involved in the agricultural industry;
- Six residents in the agricultural industry, which may include, but not limited to:
  - A member of the Niagara South Federation of Agriculture
  - A member of the Pelham Greenhouse Growers Group
  - A tender fruit grower

- A grape grower
- A cash crop farmer
- A livestock farmer
- An agricultural processing/agri-business operator
- An agri-tourism operator
- Director of Community Planning and Development, or designate (as a resource);
- Secretary (as an administrative resources).

Applicants must meet the following criteria to be eligible for appointment:

- Resident of the Town of Pelham;
- Must sign the Councillor Code of Conduct;
- Must sign Confidentiality Agreement;

The meetings of the Agricultural Advisory Committee are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

### **Schedule and Location of Meetings**

The Agricultural Advisory Committee shall meet on the fourth Wednesday of the month from 2:00 p.m. to 3:30 p.m (bi-monthly – 6 times a year), however, additional meetings may be scheduled to deal with any urgent matters subject to the availability of Members and staff. Committees are entitled to a summer/ vacation break.

### **Term of Committee**

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

Please note, Committees do not meet during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

### **Resources and Budget**

The Community Planning and Development department is the designated

lead department providing support for the Agricultural Advisory Committee; however, the Agricultural Advisory Committee also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

**Meeting Protocols**

Advisory and Statutory Committees are governed by the Town of Pelham's Procedural By-law, as amended. See relevant Section.

**Consent**

By applying to the Agricultural Advisory Committee, you have agreed, consented and understand all the provisions within these Terms of Reference.

**Financial Reporting**

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

**Amendments to the Terms of Reference**

The Terms of Reference shall be reviewed and refined every four years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Council Approval Date: January 9, 2023



## The Corporation of the Town of Pelham

By-law No. XXXX(20XX)

### **Being a By-law to regulate outdoor illumination to ensure responsible lighting, light pollution mitigation and conservation of the dark sky environment.**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 129 of the *Municipal Act, 2001* provides that a local municipality may:

- a) Prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and
- b) Prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.

**AND WHEREAS** section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality passed under the statute is guilty of an offence;

**AND WHEREAS** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** section 445 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

**AND WHEREAS** section 446 of the *Municipal Act, 2001* provides that if a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter of thing shall be done at the person's expense;

**AND WHEREAS** the Council of The Corporation of the Town of Pelham deems it necessary and desirable to regulate lighting fixtures to improve dark sky preservation and to enact this By-law for that purpose;

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## **1. Purpose**

- 1.1. The purpose of this By-law is to regulate outdoor illumination, including indoor lighting that can be seen outdoors.

## **2. Definitions**

- 2.1. In this By-law:

**"Architectural Lighting"** means lighting that is attached to the exterior of any building, structure or post.

**"By-law Enforcement Officer"** means a Person appointed by the Corporation of the Town of Pelham for the purposes of enforcement of its By-laws.

**"Direct Light"** means light emitted directly from the lamp or off of the reflector or luminaire.

**"Fixture"** means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket.

**"Flood or Spot Light"** means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**"Full-Cut-Off Fixture"** means a luminaire or light fixture that; by design of the housing or lamp does not allow any light dispersion or direct glare to shine above a horizontal plane from the base of the fixture where light is emitted and must be installed in a horizontal position as designed.

These fixtures produce no glare or stray light due to the exposure of the bulb light source because the source is recessed or shielded.

**“Glare”** means light emitting from a luminaire, or reflection with an intensity great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.

**“Grandfathered Luminaires”** means luminaires not conforming to this by-law that were installed prior to the passage of this By-law.

**“Indirect Light”** means direct light that has been reflected or has scattered off other surfaces.

**“Install”** means the wiring, connecting, plugging in, turning on, placing, mounting or attaching any light fixture or luminaire on a property.

**“Interior Lighting”** means any luminaire or part of a luminaire including the light bulb that is located inside of a building.

**“Lamp”** means the component of a luminaire that produces the actual light.

**“Laser Source Light”** means light amplification by stimulated emission of radiation which produces a high intensity narrow beam of light.

**“Light Pollution or Up Light”** means the shining of light upwards into the sky above the horizontal plane of the light fixture caused by any of the following: light trespass, glare, direct light, reflected light, light from fixtures that are not full cut-off.

**“Light Trespass”** means the shining of light produced by a luminaire that shines beyond the boundaries of the property on which it is located.

**“Lumen”** is the photometric unit of light output and the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from ‘watt’, a measure of power consumption).

**“Luminaire”** means a complete lighting system including a lamp or lamps and a fixture.

**“Motion-Sensor Activate Lighting”** means lighting products that are equipped with a sensor that upon detecting activity will switch the luminaire on and then switch it off again after an interval of no activity detection.

**“Nuisance”** means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

**“Order”** means any notice of non-compliance issued under this By-law.

**“Outdoor Luminaire”** means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement.

**“Owner”** means and includes an Owner, lessee or occupant.

**“Person”** means an Owner, individual, corporation or other entity.



**“Property”** means and includes yards, vacant lands, or any part of a lot not occupied by a principal building, if any, and includes the space within or upon unenclosed decks, unenclosed porches, unenclosed carports and unenclosed accessory structures.

**“Reflected Light”** means light redirected back into the sky off of surfaces that are being illuminated and does not include surfaces covered by non-man-made materials such as snow, ice and water.

**“Strobe Light or Stroboscopic Lamp”** means a device used to produce regular flashes of light.

**“Town”** means the Corporation of the Town of Pelham.

**“Watt”** is a derived unit of power. The unit “W” is defined as a joule per second and can be used to express the rate of energy conversion to light with respect to time.

### **3. General Provisions**

- 3.1. Every person installing an outdoor luminaire and/or interior lighting within the boundaries of the Town of Pelham shall comply with the requirements of this By-law. If conflicts arise regarding control and maintenance of outdoor lighting, this By-law shall be the governing document.
- 3.2. Every person installing an outdoor luminaire shall be required to use completely shielded full-cut-off fixtures, as identified in Schedule “A” attached hereto and forming part of this By-law.

### **4. Administration**

- 4.1. No person shall install or possess an outdoor luminaire that is not a full-cut-off fixture;
- 4.2. No person shall install or possess an outdoor luminaire that creates light pollution or up light;
- 4.3. No person shall install or possess an outdoor luminaire that creates light trespass;
- 4.4. No person shall install or possess a laser source light or any similar high intensity light outside;
- 4.5. No person shall install or possess a strobe light or stroboscopic lamp outside;
- 4.6. No person shall permit interior lighting to create light pollution, light trespass, up light, glare, or reflected light;
- 4.7. The operation of search lights for advertising or entertainment purposes is prohibited.
- 4.8. Every person shall turn off all exterior architectural lighting between 11:00 pm and 6:00 am. (see exemptions);
- 4.9. No person shall install or possess an outdoor luminaire that creates

reflected light.

## **5. Exemptions**

- 5.1. Every person who installs temporary lighting for seasonal purposes (Halloween, Christmas etc.) shall be exempt from Sections 4.1, 4.2 and 4.3 and shall comply with the following:
  - a) All lightbulbs shall be a maximum of either 10 watts or 70 lumens; and
  - b) All seasonal lighting shall be turned off from 11:00 pm to 6:00 am.
- 5.2. Every person who uses a strobe light for construction projects or emergency purposes shall be exempt from Section 4.7.
- 5.3. Every person shall be temporarily exempt from this by-law for the purpose of temporary events or temporary advertising and shall comply with the following:
  - a) Every person shall request a temporary exemption for the purpose of temporary events or temporary advertising by submitting a written request to the By-law Enforcement Officer or their designate and shall include the following information in the request:
    - i. Specific exemption requested (i.e. strobe light);
    - ii. Type and use of exterior light involved;
    - iii. Date of the event;
    - iv. Duration of time for requested exemption;
    - v. Proposed location of exterior light; and
    - vi. Physical size of exterior light.
  - b) Every person shall be required to obtain an approval from the By-law Enforcement Officer or their designate prior to the event or temporary advertising.
  - c) The exemption shall only be limited to a period of not more than 48 hours.
- 5.4. Every person that installed an outside luminaire prior to the passing of this by-law, and has satisfactory evidence to prove such, shall have the luminaire deemed as a grandfathered luminaire and shall be exempt from this by-law and shall comply with the following:
  - a) Every person that needs to replace, modify, or move a grandfathered luminaire shall replace the grandfathered luminaire in compliance with all regulations of this by-law; and
  - b) Every person responsible for a grandfathered luminaire that has been determined to direct light towards streets or parking lots or navigable waterways and causes glare to motorists, cyclists or boaters, and therefore deemed to be a public safety concern, shall bring it into compliance with the by-law immediately or by a compliance date set out in an order issued under Section 9.
  - c) Every person that has a grandfathered luminaire must bring it into

compliance with all regulations of this by-law no later than January 1, 2024.

- 5.5. All outdoor light fixtures producing light directly by the consumption of fossil fuels (i.e. gas lamps, kerosene lanterns, etc.) are exempt from this by-law.
- 5.6. All outdoor light that emits from a wood burning campfire or artificial outdoor fireplace are exempt from this By-law.

## **6. Lighting of Outdoor Signs**

- 6.1. No person shall install or possess an outdoor luminaire on an outdoor sign that is not in compliance with the Town's Sign By-law;
- 6.2. No person shall install or possess an outdoor luminaire on an outdoor sign that is not in compliance with the requirements of this By-law.

## **7. Lighting of Recreational Facilities**

- 7.1. Any light source permitted by this by-law may be used for lighting of outdoor recreational facilities (i.e. football, soccer, baseball and softball fields, tennis courts, ice rinks or show areas etc.) and shall comply with the following:
  - a) All new outdoor light fixtures used for event lighting shall be full-cut-off fixtures or be designed or provided with full-cut-off capability by a shielding retrofit, so as to minimize up light, spill light and glare;
  - b) All facility lighting shall be turned off by 11:00 pm or when not in use unless it is required for security purposes; and
  - c) Owners of grandfathered lighting fixtures as outdoor recreational facilities are required to install shielding fixtures when doing maintenance and provide full-cut-off fixtures when scheduled replacement occurs.

## **8. Substantial New Development Involving Outdoor Lighting**

- 8.1. In support of substantial new developments (i.e. Commercial, Industrial, Institutional, Multiple Residential, etc.) as determined by the Director or designate, involving outdoor lighting fixtures, the applicant shall submit evidence that the proposed work will comply with this By-law. The submission shall contain, but shall not necessarily be limited to, the following:
  - a) Plans indicating the location of lighting on the premises and the type of illumination devices, fixtures, lamps, supports, reflectors and other devices;
  - b) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalogue cuts by manufacturers and drawings (including sections where required);
  - c) Photometric data such as that furnished by manufactures or similar documentation showing the angle of cut off or light emissions.

- 8.2. The above required plans, descriptions and data shall be sufficiently complete to enable Council and Staff to readily determine compliance with the provisions of this By-law and shall be included in an implementing Site Plan Agreement.

## **9. Enforcement**

- 9.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 9.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 9.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 9.4. For the purposes of an inspection under section 9.3 of this By-law, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 9.5. An Enforcement Authority who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner and/or Occupant of Rural Property where the contravention occurred to bring it into compliance with this By-law.
- 9.6. An Order made under section 9.5 shall set out the municipal address and/or legal description of Rural Property, reasonable particulars of the non-compliance and the date(s) by which there must be compliance with the Order.
- 9.7. An Order made under section 9.5 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at Rural Property where the contravention occurred.
- 9.8. Where any Person fails to comply with an Order made under section 9.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring Rural Property into compliance with this By-law at the expense of the Person in default of the Order.
- 9.9. The Town may recover the cost of any matter or thing done pursuant to section 9.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 9.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

## **10. Penalty**

- 10.1. Every Person who contravenes any provision of this By-law is

guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.

10.2. Administrative Penalty Process By-law #4352(2022), as amended, applies to each Administrative Monetary Penalty issued pursuant to this By-law.

10.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law #4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in accordance with that By-law.

## **11. General**

11.1. The short title of this By-law is the "Dark Sky By-law".

11.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

11.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

11.4. This By-law shall be read with all changes in number or gender as are required by context.

11.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

11.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

## **12. Effective Date**

12.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this XX day of XXXX, 20XX.

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Marvin Junkin, Mayor

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Holly Willford, Town Clerk



## The Corporation of the Town of Pelham

By-law No. XXXX(20XX)

### **Being a By-law to regulate outdoor illumination to ensure responsible lighting, light pollution mitigation and conservation of the dark sky environment for greenhouse operations.**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 129 of the *Municipal Act, 2001* provides that a local municipality may:

- a) Prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and
- b) Prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.

**AND WHEREAS** section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality passed under the statute is guilty of an offence;

**AND WHEREAS** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** section 445 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

**AND WHEREAS** section 446 of the *Municipal Act, 2001* provides that if a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter of thing shall be done at the person's expense;

**AND WHEREAS** the Council of The Corporation of the Town of Pelham deems it necessary and desirable to regulate lighting fixtures to improve dark sky preservation and to enact this By-law for that purpose;

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## **1. Purpose**

- 1.1. The purpose of this By-law is to regulate outdoor illumination, including indoor lighting that can be seen outdoors for greenhouse structures.

## **2. Definitions**

- 2.1. In this By-law:

**"By-law Enforcement Officer"** means a Person appointed by the Corporation of the Town of Pelham for the purposes of enforcement of its By-laws.

**"Council"** means the Council of the Town of Pelham.

**"Curtains"** shall means a blackout curtain or shade that based upon the manufacturer's specifications blocks out ninety-nine percent (99%) of light from emitting from the Greenhouse.

**"Director"** means the Director of Community Planning and Development or their designate.

**"Greenhouse"** means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such uses may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principle use, located on the same lot therein.

**"Lights"** means any light that is used for the purpose of inducing plant growth including but not limited to Incandescent, Halogen, Fluorescent, Metal halide, Induction, Light Emitting Diode or High Pressure Sodium lights.

**"Municipality"** means the Corporation of the Town of Pelham.

**"Owner"** means and includes an Owner, lessee or occupant.

### **3. General Provisions**

- 3.1. An owner of a greenhouse that utilizes lights shall install and maintain curtains on the sidewalls and endwalls of the greenhouse in accordance with Section 3.3(a) and 3.3(b).
- 3.2. On or before **MONTH**, 2023, an owner of a greenhouse that utilizes lights shall install and maintain curtains on the ceiling of the greenhouse in accordance with Section 3.3(c).
- 3.3. Curtains shall be installed and maintained as follows:
  - a) To the height of the top of the sidewalls and endwalls;
  - b) Such that the curtain covers the entirety of the sidewalls and endwalls; and
  - c) Such that the curtain covers the entirety of the sidewalls, endwalls and ceiling, subject to Section 5 of this By-law.
- 3.4. An owner of a greenhouse that utilizes lights shall ensure that curtains are closed completely on sidewalls and endwalls from 5:00 pm until 8:00 am.
- 3.5. On or before **MONTH**, 2023, an owner of a greenhouse that utilizes lights but has not, by such date, installed curtains on the ceiling of the greenhouse in accordance with Section 3.3(c), shall submit to the Director, in a form and in the manner as determined by the Director in their sole discretion, the following:
  - a) Evidence that the owner shall be in a position to install and maintain curtains on the ceiling of the greenhouse in accordance with Section 3.3(c) on or before **MONTH**, 2023; or
  - b) A declaration that Section 3.6 of this By-law shall not apply as the lights in the greenhouse shall be shut off and remain off.
- 3.6. On the earlier of **MONTH**, 2023 or the date that an owner of a greenhouse has installed curtains on the ceiling of the greenhouse in accordance with Section 3.3(c), an owner of a greenhouse that utilizes lights shall ensure that curtains are closed completely on a greenhouse ceiling from 5:00 pm until 8:00 am; except:
  - a) Between the hours of 5:00 pm and 10:00 pm ceiling curtains must be at least ninety percent (90%) closed; and
  - b) Between the hours of 2:00 am and 8:00 am ceiling curtains must be at least ninety percent (90%) closed.



- 3.7. Until the earlier of **MONTH**, 2023 or the date that an owner of a greenhouse has installed curtains on the ceiling of the greenhouse in accordance with Section 3.3(c), the owner of a greenhouse that uses lights shall, between hours of 10:00 pm and 8:00 am ensure that such lights are shut off and remain off.
- 3.8. Sections 3.1 to 3.6 shall not apply if lights in a greenhouse are shut off and remain off.

#### **4. Enforcement**

- 4.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 4.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 4.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 4.4. For the purposes of an inspection under section 4.3 of this By-law, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 4.5. An Enforcement Authority who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner and/or Occupant of Rural Property where the contravention occurred to bring it into compliance with this By-law.
- 4.6. An Order made under section 4.5 shall set out the municipal address and/or legal description of Rural Property, reasonable particulars of the non-compliance and the date(s) by which there must be compliance with the Order.
- 4.7. An Order made under section 4.5 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at Rural Property where the contravention occurred.
- 4.8. Where any Person fails to comply with an Order made under section 4.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring Rural Property into compliance with this By-law at the expense of the Person in default of the Order.
- 4.9. The Town may recover the cost of any matter or thing done pursuant to section 4.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 4.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

## **5. Penalty**

- 5.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 5.2. Administrative Penalty Process By-law #4352(2022), as amended, applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 5.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law #4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in accordance with that By-law.

## **6. General**

- 6.1. The short title of this By-law is the "Greenhouse Light Mitigation By-law".
- 6.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 6.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 6.4. This By-law shall be read with all changes in number or gender as are required by context.
- 6.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 6.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

## **7. Effective Date**

- 7.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this XX day of XXXX, 2023.

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Marvin Junkin, Mayor

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Holly Willford, Town Clerk



## The Corporation of the Town of Pelham

By-law No. XXXX(20XX)

### **Being a By-law to license, regulate and govern the keeping of hens in the Town of Pelham.**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** section 8 of the *Municipal Act, 2001* further provides that a by-law under section 11 of the statute may provide for a system of licences;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property, and by-laws respecting animals;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality passed under the statute is guilty of an offence;

**AND WHEREAS** section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** section 445 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

**AND WHEREAS** section 446 of the *Municipal Act, 2001* provides that if a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter of thing shall be done at the person's expense;

**AND WHEREAS** the Council of The Corporation of the Town of Pelham deems it necessary and desirable regulate the keeping of hens on certain properties in rural and agricultural zones and to enact this By-law for that purpose;

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham enacts as follows:

## **1. Purpose**

- 1.1. The purpose of this By-law is to regulate the keeping of hens on properties in rural and agricultural zones where such use of the properties would otherwise be prohibited by the Zoning By-law of the Town of Pelham, as enacted and amended from time to time.

## **2. Definitions**

- 2.1. In this By-law:

**"Administrative Monetary Penalty"** means a monetary penalty issued pursuant to Town By-law #4353(2022), as amended from time to time.

**"Applicant"** means a Person applying for a Licence under this By-law.

**"By-law Enforcement Officer"** means a By-law Enforcement Officer of the Town.

**"Enforcement Authority"** means a By-law Enforcement Officer, the Licence Administrator and any Person appointed or otherwise delegated the authority of administration and enforcement of this By-law.

**"Fees and Charges By-law"** means a by-law passed by the Town to establish fees and charges to be collected by the Town, as enacted and amended from time to time.

**"Free Roaming"** means a Hen that is outside of a Hen Coop or Hen Run.

**"Hen"** means a domesticated female chicken that is at least four (4) months old.

**"Hen Coop"** means a fully enclosed, locking, weatherproof structure where Hens are kept and the interior of which contains nest boxes for egg laying, roosts for Hens to sleep on and containers for food and water.

**"Hen Run"** means a covered, fully fenced and secure enclosure that allows Hens access to the outdoors.

**"Licence"** means a licence issued under this By-law for the keeping of Hens.

**"Licence Administrator"** means the By-law Enforcement Officer authorized by the Town to administer this By-law or his/her designate.

**"Licensee"** means a Person who holds a valid Licence issued under this By-law.

**"Occupant"** means a Person that lawfully occupies a Rural Property and includes Owners and lessees.

**"Order"** means any notice of non-compliance issued under this By-law.

**"Owner"** means the registered owner of Rural Property.

**"Person"** means an individual, corporation, partnership or association.

**"Property"** means any land or premises within the Town and includes all buildings and accessory structures on the said land or premises.

**"Rooster"** means a domesticated male chicken.

**"Rural Property"** means:

- (a) any Property located in a rural zone with a total lot area of less than the size required under the Zoning By-law to permit the use of the Property for the keeping of hens; and
- (b) any Property located in an agricultural zone with a total lot area of less than the size required under the Zoning By-law to permit the use of the Property for keeping of hens and that contains a Single Detached Dwelling.

**"Town"** means the Corporation of the Town of Pelham.

**"Zoning By-law"** means the Zoning By-law of the Town of Pelham, as enacted and amended from time to time.

### **3. General Provisions**

- 3.1. No Person shall keep Hens on a Rural Property except in accordance with this By-law and Schedule "A", which is appended hereto and is part of this By-law.
- 3.2. No Person shall keep Free Roaming Hens on Rural Property.
- 3.3. No Person shall keep Roosters on Rural Property.
- 3.4. No Person shall keep Hens on a Rural Property without holding a valid Licence under this By-law.
- 3.5. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.

- 3.6. Where a Person holds a valid Licence, the provisions of Town By-law #3448(2013) that prohibit the keeping of Hens on Rural Property do not apply to the Licencee and/or the Rural Property that is the subject of the Licence.

#### **4. Administration**

- 4.1. Any Owner or Occupant of Rural Property may apply to the Town for a Licence.
- 4.2. An application under section 4.1 shall be made in writing to the Licence Administrator, in the form determined by the Town and/or the Licence Administrator from time to time.
- 4.3. An application for a new Licence under section 4.1 shall be accompanied by the applicable fee as established by the Fees and Charges By-law. An application for a renewal of a Licence does not require the payment of a fee.
- 4.4. An application under section 4.1 for a new Licence or a renewal of a Licence shall contain the following:
- (a) the name, address, telephone number and address of the Applicant;
  - (b) the address of the Rural Property that is the subject of the application;
  - (c) the number of Hens to kept on the Rural Property;
  - (d) a site plan of the Rural Property that identifies the size and location of all buildings and accessory structures on the Rural Property, including the proposed locations, dimensions and setback measurements for the Hen Coop and Hen Run;
  - (e) a signed declaration confirming that the Applicant has received, reviewed and understood the contents of an education package provided by the Town regarding rules and regulations for the safe and secure keeping of Hens in accordance with this By-law;
  - (f) an acknowledgment that the Town and/or the Licence Administrator may update the education package from time to time and may require a Licensee to provide a signed declaration confirming that the Licensee has read, reviewed and understood its contents; and
  - (g) any other information required by the Licence Administrator to evaluate the application.
- 4.5. The Licence Administrator may grant or refuse a Licence and may impose such terms and conditions on a Licence as he or she considers appropriate.
- 4.6. The Licence Administrator shall refuse a Licence where the application and/or the Rural Property that is the subject of the application does not comply with the provisions of this By-law and the requirements in Schedule "A".
- 4.7. The Licence Administrator may revoke a Licence where:
- (a) the Licence was issued or renewed in error;
  - (b) the Licensee contravenes the provisions of this By-law; or

- (c) the Licensee fails to comply with the provisions of this By-law, the requirements in Schedule "A" and/or any of terms or conditions imposed on the Licence.
- 4.8. A Licence issued pursuant to this By-law is not transferable to any other Person or Rural Property.

## **5. Enforcement**

- 5.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 5.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 5.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 5.4. For the purposes of an inspection under section 5.3 of this By-law, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 5.5. An Enforcement Authority who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner and/or Occupant of Rural Property where the contravention occurred to bring it into compliance with this By-law.
- 5.6. An Order made under section 5.5 shall set out the municipal address and/or legal description of Rural Property, reasonable particulars of the non-compliance and the date(s) by which there must be compliance with the Order.
- 5.7. An Order made under section 5.5 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at Rural Property where the contravention occurred.
- 5.8. Where any Person fails to comply with an Order made under section 5.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring Rural Property into compliance with this By-law at the expense of the Person in default of the Order.
- 5.9. The Town may recover the cost of any matter or thing done pursuant to section 5.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 5.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

## **6. Penalty**

- 6.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 6.2. Administrative Penalty Process By-law #4352(2022), as amended, applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 6.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law #4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in accordance with that By-law.

## **7. General**

- 7.1. The short title of this By-law is the "Rural Hens By-law".
- 7.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 7.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 7.4. This By-law shall be read with all changes in number or gender as are required by context.
- 7.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 7.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

## **8. Effective Date**

- 8.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this XX day of XXXX, 20XX.

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Marvin Junkin, Mayor

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Holly Willford, Town Clerk



## **SCHEDULE "A"**

### **REGULATIONS FOR THE KEEPING OF HENS ON RURAL PROPERTY**

- 1) A Licensee may keep up to six (6) Hens on a Rural Property under 2.0 hectares in accordance with these Regulations.
- 2) A licensee may keep up to twenty (20) Hens on a Rural Property over 2.0 hectares, but under 10.0 hectares in accordance with these Regulations.
- 3) The keeping of Roosters on Rural Property is prohibited.
- 4) The Licensee must lawfully occupy and reside at the Rural Property where the Hens are kept.
- 5) Any Rural Property where Hens are kept shall:
  - (a) contain a Single Detached Dwelling;
  - (b) have a lot frontage of no less than 18.0 metres; and
  - (c) have a lot depth of no less than 30.0 metres.
- 6) Hens shall be kept in the rear yard of Rural Property.
- 7) Hens shall be confined to a Hen Coop or Hen Run at all times. Free Roaming Hens are prohibited.
- 8) No more than one (1) Hen Coop and one (1) Hen Run may be situated on Rural Property.
- 9) The Hen Coop shall provide a minimum of 0.37m<sup>2</sup> for each Hen.
- 10) The Hen Run shall provide a minimum of 0.93m<sup>2</sup> for each Hen. The floor of the Hen Run shall consist of vegetation, bare earth or a combination of them.
- 11) Notwithstanding the accessory structure height and size provisions in the Zoning By-law:
  - (a) Hen Coops and Hen Runs shall be located in the rear yard of Rural Property;
  - (b) Hen Coops and Hen Runs shall be located no less than 2.0m from any abutting lot line;
  - (c) Hen Coops and Hen Runs shall not exceed 3.0m in height; and
  - (d) the combined floor area of the Hen Coop and Hen Run shall be less than 10.0m<sup>2</sup>.
- 12) Other than as set out in section 10 of these Regulations, Hen Coops and Hen Runs shall meet all other applicable Zoning By-law requirements for accessory structures.
- 13) Hens shall be kept in locked Hen Coops from sunset to sunrise.
- 14) Hen Coops shall have adequate ventilation and shall be weather and predator proof.
- 15) Hen Coops and Hen Runs shall be maintained in a clean and sanitary condition and shall be kept free of obnoxious odours, substances and vermin.
- 16) Hens shall be provided with appropriate food, water, space and environmental conditions conducive to good health and the opportunity

to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.

- 17) Feeders and water containers shall be provided and regularly cleaned and disinfected.
- 18) Feed shall be stored in rodent proof containers and shall be secured at all times to prevent rodents and other animals from accessing it.
- 19) Leftover feed shall be promptly removed from Rural Property and disposed of in an appropriate manner.
- 20) Manure that is kept for composting or fertilizing shall be stored in an enclosed structure or container such as a compost bin. No more than three (3) cubic feet shall be stored at any one time. Manure not used for composting or fertilizing or in excess of three (3) cubic feet shall be promptly removed from Rural Property and disposed of in an appropriate manner.
- 21) The slaughter of Hens on Rural Property is prohibited.
- 22) Deceased Hens shall be disposed of at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs, and in accordance with all applicable laws.
- 23) Deceased Hens shall be disposed of in accordance with section 21 of these Regulations within 24 hours of death.
- 24) Hens shall be kept in accordance with all applicable law including Town of Pelham By-laws respecting noise, lot maintenance, property standards and animals as well as provincial legislation.