

THE RURAL MUNICIPALITY OF DUFFERIN

By-Law No. 1665

Being a by-law of the Rural Municipality of Dufferin
to regulate the establishment and placement of livestock,
buildings and structures.

WHEREAS Section 319 of the Municipal Act, M225, provides in part that "Where the Council of a municipality has not adopted and put into force a planning scheme for the municipality, or a specified part thereof, it may pass by-laws, applicable to the whole municipality, or that part thereof, as the case may be:

- d) prohibiting or restricting to a specified area and regulating
 - i) the erection, establishment, maintenance or continuance of barns, or livery, feed, or sale stables, or piggeries, cattle byres, dairies, apiaries or other buildings in which cattle, horses, goats, pigs, or sheep, or bees, are kept;
 - ii) the use of other enclosures, structures, or places for the keeping of any of the animals mentioned in sub-clause (1), or bees.

AND WHEREAS Section 322 (1) of the Municipal Act provides that the Council of any municipality may pass by-laws prescribing . . . the minimum distance that a building line of any parcel of land shall be from the street line thereof;

AND WHEREAS Section 330 of the Municipal Act provides in part that "The Council of any municipality may pass by-laws not inconsistent with The Public Health Act, The Environment Act, or any other Act,

- (b) for preventing the contamination of wells or springs that are in, or streams of water that are wholly or partly in, the municipality";

AND WHEREAS Section 345 (1) of The Municipal Act provides that "The Council of any municipality may pass by-laws:

- c) for prohibiting, restricting, controlling and regulating the placing or deposition of dirt, manure, paper, filth, rubbish or other refuse on any private property, including a highway;
- g) for regulating the disposal of animal carcasses and the disposal of them in a disposal area, either in or outside the municipality, designated by council;
- h) for inspecting and regulating barns, stables, cattle byres, piggeries, and other enclosures, wherein animals are reared, maintained, or kept, and requiring them to be kept in a sanitary condition;
- i) for regulating or preventing the encumbering, injuring, or fouling, by animals of any public wharf, dock, slip, sewer, river or water, or any highway;
- u) generally for preventing and abating public nuisances that, in the opinion of Council, are detrimental to the health or comfort of the residents of the municipality . . ."

AND WHEREAS Section 353 of the Municipal Act provides that Council may "pass by-laws for regulating or prohibiting the keeping, within the municipality, or within any prescribed area thereof, of domestic or wild animals, domestic or wild fowl or birds, or any species, class or type of such animals and fowl or birds, and either generally or of any kind or class specified in a by-law."

NOW THEREFORE the Council of the Rural Municipality of Dufferin, in Council, duly assembled, enacts as follows:

(1) TITLE

This by-law shall be known and may be cited as the Livestock Operations By-law.

(2) AREA AFFECTED

This by-law shall apply to all barns, excavations and enclosures used to house livestock, poultry, or other animals, or to store waste from livestock or other animals or poultry within the Rural Municipality of Dufferin. ("Enclosure" excludes fences used to graze livestock).

(3) OBJECTIVES

The objectives of the Livestock Production Operations By-Law are as follows:

- (1) To promote livestock production in the Rural Municipality of Dufferin.
- (2) To minimize environmental concerns which livestock operations can create; (Water, Soil and Air pollution).
- (3) To ensure existing livestock operations can continue to operate with minimal restrictions within this Municipality.
- (4) To minimize conflicts between livestock operations in an area where the risk of environmental and land use problems will be minimized.

(4) DEFINITIONS

- (a) Road: Road shall mean road as it is defined in the Municipal Act and shall include all streets, roads, road allowance and highways.
- (b) Council: Means the Council of the Rural Municipality of Dufferin.
- (c) Development: Means:
 - (i) The carrying out of the construction, erection or placing of any building, enclosure or excavation intended for the purpose of housing livestock, poultry or other animals, or the storage of waste (enclosure excludes fences used for grazing of livestock).
 - (ii) The making of any change in use or intensity of any existing structure, enclosure or excavation used for the purpose as described in this part (i) (enclosure excludes fences used for the grazing of livestock).
- (d) Livestock Production Operation: Means a farm operation on which livestock, poultry or other animals are kept and includes all lands and buildings thereon.
- (e) Livestock Waste Unit: Means the amount of animal waste produced by one milk cow or other animal equivalent thereto, as set out on Table 1 hereto.
- (f) Confined Livestock Area: Means an outdoor, non-grazing area where livestock is confined by fences, other structures or topography including feedlots, paddocks, corrals, exercise yards and holding areas.
- (g) Groundwater: Means water below the surface of the ground.
- (h) Waste Equivalent of Other Livestock: Means the amount of animal waste produced by other livestock as measured in Livestock Waste Units as described in Table 1 hereto.
- (i) New Livestock Production Operation: Includes existing building and livestock operations which have not been in production for more than five years. Excludes an existing operation which undergoes a change in ownership.
- (j) New Livestock Operations Buildings: Excludes buildings constructed to replace existing facilities.

(k)

(5) APPLICABILITY

No person shall carry out any Development unless such Development conforms to the policies of this said by-law.

(6) PERMIT REQUIREMENT

- (a) Any new livestock production operation greater than 250 livestock waste units within the Rural Municipality of Dufferin must have the permission of Council before construction can commence.
- (b) Any existing livestock operation wishing to expand more than 250 livestock waste units over their capacity as of the time of the initiation of this by-law, becomes a new livestock operation and must adhere to all regulations affecting new operations.
- (c) All new and expanding manure storage lagoons require a permit from the Rural Municipality of Dufferin before construction shall commence.

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APPLICATION FOR PERMITS:

All applications for such an approval shall be made to the Secretary-Treasurer of the Rural Municipality of Dufferin and shall be accompanied by a site plan and such other plans and specifications as may reasonably be necessary to consider the proposal.

(A) An application for a Livestock Production Application approval shall be accompanied by the following:

- (i) a site plan showing:
 - (a) the site boundaries, with dimensions;
 - (b) the location of all existing and proposed buildings, structures or uses of the land;
 - (c) floor plans, elevations, exterior views and sections of the proposed buildings or structures;
 - (d) the existing and proposed access points to the site;
 - (e) the location of off-street parking and loading, if required;
 - (f) the location of all easements and/or rights-of-way; and
 - (g) any additional information the Officer of the R.M. of Dufferin considers necessary for processing and evaluating the application.
- (ii) a non-refundable application fee as established by Council from time to time;
- (iii) proof of ownership or authority to apply for a development permit; and
- (iv) the estimated commencement and completion dates.

(7) APPLICATION DEEMED REFUSED

The approval for a Livestock Production Application shall be given in writing by the Rural Municipality of Dufferin and may be deemed to be refused:

- (a) When a decision on the application is not made within 60 days of the receipt of the completed application.
- (b) A Livestock Production Application may be revoked if:
 - (i) there is a contravention of any condition under which the permit was issued;
 - (ii) the permit was issued in error; or
 - (iii) the permit was issued on the basis of incorrect information.

(8) LIVESTOCK PRODUCTION OPERATIONS POLICIES applicable to

NEW OPERATIONS ONLY:

(a) Newly constructed livestock operations must meet the following siting criteria:

Livestock Waste Unit L.W.U.	Minimum Distance from Residences to New Livestock Operations Buildings (excludes residence of owner of the livestock operation)
10 - 400	1/4 mile
Over 400	1 mile
Livestock Waste Unit L.W.U.	Minimum Distance from the Villages of Graysville, Roseisle and Homewood to New Livestock Operations Buildings
10 and over	1 mile

(b) Newly constructed hog operations greater than 400 L.W.U. must utilize slurry tank systems for the storage of liquid manure.

(9) LIVESTOCK PRODUCTION OPERATIONS POLICIES applicable to

NEW AND EXISTING OPERATIONS:

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(a) Newly constructed manure storage lagoons or slurry tank systems cannot be located within 5280 feet (1 mile) of any residence not owned by the operator.

(b) Outside manure storage cannot be located within 500 feet of any drain, creek, river, or lake.

(c) Outside manure storage cannot be located within 150 feet from the edge of any municipal right-of-way or within 150 feet from any neighboring property line.

(d) Owners must have at their disposal, and maintain at all times, sufficient land for the long term safe disposal of waste. Manure cannot be applied on land at levels that may result in the long term contamination of the groundwater. To ensure safe manure disposal rates are respected, the municipality may request soil tests to determine the soil nitrogen levels. Levels higher than acceptable may result in the order to cease disposal on these fields. Caution should be taken if actual soil nitrogen levels approach 150 lbs. per acre. A development permit may not be granted if Council is not satisfied that the land base, owned or available to the applicant, will be sufficient for the long term environmentally safe disposal of the water.

(e) Waste storage enclosures or excavations may not be constructed within the Rural Municipality of Dufferin unless they are designed so that they will not have the potential to pollute the groundwater.

(f) Waste spread by a liquid irrigation gun, "walking gun", waste spread from a lagoon or from a slurry tank system, must be incorporated into the soil within 72 hours after spreading.

(g) Livestock production operations cannot be located within 1,320 feet (1/4 mile) of any community well.

(h) Livestock in a confined livestock area may not have access to a watercourse; and if there are more than 10 livestock in a confined livestock area, then the area must be at least 150 feet from a watercourse, the bank of a watercourse and any source of water used for domestic purposes.

(i) Existing hog operations expanding to greater than 400 L.W.U. must utilize slurry tank systems for the storage of liquid manure.

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(j) No operator shall apply livestock waste to any land within 500 feet of any neighboring residence.

(10) DUTIES OF THE OWNER:

Every owner shall:

(a) permit the officer appointed by the Municipality to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law and shall not molest, obstruct or interfere with said Officer in the discharge of his duties under this by-law;

(b) after the Livestock Application has been approved and the permit issued, notify the Officer of the R.M. of Dufferin and obtain his approval before doing any work at variance with the approved documents filed; and

(c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licences relating to the buildings, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

(11) NON-CONFORMITIES

(a) No approval shall be granted for the commencing of the livestock operation if it does not comply with the requirements set out in Sections Six, Eight and Nine all inclusive of this by-law.

(b) Notwithstanding the provisions contained in the by-law, the Council may prohibit or restrict the development of an area of land for use as a livestock operation if the area has been identified either by Council or other agencies as a flood risk area or as an area where a livestock operation is likely to create an environmental risk or hazard or to be noxious or offensive by reason of emission or production of odour, dust, refuse matter, waste or noise, unless satisfactory measures are undertaken to mitigate or eliminate such effects and the necessary approval has been obtained from Manitoba Environment as required.

(12) ENFORCEMENT

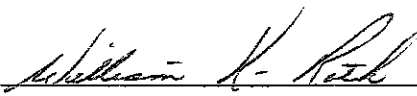
(a) The Rural Municipality of Dufferin shall do all things necessary to ensure compliance with this by-law, including, without limitation, causing its duly authorized agents to enter upon all lands and enter into all livestock buildings to ensure compliance with this by-law.

(b) Every person who contravenes, or refuses, neglects, omits or fails to obey or observe any provision of this by-law is guilty of an offence and is liable to a fine not exceeding \$500.00 for individuals, or \$5,000.00 for corporations, or imprisonment for a term to exceeding one month, or both.

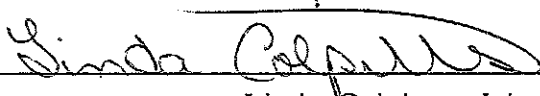
Where the contravention, refusal, neglect, omission, or failure continues for more than one day, the person or corporation is guilty of a separate offence for each day that it continues.

THAT By-Law No. 1638 and By-Law No. 1650 are hereby rescinded.

DONE, PASSED AND ENACTED by the Council of the Rural Municipality of Dufferin, duly assembled at the regular meeting held this 14th day of June A.D. 1994.



William K. Roth, Reeve



Linda Colpitts, Administrator

Read a first time this 14th day of June A.D. 1994.

Read a second time this 14th day of June A.D. 1994.

Read a third time this 14th day of June A.D. 1994.

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ATTACHED TO AND FORMING PART OF BY-LAW # 1665

TABLE 1 - LIVESTOCK WASTE UNITS

<u>Type of Operation</u>	<u>Livestock Waste Units</u>
<u>Dairy Cattle</u>	
1 milk cow	1.0
1 milk cow plus dry cows	1.2
1 milk cow plus dry cows, replacement heifers, calves	1.4
<u>Beef Cattle</u>	
1 beef animal of feedlot capacity	0.36
1 beef cow plus replacement heifers, calves (all year drylot capacity)	0.7
1 beef cow plus replacement heifers, calves (winterlot capacity)	0.42
1 beef cow plus bulls, replacement heifers, calves (summer pasture only)	0.28
<u>Swine</u>	
1 sow (farrow to finish) plus boars, replacement gilts (suckling pigs to market)	2.0
1 sow (farrow to weaning) plus boars, replacment gilts (suckling to 40 lbs.)	0.8
1 feeder pig (40 lbs. to market) feeder barn capacity	0.2
<u>Chickens</u>	
100 layer hens	0.9
100 chicken broilers	0.53
100 hens in breeder flock	1.2
<u>Turkeys</u>	
100 turkey broilers	0.85
100 turkey feeders	1.5
100 turkey hens in breeder flock	2.2
<u>Ducks</u>	
100 ducks	1.0
<u>Geese</u>	
100 geese	1.1
<u>Horse</u>	
1 horse	0.5
<u>Sheep</u>	
1 ewe plus rams, lambs	0.1
<u>Rabbits</u>	
10 does plus bucks, litter	0.4