

# Village of Clive

## Bylaw #531-19

### Urban Hen Bylaw

#### BEING A BYLAW OF THE VILLAGE OF CLIVE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF CHICKENS IN URBAN AREAS

**WHEREAS** pursuant to Section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting: the safety, health and welfare of people and the protection of people and property; wild and domestic animals, and activities in relation to them; and the enforcement of bylaws; and

**WHEREAS** pursuant to Section 8 of the *Municipal Government Act* the council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licenses, permits and approvals.

**NOW THEREFORE**, the Council of the Village of Clive, in the Province of Alberta, duly assembled, enacts as follows:

#### Short Title

1. This bylaw may be called the “Urban Hen Bylaw”.

#### Definitions

2. For the purposes of this bylaw:
  - a. **“Animal Health Act”** means the *Animal Health Act*, SA 2007, C A-40.2 including regulations under that statute;
  - b. **“Chicken License”** means a license issued by the Chief Administrative Officer pursuant to this Bylaw authorizing the license holder to keep Urban Chickens on a specific property within an Urban Area;
  - c. **“Coop”** means a fully enclosed weather proof structure and attached Outdoor Enclosure used for the keeping of Urban Chickens, that is no larger than 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) in floor area, and no more than 2.4 m (7.8 ft) in height;
  - d. **“Hen”** means a domesticated female chicken;
  - e. **“Municipal Tag”** means a document alleging an offence issued pursuant to the authority of a Bylaw of the Village;
  - f. **“Outdoor Enclosure”** means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earth or vegetated floor for Urban Chickens to roam;
  - g. **“Peace Officer”** means a member of the Village of Clive Police Service, a member of the Royal Canadian Mounted Police, a Community Peace Officer, or a By-Law Enforcement Officer;
  - h. **“Rooster”** means a domesticated male chicken;
  - i. **“Urban Chicken”** means a Hen that is at least 16 weeks of age;
  - j. **“Urban Area”** means lands located within the Village which are zoned as Residential Districts; and
  - k. **“Violation Ticket”** means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

#### Purpose

3. The purpose of this bylaw is to regulate and control the keeping of chickens within Urban Areas.

### Prohibitions

4. In an Urban Area, no person shall:
  - a. Keep a Rooster; or
  - b. Keep a Hen, other than an Urban Chicken for which a valid Chicken License has been issued.

### Chicken License

5. A person may apply to keep no more than four (4) Urban Chickens by:
  - a. Submitting a completed application, on the form approved by the Chief Administrative Officer; and
  - b. Paying the license fee to the Village as set out in the Rates and Fees Bylaw #530-19 as amended each year a license is issued or renewed.
6. The Chief Administrative Officer may not issue or renew a Chicken License unless satisfied that:
  - a. The applicant is the owner of the property on which the Urban Chickens will be kept, or that the owner of the property has provided written consent to the application;
  - b. The land use districting of the property on which the Urban Chickens will be kept allows the placement of a Coop for the keeping of Urban Chickens;
  - c. The property on which the Urban Chickens will be kept contains a detached or semi-detached dwelling;
  - d. The applicant resides on the property on which the Urban Chickens will be kept;
  - e. The applicable fee has been paid; and
  - f. All required information has been provided.
7. The maximum number of Chicken Licenses that may be issued for the year in which this Bylaw comes into force shall be ten (10).
8. The Chief Administrative Officer may refuse to grant or renew a Chicken License for the following reasons:
  - a. The applicant or license holder does not or no longer meets the requirements of this bylaw for a Chicken License;
  - b. The applicant or license holder:
    - i. Furnishes false information or misrepresents any fact or circumstance to the Chief Administrative Officer or a Peace Officer;
    - ii. Has, in the opinion of the Chief Administrative Officer based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
    - iii. Fails to pay a fine for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of Urban Chickens;
    - iv. Fails to pay any fee required by this or any applicable Bylaw; or
  - c. Fifty percent or more of the neighbours, having contiguous boundaries with the property where the Urban Chickens will be kept, are not in support of the application;
  - d. In the opinion of the Chief Administrative Officer based on reasonable grounds it is in the public interest to do so.
9. If the Chief Administrative Officer refuses to grant or renew a Chicken License, the applicant may appeal the decision to the Village of Clive Council.
10. A Chicken License is valid only for the period April 1 to March 31 in the year for which it is issued.
11. A Chicken License is not transferrable from one person to another or from one property to another.
12. A person to whom a Chicken License has been issued shall produce the license at the demand of the Chief Administrative Officer or a Peace Officer.

### Keeping of Urban Chickens

13. A person who keeps Urban Chickens must:
  - a. Comply with the *Animal Health Act*;

- b. Have knowledge, experience, or training in hen keeping or have the support and assistance from a hen keeping mentor;
  - c. Provide each Hen with at least 0.26 m<sup>2</sup> (2.8 ft<sup>2</sup>) of interior floor area within the Coop;
  - d. Locate the Coop in a rear yard, no less than 1.0 m (3.3 ft) from the side and rear boundaries;
  - e. Provide and maintain, at least one nest box for every two Hens and one perch that is at least 15 cm (6 inches) long per Hen, in the Coop;
  - f. Keep each Hen in the Coop at all times;
  - g. Provide each Hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the Hen in good health;
  - h. Maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
  - i. Construct and maintain the Coop to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
  - j. Keep a food container and water container in the Coop;
  - k. Keep the Coop secured from sunset to sunrise;
  - l. Remove leftover feed, trash, and manure in a timely manner;
  - m. Store feed within a fully enclosed container;
  - n. Manage the organic waste (manure) from the hens in accordance with Village bylaws;
  - o. Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
  - p. Keep Hens for personal use only.
14. No person who keeps Urban Chickens shall:
- a. Sell eggs, manure, meat, or other products derived from Hens;
  - b. Slaughter a Hen on the property;
  - c. Dispose of a Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens; and
  - d. Keep a Hen in a cage, kennel, or any shelter other than a Coop.

### **Offence and Penalties**

- 15. A person who contravenes any provision of this Bylaw is guilty of an offence.
- 16. A person who is guilty of an offence is liable to a fine in an amount not less than \$100.00.
- 17. Without restricting the generality of section 16, the fine amount established for use on Municipal Tags and for Violation Tickets if a voluntary payment option is offered is \$150.00.

### **Municipal Tag**

- 18. A Peace Officer is authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 19. A Municipal Tag may be issued to such person:
  - a. Either personally; or
  - b. By mailing a copy to such person at his or her last known post office address.
- 20. The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - a. The name of the Person;
  - b. The offence;
  - c. The specified penalty established by this Bylaw for the offence;
  - d. That the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
  - e. Any other information as may be required by the Chief Administrative Officer.

**Payment in Lieu of Prosecution**

21. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified within the time period indicated on the Municipal Tag.

**Violation Ticket**

22. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
23. Despite section 22, a Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer had any reasonable and probable grounds to believe has contravened any provision of this Bylaw.
24. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- Specify the fine amount established by this Bylaw for the offence; or
  - Require a person to appear in court without the alternative of making a voluntary payment.

**Voluntary Payment**

25. A person who commits an offence may make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.
- If a Violation Ticket is issued in respect of the offence; and
  - If the Violation Ticket specifies the fine amount established by this Bylaw for the offence.

**Obstruction**

26. No person shall obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this Bylaw.

**Powers of Chief Administrative Officer**

27. Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:
- Carry out any inspections to determine compliance with this Bylaw;
  - Take any steps or carry out any actions required to enforce this Bylaw;
  - Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
  - Establish forms for the purposes of this Bylaw; and
  - Delegate any powers, duties or functions under this Bylaw to a Village employee or Designated Officer as defined by section 210 of the Municipal Government Act.

**General**

28. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Village Bylaw, or any requirement of any lawful permit, order or license.

**Severability**

29. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of Competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**Enactment**

30. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

INTRODUCED AND GIVEN FIRST READING THIS 11<sup>th</sup> day of February, 2019.

GIVEN SECOND READING THIS 25<sup>h</sup> day of February, 2019.

GIVEN THIRD AND FINAL READINGS THIS 25<sup>th</sup> day of February, 2019.

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Mayor

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Chief Administrative Officer