

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 331/03

Being a by-law to extend an interim control by-law which regulates livestock facilities in Haldimand County for a period of one (1) year

WHEREAS Haldimand County is empowered to enact this By-law, by virtue of the provisions of Section 38(1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and Sections 5 and 6 of the Town of Haldimand Act, 1999;

AND WHEREAS it is deemed desirable, expedient and in the public interest to extend established interim controls concerning such operations to allow the County to continue with its study regarding land use provisions for intensive livestock operations and until the Province of Ontario's regulations under the Nutrient Management Act have been completed and implemented;

AND WHEREAS the Province of Ontario encourages the enactment of interim controls for that purpose;

AND WHEREAS Section 38(2) of the Planning Act, R.S.O 1990, Chapter P.13, as amended, permits the extension of an interim control by-law which is in effect provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

NOW THEREFORE the Council of The Corporation of Haldimand County enacts as follows:

TITLE

- 1) This By-law may be cited as Haldimand County's Interim Control By-law for Intensive Livestock Farms.

INTERPRETATION

- 2) In this By-law "livestock units" means the equivalent values for various types of animals based on manure production and production cycles, where the livestock equivalent value is derived from Schedule 'A' to this By-law.

GENERAL

- 3) The provisions of this By-law shall apply to all lands within Haldimand County.

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- 4) Despite the provisions of any zoning by-law or of any other by-law of the Corporation of Haldimand County to the contrary within Haldimand County, no land, building or structure shall be used for:
 - a) the establishment of a livestock facility, building or operation, including manure storage facilities with
 - i) the capacity of 150 or more livestock units, or
 - ii) a capacity of 50 or more livestock units with a livestock density of more than 5 livestock units per tillable hectare (2 livestock units per tillable acre) of land that is owned by the applicant, or
 - b) the expansion of the existing livestock facility, building or operation, including manure storage facilities
 - i) a total capacity, after expansion, of 150 or more livestock units, or
 - ii) a total capacity, after expansion, of 50 or more livestock units with a livestock density of more than 5 livestock units per tillable hectare (2 livestock units per tillable acre) of land that is owned by the applicantduring the term of this By-law.
- 5) Section 4 shall not apply to prevent the replacement of an existing facility or building otherwise prohibited that is destroyed by fire, wind, flood or explosion provided that such replacement shall not increase the number of livestock units of the building.
- 6) Section 4 shall not apply to prevent the expansion of an existing manure storage facility where there is no increase in the number of livestock units in the operation serviced by such storage facility.
- 7) Section 4 shall not apply in cases where the applicant has a nutrient management plan that has been approved by the Ministry of Agriculture, Food and Rural Affairs.
- 8) THIS By-law shall be in effect for a period of one year from the date of passing of this By-law or until repealed.
- 9) If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions or parts thereof shall have been declared to be invalid.
- 10) This By-law shall take force and take effect on the date of passing pursuant to Section 38 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

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READ a first and second time this 20th day of January, 2003.

READ a third time and finally passed this 20th day of January, 2003.

L. Bergstrand

MAYOR

J. Lankester

CLERK

PURPOSE AND EFFECT OF BY-LAW NO.____/03

The purpose of this extension to the interim control by-law is to prohibit the establishment or expansion of a livestock facility, building or operation, including manure storage facilities with a capacity of 150 livestock units or greater, or a capacity of 50 or more livestock units with a livestock density of more than 5 livestock units per tillable hectare (2 livestock units per tillable acre) of land that is owned by the applicant. This prohibition will not apply in cases where an applicant has a nutrient management plan that has been approved by the Ministry of Agriculture, Food and Rural Affairs.

As a general prohibition, this By-law applies to all lands within Haldimand County.

This By-law is in effect for one year from the date of its passing, unless repealed by By-law.

Report PED-PD-06-2003
File No. Z-HA 9/2002
Haldimand County