

Village of Barons

Bylaw #746

A BYLAW OF THE VILLAGE OF BARONS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF CHICKEN IN URBAN AREAS ON A PILOT PROGRAM.

WHEREAS pursuant to provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people, the protection of people and property, wild and domestic animals, and certain activities in relation to them; and

WHEREAS pursuant to provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council has the authority to provide for a system of licences, permits and approvals; and

WHEREAS Council deems it desirable to regulate and licence the keeping of chickens in urban areas of the Village;

NOW THEREFORE the Council of the Village of Barons enacts as follows:

1. **SHORT TITLE**

This bylaw may be known as the "Urban Hen Bylaw".

2. **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- a) **“Chief Administrative Officer (CAO)”** means the Chief Administrative Officer of the Village appointed by Council, or designate;
- b) **“Contiguous Boundary”** means property which either abuts directly on the property where the urban hens will be kept or is directly separated from the property by a street or street right of way, alley, walkway, railway, water body, utility lot or other similar feature;
- c) **“Coop”** means a fully enclosed weather-proof structure and attached outdoor enclosure used for the keeping of urban hens, that is no larger than 9.2m² (100 ft.²) in floor area, and no more than 1.8m (6 ft.) in height;
- d) **“Council”** means the Council of the Village of Barons;
- 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 hens to roam;
- g) **“Peace Officer”** means:
 1. a member of the Royal Canadian Mounted Police;
 2. a Community Peace Officer as appointed by the Solicitor General of Alberta;
 3. a Bylaw Enforcement Officer as appointed by the Village to enforce bylaws of the Village;
- h) **“Rooster”** means a domesticated male chicken;
- i) **“Sell”** means to exchange or deliver for money or its equivalent;
- j) **“Village”** means the Village of Barons, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
- k) **“Urban Area”** means lands located within the Village on which agricultural operations, including but not limited to the keeping of livestock, are neither a permitted or discretionary use under Bylaws of the Village;

- l) **“Urban Hen”** means a domesticated female chicken that is at least sixteen (16) weeks of age;
- m) **“Urban Hen Licence”** means a licence issued pursuant to this Bylaw which authorizes the licence holder to keep urban hens on a specific property within the Village.
- n) **“Violation Tag”** means a notice or tag in the form as approved by the CAO, issued by the Village, allowing a voluntary payment option of a fine established under this Bylaw;
- o) **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

3. PILOT PROGRAM REGULATIONS

- 1) The length of the Urban Hen Pilot Program shall be one (1) year effective January 1, 2023.
 - a) Participants must acknowledge that the Pilot Program is a trial of one (1) year; and
 - b) Should the Pilot Program not result in the implementation of a formal Municipal Urban Hen program, participants will have ninety (90) days from the end of the Pilot Program to re-home urban hens

4. PROHIBITIONS

- 1) In an urban area, no person shall keep:
 - a) a rooster; or
 - b) a hen, other than an urban hen for which a valid urban hen licence has been issued.

5. URBAN HEN LICENCES

- 1) The maximum number of urban hen licences that may be issued in the Village shall be four (4).
- 2) A person may keep up to four (4) urban hens by:
 - a) submitting a completed urban hen licence application on a form supplied by the Office and is attached as Schedule “B”; and
 - b) paying an annual urban hen licence fee of Fifty Dollars (\$50.00).
- 3) Urban hen licences are valid for the period of January 1 to December 31 of the year in which it is issued and must be renewed annually prior to January 31 of each subsequent year.
- 4) Urban hen licence fees shall not be reduced or prorated no matter the month of purchase.
- 5) Urban hen licence fees shall not be refunded or rebated.
- 6) An urban hen licence is not transferable from one person to another.
- 7) An urban hen licence is not transferable from one property to another
- 8) A person to whom an urban hen licence has been issued shall produce the licence upon the demand of a Peace Officer.
- 9) An urban hen licence may be issued if the CAO is satisfied that:
 - a) the applicant is the owner of the property on which the urban hens will be kept; or that the owner of the property has provided written consent to the applicant;
 - b) the land use designation of the property on which the urban hens will be kept allows the placement of a coop for the keeping of urban hens;
 - c) the applicant resides on the property on which the urban hens will be kept;
 - d) all required information has been provided;
 - e) the applicant has taken a course on the safe handling of hens and eggs, prior to issuance of a licence;
 - f) the applicable licence fee has been paid; and
 - g) the applicant has complied with all other Provincial and Federal Regulations for the keeping of chickens.
- 11. Notwithstanding Section 3.a. of Village Bylaw No. 746, any person who has applied for and been approved for ownership of urban hens may keep hens in accordance with the terms of this Bylaw and its attached Schedules.
- 12. An urban hen licence may be refused or revoked by the CAO if:

- a) the applicant or licence holder does not meet or no longer meets the requirements for an urban hen licence as set out in this Bylaw;
 - b) the applicant or licence holder furnishes false information or misrepresents any fact or circumstance required pursuant to this Bylaw;
 - c) the applicant or licence holder has, in the opinion of the CAO, based on reasonable grounds, contravened any part of this Bylaw whether or not the contravention has been prosecuted;
 - d) the applicant or licence holder fails to pay a fine imposed by a court for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of livestock;
 - e) the applicant or licence holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
 - f) fifty-one percent (51%) or more of the neighbours having contiguous boundaries with the property where the urban hens will be kept are not in support of the application;
 - g) in the opinion of the CAO, based on reasonable grounds, it is in the public interest to do so.
- 13) If the CAO revokes, or refuses to issue an urban hen licence, the applicant may appeal the decision to Council, in accordance with Village Bylaws.

6. KEEPING OF URBAN HENS

1. A person who keeps urban hens must:
 - a) provide each urban hen with at least 0.37m² (3.98 ft.²) of interior floor area, and at least 0.92m² (9.9 ft.²) of outdoor enclosure, within the coop; ensure that each coop is:
 - b) located in the rear yard of the property only;
 - c) a minimum 3.1m (10 ft.) from a dwelling;
 - d) a minimum 1.5m (5 ft.) from any accessory structures;
 - e) a minimum 1.5m (5 ft.) from a side yard and 1.5m (5.0 ft.) from the rear yard;
 - f) a minimum 3.1m (10 ft.) from a secondary front (corner lots); and
 - g) at grade level, no more than 1.8m (6 ft.) in height;
 - h) provide and maintain, in the coop, at least one nest box per chicken and one perch per urban hen that is at least 13 cm (5 in) long;
 - i) keep each urban hen in the coop at all times;
 - j) provide each urban hen with appropriate food, liquid (unfrozen) water, shelter, light, warmth, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the urban hen in good health;
 - k) maintain the coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - l) construct and maintain the coop to prevent any rodent from harbouring underneath, within, or within its walls, and to prevent entrance by any other animal;
 - m) keep a food container and water container in the coop;
 - n) keep the coop secured at all times;
 - o) remove leftover feed, trash, and manure in a timely manner;
 - p) store feed within a fully enclosed container;
 - q) store manure within a fully enclosed container, and store no more than 85 litres (3 cubic feet) of manure at any time;
 - r) remove all other manure not used for composting or fertilizing and dispose of such in accordance with Village Bylaws;
 - s) follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce potential for disease outbreak;
 - t) keep urban hens for personal use only; and
 - u) inform the Village immediately of any disease or welfare issues that may affect the public, and of the steps taken to rectify the situation.
2. No person who keeps urban hens shall:
 - a) sell eggs, manure, meat, or other products derived from an urban hen;
 - b) slaughter any urban hen on the property;
 - c) dispose of an urban hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of such; and
 - d) keep an urban hen in a cage, kennel, or any other form of shelter other than a coop, except for the purpose of temporary transport.

7. AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER

1. Without restricting any other power, duty, or function granted by the Urban Hen Bylaw, the Chief Administrative Officer or designate may:
 - a) carry out any inspections to determine compliance with the Urban Hen Bylaw;
 - b) take any steps or carry out any actions required to enforce the Urban Hen Bylaw;
 - c) take any steps or carry out any actions required to remedy a contravention of the Urban Hen Bylaw;
 - d) establish forms for the purposes of the Urban Hen Bylaw; and
 - e) delegate any powers, duties, or functions under the Urban Hen Bylaw to a Village employee

8. PENALTIES AND ENFORCEMENT

1. No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.
2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) Dollars, imprisonment for a term not exceeding one (1) year, or both.
3. Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.
4. Where a person contravenes the same provision of this Bylaw two (2) or more times within one twelve (12) month period, the specified penalty payable in respect of the second or subsequent contravention shall be the amount stated in Schedule "A" for such offences.
5. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.
6. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other bylaw.
7. Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
 - a) a violation tag allowing a payment of the specified penalty to the Village; or
 - b) a violation ticket allowing payment according to the provisions of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
8. Service of a violation tag will be sufficient if it is:
 - a) personally served; or
 - b) served by regular mail to the person's last known mailing address.
9. If a violation ticket is issued in respect to an offence, the violation ticket may:
 - a) specify the fine amount established by this Bylaw for the offence; or
 - b) require a person to appear in court without the alternative of making a voluntary payment.
10. A person who commits an offence may:
 - a) if a violation ticket is issued in respect of the offence; and
 - b) if the violation ticket specified the fine amount established by this Bylaw for the offence;
 - c) make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the provincial courthouse specified on the violation ticket.

9. SEVERABILITY

1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

10. GENERAL

1. Any person who contravenes any provision of this Bylaw by:
 - a) doing any act or thing which the person is prohibited from doing; or
 - b) failing to do any act or thing the person is required to do.is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

2. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaws(s), or any requirement of any lawful permit, order or licence.
3. Words in the singular include the plural and words in the plural include the singular.
4. Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended.
5. No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Village from pursuing any other remedy in relation to a premises as provided by the *Municipal Government Act*, or any other law of the Province of Alberta.
6. This Bylaw shall be in force for a period up to and including December 31, 2023. A review of the temporary term of this Bylaw will be conducted by Council within three (3) months of the expiry date to determine viability to amend and/or extend the provisions of the Bylaw.

This Bylaw comes into force upon the date of the passing of the third and final reading thereof.

Read a first time this _____ day of _____, 2022

Read a second time this _____ day of _____, 2022

Presented for Consideration for a third and final reading this _____ day of _____, 2022

Read a third and final time this _____ day of _____, 2022

MUNICIPALITY OF THE VILLAGE OF BARONS

MAYOR

ADMINISTRATOR

Schedule "A"

SECTION	OFFENCE	PENALTY 1st Offence	PENALTY 2nd & Subsequent
4.1 a)	Keep a rooster	\$250	\$500
4.1 b)	Keep an unlicensed urban hen	\$250	\$500
5.3	Fail to renew urban hen licence	\$250	\$500
5.6	Transfer urban hen licence	\$250	\$500
5.9	Fail to produce urban hen licence upon demand	\$250	\$500
6.1 a)	Fail to provide adequate coop space for number of hens	\$250	\$500
6.1 b), c), d), e), f)	Coop improperly located	\$250	\$500
6.1 h)	Fail to provide nest box or perch per urban hen	\$250	\$500
6.1 i)	Allow urban hen to be outside coop	\$250	\$500
6.1 j)	Fail to adequately provide for essential hen behaviour	\$250	\$500
6.1 k)	Fail to maintain coop to prevent odors	\$250	\$500
6.1 l)	Fail to prevent rodents/animals from entering coop	\$250	\$500
6.1 m)	Fail to keep food and water in coop	\$250	\$500
6.1 n)	Fail to keep coop secured	\$250	\$500
6.1 o)	Fail to remove waste in timely manner	\$250	\$500
6.1 p)	Fail to properly store feed	\$250	\$500
6.1 q)	Fail to properly store manure	\$250	\$500
6.1 r)	Fail to properly dispose of manure	\$250	\$500
6.1 s)	Fail to follow biosecurity procedures	\$250	\$500
6.1 t)	Keep urban hens for other than personal use	\$250	\$500
6.1 u)	Fail to inform of any disease or welfare issues	\$250	\$500
6.2 a)	Sell products derived from urban hens	\$250	\$500
6.2 b)	Slaughter urban hen on property	\$250	\$500
6.2 c)	Unlawfully dispose of urban hen	\$250	\$500
6.2 d)	Keep urban hen in other form of shelter other than coop	\$250	\$500

Schedule "B"

**VILLAGE OF BARONS
URBAN HEN PILOT PROGRAM LICENCE APPLICATION**

Urban Hen Licenses are effective until December 31, 20__, and are required to be renewed annually

(Applicant must be 18 years of age or older)

PLEASE PRINT AND COMPLETE THE ENTIRE FORM

Name of Applicant:

Mailing Address:

Location of urban hens

Phone Number(s):

Email Address:

Number of Chickens At This Location: (Max. 4) _____

****if tenant, a letter of authorization is required from the registered Owner along with this application form****

(over)

Please initial once read:

_____ License is for 20 _____

_____ I acknowledge that this is a Pilot Program for one year only.

_____ I have read and accept the Terms and Conditions set out in the Bylaw.

_____ I acknowledge that I am required to take Urban Hen training from an authorized provider.

_____ I acknowledge that I am required to apply for a Premises Identification Number through the Alberta Agricultural and Forestry online at www.agricultural.alberta.ca/premises or submit a paper application obtained from Rural Development (ARD) Field Office throughout Alberta

_____ I certify that I will abide by all regulations of this bylaw after I have received my license, knowing that failure to comply may result in cancellation of the Urban Hen License issued to me.

The personal information that you provide to the Village of Barons is collected under the authority of the *Alberta Freedom of Information and Protection of Privacy (FOIP) Act* – Section 33(c). The information will be used for the purpose of issuing urban hen licenses, and for monitoring and animal control purposes.

Collected personal information is protected from unauthorized access, collection, use, and disclosure in accordance with the *FOIP Act*, and can be reviewed and corrected upon request. Questions regarding the collection of personal information can be directed to: FOIP Head, Village of Barons, Box 129 Barons, AB T0L 0G0, Tel (403)757-3633. For information about the license, bylaw, etc. please contact Village of Barons Office.