

**BY-LAW NO. 17-10-2017**

**A BY-LAW TO AMEND THE RURAL PLAN OF THE VILLAGE OF BELLEDUNE**

**BEING BY-LAW 17-01-2008**

Under the authority vested in it by the *Community Planning Act*, the Municipal Council of Belledune, duly convened, enacts as follows:

***Section 1: Subsection 1(2) of Part C of the Rural Plan is amended by repealing the definition "AGRICULTURAL USE" and substituting the following:***

**"AGRICULTURAL USE"** means the use of land, buildings and structures for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. The sale on the premises of produce grown or raised on the premises is permitted. Agricultural use includes a one-unit dwelling occupied by the operator of the farm.

***Section 2: Subsection 11.2 of Part B of the Rural Plan is amended by repealing the entire paragraph entitled Policies and proposals and substituting the following:***

**Policies and proposals:**

The Village of Belledune recognizes that agricultural activities represent a valuable asset in the economy and in the determination of the rural character of Belledune.

The Village is in the strong opinion that the responsibility falls with the provincial government to enact an agricultural policy to protect, to promote and to regulate that particular industry.

For the purpose of this rural plan, the Village of Belledune designates by agricultural operations permitted within its limits any activity that is carried out for gain or reward for the following purposes:

- The clearing, draining, irrigating or cultivation of land,
- The raising of livestock, including poultry,
- The raising of fur-bearing animals,
- The raising of bees,
- The production of eggs and milk,
- The production of agricultural field crops,
- The production of fruit and vegetables, and other specialty horticultural crops,
- The operation of agricultural machinery and equipment, including irrigation pumps,
- The preparation of a farm product for distribution from the farm gate, including cleaning, grading and packaging,
- The on farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption,
- The storage, use or disposal of organic waste for farm purposes,
- The operation of pick-your-own farms, roadside stands, farm produce stands and farm tourist operations as part of a farm operation,

- The application of fertilizers, conditioners, insecticides, pesticides, fungicides and herbicides, including ground and aerial spraying, for agricultural purposes,
- Any other agricultural activity or process prescribed by regulation,
- Temporary or seasonal dwellings for farm labour,
- The growing of medical, processing and storage of medical marijuana,
- The sale of farm products on the farm.

Since it has no expertise and resources in that domain, the Village of Belledune will encourage government officials (Department of Agriculture, Aquaculture and Fisheries, Department of Environment and Local Government) and other organizations like the Agriculture Alliance of New Brunswick and the Chaleur Watershed Group to work in close relation with the agricultural industries to promote best management practices and to implement Beneficial Management Practices (BMPs).

The Village of Belledune intends to rely on the Department of Agriculture, Aquaculture and Fisheries for the licensing, the monitoring and the controlling of livestock operations in compliance with provincial statutes, including the Livestock Operations Act and the Manure Management Guidelines. Similarly, the Village of Belledune will rely on the provincial government and the relevant department for addressing any impact a livestock operation may have on the social and the natural environment.

Where the land is used for agricultural purpose, it constitutes the main use of the land. Any building and structure (barns, tool sheds, etc) are deemed to be accessory to the main agricultural use. The farmer's residence constitutes a secondary use that shall be permitted on farmland. In addition to the farmer's residence, a maximum of one (1) other residence can also be built on the same farmland as a secondary use if such residence is occupied by relatives or workers who assist on the farm.

The Village of Belledune intends to use two calculation methods to determine favourable separating distances relating to livestock facilities. The most stringent number will be used as the minimal separating distances between a livestock facility and a dwelling or an institution within the same zone, and any zone other than a Rural Zone or an Industrial Zone. By using the most stringent separating distance obtained by using two calculation methods, the Village of Belledune aims at developing sustainable agriculture and harmonious coexistence of activities in the community. These provisions do not take away the environmental and other obligations to which producers and the provincial government must adhere under provincial statutes.

1- The first calculation method is the one used by the Department of Agriculture, Aquaculture and Fisheries to make such determinations under the provisions of paragraph 10(5) (c) of the Agricultural Land Protection and Development Act for the separation distances between livestock facilities situated on registered agricultural land and buildings and structures, including livestock facilities, situated on adjacent land to be established and the circumstances under which the separation distances may vary.

2- The second calculation method is the one adopted specifically by the Village of Belledune and is based on similar calculation methods used by several municipalities in the Province of Quebec. The Regional Service Commission may permit, subject to such terms and conditions as it considers fit, such reasonable variance from the separating distance obtained by this method as if it was a zoning requirement falling within paragraph 34(3)(a) of the Community Planning Act.

### **A- Minimum Separating Distance**

The minimal separating distances between a livestock facility and a dwelling or an institution within the same zone, and any zone other than a Rural Zone or an Industrial Zone are computed by using a formula that combine the seven following parameters as follows:

**Separating distance = B x C x D x E x F x G, where**

Parameter A is the number of animal units according to table A;

Parameter B represents the basic distance according to table B based on the number of animal units determined by Parameter A;

Parameter C is the odour load according to table C;

Parameter D corresponds to the type of manure according to table D;

Parameter E is the type of the project according to table E;

Parameter F is the attenuation factor according to table F; and

Parameter G is the usage factor according to the table G.

**Table A: Number of animal units (Parameter A)**

Group or category of animals	Number of animal equivalent to an animal unit
Cow or heifer, bull, horse	1
Calf or heifer weighting from 225 to 500 kg	2
Calf weighting less than 225 kg	5
Breeding pig weighting from 20 kg to 100 kg	5
Sow and piglet not weaned during the year	4
Piglet weighting less than 20 kg	25
Laying hen or rooster	125
Roasting or broiling chicken	250
Growing pullet	250
Turkey weighting more than 13 kg	50
Turkey weighting from 8.5 kg to 10 kg	75
Turkey weighting less than 5.5 kg	100
Female mink (male and offspring not included)	100
Female fox (male and offspring not included)	40
Sheep and lamb of the year	4
Goat and kid of the year	6
Female rabbit (male and offspring not included)	40
Quail	1500
Pheasant	300

Note: It is important to mention that this table serves as an indication. A complete table will have to be prepared by reducing the differences between the categories. The basis for computation remain 500 kg per animal unit. When a weight is indicated in the table, it is the weight of the animal at the end of the period of growth. For any other species of animal, a gross weight of 500 kg is equal to one animal unit.

**Table B: Basic Distances (Parameter B)**

Total number of animal units	Distance (metres)	Total number of animal units	Distance (metres)	Total number of animal units	Distance (metres)
10	178	300	517	880	725
20	221	320	528	900	730
30	251	340	538	950	743
40	275	360	548	1000	755
50	295	380	557	1050	767
60	312	400	566	1100	778
70	328	420	575	1150	789
80	342	440	583	1200	799
90	355	460	592	1250	810
100	367	480	600	1300	820
110	378	500	607	1350	829
120	388	520	615	1400	839
130	398	540	622	1450	848
140	407	560	629	1500	857
150	416	580	636	1550	866
160	425	600	643	1600	875
170	433	620	650	1650	883
180	441	640	656	1700	892
190	448	660	663	1750	900
200	456	680	669	1800	908
210	463	700	675	1850	916
220	469	720	681	1900	923
230	476	740	687	1950	931
240	482	760	693	2000	938
250	489	780	698	2100	953
260	495	800	704	2200	967
270	501	820	709	2300	980
280	506	840	715	2400	994
290	512	860	720	2500	1006

Note: These data are adapted from the Association of German Engineers VDI3471

Group or category of animals	Parameter C
Slaughter cattle	
- in a closed building	0.7
- on an outdoor feed area	0.8
Milk cattle	0.7
Duck	0.7
Horse	0.7
Goat	0.7
Turkey	
- in a closed building	0.7
- on an outdoor feed area	0.8
Rabbit	0.8
Sheep	0.7
Pig	1.0
Hen	
- caged laying hen	0.8
- reproduction hen	0.8
- roasting hen/large chicken	0.7
- pullet	0.7
Fox	1.1
Heavy calf	
- milk calf	1.0
- grain calf	0.8
Mink	1.1

Note: For any other animal species, use Parameter C = 0.8.

Management method of farm fertilizers	Parameter D
<b>Management of solid</b>	
slaughter and milk cattle, horse, sheep and goat	0.6
other groups or categories of animals	0.8
<b>Management of liquid</b>	
slaughter and milk cattle	0.8
other groups or categories of animals	1.0

**Table E: Type of Project (Parameter E)**

Increase up to ... (a.u.)	Parameter E	Increase up to ... (a.u.)	Parameter E
10 or less	0.50	181-185	0.76
11-20	0.51	186-190	0.77
21-30	0.52	191-195	0.78
31-40	0.53	196-200	0.79
41-50	0.54	201-205	0.80
51-60	0.55	206-210	0.81
61-70	0.56	211-215	0.82
71-80	0.57	216-220	0.83
81-90	0.58	221-225	0.84
91-100	0.59	226-230	0.85
101-105	0.60	231-235	0.86
106-110	0.61	236-240	0.87
111-115	0.62	241-245	0.88
116-120	0.63	246-250	0.89
121-125	0.64	251-255	0.90
126-130	0.65	256-260	0.91
131-135	0.66	261-265	0.92
136-140	0.67	266-270	0.93
141-145	0.68	271-275	0.94
146-150	0.69	276-280	0.95
151-155	0.70	281-285	0.96
156-160	0.71	286-290	0.97
161-165	0.72	291-295	0.98
166-170	0.73	296-300	0.99
171-175	0.74	300 and more	1.00
176-180	0.75	new project	1.00

It should be noted that the number of animals to be added to the herd must be considered, whether there is or not an extension or construction of a building. For any project leading to a total of 300 animal units and more, as well as for any new project, Parameter E=1.

<b>Table F: Attenuation Factor (Parameter F)</b>	
Technology	Parameter F
<b>Roof on storage premises</b>	<b>F<sub>1</sub></b>
absent	1.0
permanent rigid	0.7
temporary (layer of peat, layer of plastic)	0.9
<b>Ventilation</b>	<b>F<sub>2</sub></b>
natural and forced with multiple air outlets	1.0
forced with regrouped air outlets and air outlets above the roof	0.9
forced with regrouped air outlets and air cleaning with air scrubbers or biological filters	0.8
<b>Other technologies</b>	<b>F<sub>3</sub></b>
new technologies may be used to reduce the distances when their efficiency is proven	Factor to be determined at the time of accreditation

<b>Table G: Usage Factor Factor (Parameter G)</b>		
Land Use	Livestock facility Parameter G1	Pig Farm on liquid manure Parameter G2
For a dwelling within the same zone	G= 0.5	G= 0.5
For any zone other than a rural or industrial zone	G=1.5	G=3
For a public road, but the installations must in all cases respect the minimum setback set in the zoning provisions	G=0.1	G=0.1
In the case of pig farm on liquid manure, use Parameter G2		

**B- Acquired rights applicable to existing non-conforming livestock facilities.**

Parameter E bearing on the type of project acknowledges acquired right related to the expansion of existing agricultural enterprises. For establishments of one hundred animal units (100 a.u.) and less, the replacement of the breeding type is allowed on the following conditions:

- a) the same number of animal units shall be maintained,
- b) to continue the same management of breeding effluents or a more favourable management with respect to the inconvenience associated with odours whereas for the other establishment, the replacement of the type of breeding is only possible by respecting the computation parameters for separating distances,
- c) the farming operations shall not have been discontinued for more than 120 months.

**C- Separating distances relating to storage premises for farm manure located at more than 150 metres from a livestock facility.**

When the manure is stored more than 150 metres from the livestock facility, the separating distance is determined by the storage capacity. Minimal separating distances between storage premises for farm manure located at more than 150 metres from a livestock facility and a dwelling, a public institution and a zone other than a Rural Zone or an Industrial Zone are obtained by combining the seven parameters presented as stated above in the second calculation method adopted specifically by the Village of Belledune with the following changes:

For Parameter A, each reservoir capacity of 1000 m<sup>3</sup> corresponds to 50 animal units considering that one animal unit requires a storage capacity of 20 m<sup>3</sup>.

Once the equivalent is completed, the value of Parameter B is found. The formula for the separating distance B x C x D x E x F x G does apply.

The following table shows the cases where C, D, E and F are equivalent to 1. Only Parameter G varies depending on the neighboring unit in question.

Separating distances related to storage premises for liquid manure <sup>(note 1)</sup> located at more than 150 metres from the affiliated livestock facility				
Storage capacity (m <sup>3</sup> ) (see note 2)	Separating distances (m)			
	Dwelling or public institution within the same zone	Zone other than a rural or industrial zone	Public road	
1000	148	443	30	
2000	184	550	37	
3000	208	624	42	
4000	228	684	46	
5000	245	734	49	
6000	259	776	52	
7000	272	815	54	
8000	283	849	57	
9000	294	882	59	
10000	304	911	61	
Note 1: For solid manure, multiply the above distance by 0.8				
Note 2: For other storage facilities, complete the necessary computation by using a proportional rule or data of Parameter A				

**D- Specific provisions applicable to Pig farms on liquid manure**

No livestock facility used for the raising of pigs on liquid manure (maternity, nursery, finishing or a combination thereof) shall exceed the ground floor area and the minimum separation distance as provided in the following table:

<b>Maximum GFA and separating distance (Hog Farms on liquid manure)</b>				
Category of pig farming	Maximum Ground Floor Area (m <sup>2</sup> )	Typical space requirement per hog (m <sup>2</sup> /hog)	Total maximum of pigs permitted	Minimum separating distance between buildings used for raising pigs
Maternity	2200	3.5	629	2000 m
Nursery	2264	0.4	5660	2000 m
Finishing	2000	0.9	2222	2000 m

**Section 3: This By-law is enacted in compliance with the Community Planning Act.**

FIRST READING: \_\_\_\_\_, 2017

SECOND READING: \_\_\_\_\_, 2017

THIRD READING \_\_\_\_\_, 2017

ENACTMENT: \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
(municipal seal)