

BYLAW NO. 23/004

A BYLAW TO REGULATE THE KEEPING OF HENS IN THE REGIONAL MUNICIPALITY OF WOOD BUFFALO.

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the "MGA"), a Council 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 MGA, a Council may, in a bylaw, regulate or prohibit and to provide for a system of licences, permits or approvals.

NOW THEREFORE the Regional Municipality of Wood Buffalo, in Council duly assembled, enacts as follows:

PART 1 – PURPOSE, DEFINITIONS, AND INTERPRETATION

PURPOSE

1. The purpose of this Bylaw is to regulate and control the keeping of *backyard hens* within the Regional Municipality of Wood Buffalo.

SHORT TITLE

2. This Bylaw may be cited as the "*Backyard Hen Bylaw*".

DEFINITIONS AND INTERPRETATION

3. For the purpose of administering the provisions of this Bylaw, the following definitions shall apply:
 - (a) "Adjoining Neighbour" means an owner or occupant of a property that is contiguous to a *parcel* along a common property line and where the *parcel* is a corner lot, includes an owner or occupant of a property that is adjacent to the *parcel* across a rear lane, but not across a street;
 - (b) "Bylaw Enforcement Officer" means a Peace Officer as defined in the *Provincial Offences Procedure Act* and includes any person appointed by the Municipality pursuant to section 555 of the *Municipal Government Act*, RSA 2000, c. M-26;
 - (c) "Chicken" means any chicken, including but not limited to a Hen or a Rooster;
 - (d) "Clerk" means the clerk of the Community Standards Appeal Committee;

- (e) “Community Standards Appeal Committee” means the committee established pursuant to the Regional Municipality of Wood Buffalo’s *Community Standards Appeal Committee Bylaw No. 19/001*, as amended or replaced;
- (f) “Coop” means a *hen house* and attached *outdoor enclosure* used for the keeping of *backyard hens* that has a floor area no greater than 10.0 square metres and is no more than 2.4 metres in height;
- (g) “Coop Approval” means an approval, issued pursuant to this Bylaw by the Regional Municipality of Wood Buffalo to a person, that allows a person to have a Coop on a Parcel;
- (h) “Council” has the meaning prescribed in the *Municipal Government Act*;
- (i) “Fees Bylaw” means the Regional Municipality of Wood Buffalo *Fees, Rates and Charges 2023 Bylaw No. 22/012*, as amended or replaced;
- (j) “Hamlet Area” means the highlighted areas identified as the Hamlet Area on Schedule A, attached hereto and forming part of this Bylaw;
- (k) “Hen” or “backyard hen” means a domesticated female chicken which is 16 weeks of age or older that is kept for non-commercial purposes or as a domestic pet;
- (l) “Hen house” means a fully enclosed weather-proof building forming part of a Coop;
- (m) “Land Use Bylaw” means the Regional Municipality of Wood Buffalo *Land Use Bylaw No 99/059*, as amended or replaced;
- (n) “Licence” means a valid *Licence*, issued pursuant to this Bylaw by the Regional Municipality of Wood Buffalo to a person, that allows the person to keep *Hens* on a parcel;
- (o) “Licence Holder” means a person who has been issued a Licence;
- (p) “Licensing Authority” means the Chief Administrative Officer of the Regional Municipality of Wood Buffalo or their delegate;
- (q) “Municipality” means the Regional Municipality of Wood Buffalo;
- (r) “Notice of Appeal” means a Notice of Appeal pursuant to the *Community Standards Appeal Committee Bylaw No. 19/001*, as amended or replaced.
- (s) “Outdoor enclosure” means a secure, enclosed, and roofed outdoor structure attached to and forming part of a Coop;

- (t) "Owner" means one or more persons:
 - (i) who has care, charge or custody possession or control of a chicken, including but not limited to a Hen or Rooster;
 - (ii) who owns or who claims any proprietary interest in a chicken, including but not limited to a Hen or Rooster;
 - (iii) who harbors, suffers or permits a chicken, including but not limited to a Hen or Rooster, to be present on any property owned, occupied or leased by him, or which is otherwise under his control; or
 - (iv) to whom a Licence is issued for the Hen;
- (u) "Parcel" means a description of land as identified on a certificate of title as registered at the Alberta Land Titles Office;
- (v) "Principal building" means a building which, in the opinion of the Development Authority, is the primary building associated with the approved use on a Parcel;
- (w) "Privacy fence" means a solid fence with a continuous height of no less than 2.0 metres or the maximum height permitted by *Land Use Bylaw*, whichever is lesser, that creates a visual barrier, and which conceals view of the enclosed Parcel and prevents entry by predators.
- (x) "Responsible Pet Ownership Bylaw" means the Regional Municipality of Wood Buffalo Responsible Pet Ownership Bylaw No. 19/025, as amended or replaced;
- (y) "Rooster" means a male chicken;
- (z) "Semi-detached dwelling" has the meaning prescribed in the *Land Use Bylaw*; and
- (aa) "Single detached dwelling" has the meaning prescribed in the *Land Use Bylaw*.

PART 2 – PROHIBITIONS

4. No person shall:
- (a) keep a Chicken unless it is:
 - (i) a Hen kept pursuant to a Licence; or
 - (ii) kept on a Parcel that has been approved for extensive agriculture, intensive agriculture, or a separate land use designation which expressly allows for the keeping of chickens through the Land Use Bylaw;
 - (b) keep less than 3 Hens;
 - (c) keep more than 6 Hens, except in the Hamlet Area where no person shall keep more than 1 Hen for every 100 square metres of Parcel area up to a maximum of 10 Hens”;
 - (d) sell eggs, manure, meat, or other products derived from a Hen;
 - (e) slaughter a Hen;
 - (f) allow a Hen to roam outside of a Coop;
 - (g) dispose of a live Hen except by delivering it to an operation that is lawfully permitted to dispose of Chickens, such as a farm, abattoir, or veterinarian;
 - (h) dispose of a deceased Hen except through regular waste collection; or,
 - (i) keep a Hen in a building, dwelling, cage, kennel, shelter or any structure other than a Coop; or
 - (j) keep a Hen without a Premises Identification under the *Alberta Animal Health Act*, SA 2007 c A-40.2

PART 3 – BACKYARD HEN LICENCE

5. The keeping of Hens is a development under the Land Use Bylaw but does not require a development permit under the Land Use Bylaw if the Hen keeping complies with and is licensed under this Bylaw.
6. An application for a Licence shall be made by:
- (a) submitting a completed application using the forms provided by and as otherwise directed by the Licensing Authority; and,
 - (b) paying the non-refundable Licence fee in the amount prescribed by the Fees Bylaw.

7. To be eligible for a Licence, an applicant must:
- (a) satisfy the Licensing Authority that the Parcel on which the Hens will be kept:
 - (i) is owned by the applicant or where the applicant is not the Parcel owner, the Parcel owner has consented to the application in writing in the form prescribed by the Licensing Authority;
 - (ii) occupies at least 400 square metres; and
 - (iii) contains a Principal Building that is either a Single detached dwelling or a Semi-detached dwelling;
 - (b) satisfy the Licensing Authority that the applicant:
 - (i) resides on the Parcel where the Hens will be kept;
 - (ii) has completed a Hen training course to the satisfaction of the Licensing Authority;
 - (iii) will implement biosecurity measures that are adequate, in the sole discretion of the Licensing Authority, to reduce the risk of exposing the Hens to infectious disease;
 - (iv) has notified adjoining neighbors of the application; and
 - (v) will obtain a Premises Identification under the *Alberta Animal Health Act*, SA 2007 c A-40.2;
 - (c) obtain a Coop Approval from the Licensing Authority by:
 - (i) paying the Coop Approval fee; and
 - (ii) submitting building plans for the Coop to the Licensing Authority demonstrating that for each Hen to be housed in the Coop:
 - (A) the Hen house has a minimum floor area of 0.37 square metres and the Outdoor enclosure has a minimum floor area of 0.92 square metres; and,
 - (B) the Coop contains one nest box and one perch at least 15 centimetres long; and,
 - (d) provide any other information requested by the Licensing Authority.

8. An Applicant shall not be required to obtain a new Coop Approval where the applicant satisfies the Licensing Authority that a Coop Approval has already been granted to the applicant in relation to the same Parcel and the Coop complies with the building plans for the Coop Approval.
9. The Licensing Authority may revoke a Licence or refuse to issue or renew a Licence, without refund or compensation to the applicant or Licence Holder, for any of the following reasons:
 - (a) the applicant does not meet the requirements of this Bylaw;
 - (b) the Licence Holder has, in the opinion of the Licensing Authority based on reasonable grounds, contravened this Bylaw or the Licence whether or not the contravention has been prosecuted;
 - (c) the Licence was issued based on incorrect information or a misrepresentation by the Licence Holder; or
 - (d) in the opinion of the Licensing Authority on reasonable grounds, it is in the public interest to do so.
10. The Licensing Authority may refuse to accept an application or refuse to issue or renew a Licence when the maximum number of Licences under the Bylaw has been reached.
11. The Licensing Authority may issue a Licence subject to conditions.
12. The Licensing Authority will notify an Adjoining Neighbour when a Licence is issued.
13. A Licence is non-transferable and is only approved for the Licence Holder and the Parcel identified on the Licence.
14. A Licence shall expire 1 year following the date of issuance and must be renewed annually.
15. A Licence does not take effect until:
 - (a) the 14-day appeal period has expired, if no appeal was received during the appeal period; or
 - (b) the Community Standards Appeal Committee has made a decision on any appeal and that decision upholds the issuance of the Licence.
16. Where there is a Hen on a Parcel the owner of the Parcel is guilty of an offence unless there is a Licence or separate lawful authority authorizing the keeping of Hens on the Parcel.

17. Any person who provides the Licensing Authority with false or misleading information on an application for a Licence is guilty of an offence.

PART 4 – KEEPING OF BACKYARD HENS

18. Each Hen must be provided with food, water, shelter, light, ventilation, care, and opportunities for essential behaviors such as scratching, dust-bathing, and roosting necessary to maintain the Hen in good health.

19. Each Hen must be kept in the Coop at all times.

20. An Owner must:

- (a) comply with all conditions of the Licence and this bylaw;
- (b) maintain the Coop in good repair and sanitary condition, free from pests and noxious or offensive smells and substances as determined by a Bylaw Enforcement Officer;
- (c) construct and maintain the Coop to prevent any animal or rodent from harbouring underneath, within, or inside the Coop's perimeter;
- (d) keep the Hens secured in the Hen house from 11:00 p.m. to 7:00 a.m.;
- (e) immediately remove any feed, trash or manure from the Parcel upon notice from a Bylaw Enforcement Officer;
- (f) store feed within a fully enclosed, animal proof container with an air-tight seal;
- (g) store manure within a fully enclosed, animal proof container with an air-tight seal;
- (h) not store more than 3 cubic feet of manure on the Parcel at any time;
- (i) immediately remove all manure from the Parcel that is not intended for use in composting or fertilizing; and
- (j) dispose of any manure in accordance with Municipal bylaws.

21. A Coop must be located in a rear yard.

22. A Coop shall not be located within:

- (a) 1.0 metre of the side or rear property lines of a Parcel; or
- (b) 3.0 metres of a dwelling.

23. The rear yard of a Parcel containing a Coop must be enclosed by a Privacy fence.

24. A Coop shall comply with the building plans for the Coop Approval and shall not be modified unless in accordance with a new Coop Approval.

PART 5 - APPEALS

25. An applicant or Licence Holder may appeal a decision to refuse a Licence, revoke a Licence or issue a Licence subject to conditions within 14 days of the decision by submitting a Notice of Appeal to the Clerk.
26. An Adjoining Neighbour may appeal a decision to issue a Licence within 14 days of the decision by submitting a Notice of Appeal to the Clerk only where the grounds of the appeal are:
- (a) that the keeping of Hens on the Parcel is likely to have a materially adverse effect on the health of the Adjoining Neighbour or of a person living in the remises of the Adjoining Neighbour; or
 - (b) a reason or factor listed in clauses 9 (a) or (c) of this Bylaw.
27. Upon receiving a Notice of Appeal under section 25 or 26, the Community Standards Appeal Committee shall hear the appeal and may either:
- (a) confirm the decision to refuse or revoke a Licence;
 - (b) direct the Licensing Authority to issue a Licence, with or without conditions; or
 - (c) direct the Licensing Authority to reinstate a Licence, and where it directs that a Licence be reinstated, the Community Standards Appeal Committee may vary any condition provided however that it shall not vary the expiry date of the Licence.

PART 6 – ENFORCEMENT

28. This Bylaw may be enforced by any Bylaw Enforcement Officer.
29. Pursuant to this Bylaw, an Owner or a Licence Holder shall make themselves and their Coop available for inspection upon reasonable request by the Bylaw Enforcement Officer.
30. The Licensing Authority may require an Owner or a Licence Holder to take any disease mitigation measures or environmental mitigation measures determined necessary in the sole discretion of the Licensing Authority at any time.

31. A Bylaw Enforcement Officer may capture and impound any Chicken:
- (a) found at-large;
 - (b) where the Bylaw Enforcement Officer has reasonable grounds to believe an Owner has contravened any provision of this bylaw; or
 - (c) in accordance with the provisions applicable to animals in the Responsible Pet Ownership Bylaw, a Bylaw Enforcement Officer is authorized to enter any lands or premises (excluding a dwelling house) within the Municipality in accordance with section 542 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, or repealed and replaced from time to time, to inspect for conditions which may contravene any provision of this bylaw.
32. An impounded Chicken shall become the property of the Municipality and the Municipality is authorized to:
- (a) destroy the Chicken;
 - (b) sell or gift the Chicken; or
 - (c) surrender the Chicken to an appropriate adoption agency.

Found Chicken

33. A person who finds a Chicken at-large shall notify the Municipality immediately, provide information as may be requested, and surrender the Chicken to a Bylaw Enforcement Officer.

Surrendered Chicken

34. A Chicken shall become the property of the Municipality upon being surrendered by the owner to a Bylaw Enforcement Officer.
35. When surrendering a Chicken, the owner shall provide the Municipality with veterinary records for the Chicken.

Obstruction and Interference

36. No person shall:
- (a) interfere with or attempt to obstruct a Bylaw Enforcement Officer who is engaged in the capture or impoundment of a Chicken;
 - (b) interfere with, hinder or impede a Bylaw Enforcement Officer in the performance of any duty authorized by this bylaw;

- (c) open a motor vehicle that holds a Chicken that has been secured for impoundment; or
- (d) remove, or attempt to remove any Chicken from the possession of a Bylaw Enforcement Officer.

PART 7 - CONTRAVENTION OF BYLAW AND PENALTIES

General Penalty Provisions

- 37. If a Chicken is involved in an activity in contravention of this bylaw, the Owner of that Chicken is guilty of an offence.
- 38. An Owner who contravenes any of the provisions 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.
- 39. A person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a penalty of \$200.
- 40. Despite section 39, where a person has been convicted of contravening the same provision of this Bylaw:
 - (a) 2 times within a 12-calendar month period, is liable on summary conviction to a penalty of \$400; and
 - (b) 3 or more times within a 12-calendar month period, is liable on summary conviction to a penalty of \$600.
- 41. Despite sections 39 and 40, where a long form information is issued or a violation ticket is issued under Part 2 of the Provincial Offences Procedure Act and the Bylaw Enforcement Officer has elected not to specify a penalty on the violation ticket, a person who is convicted of an offence under this bylaw is liable on summary conviction to:
 - (a) a penalty not exceeding \$10,000; and
 - (b) the Court is not bound by the specified penalty amount in section 39 or section 40 of this bylaw, provided that the fine amount ordered by the Court shall not be less than the amount specified in section 39 or section 40.

Municipal Tag

42. A municipal tag may be issued to any person where a Bylaw Enforcement Officer believes the person has contravened any provision of this bylaw.
43. If a municipal tag is issued in respect of an offence, the municipal tag must specify:
 - (a) the name of the person;
 - (b) the offence;
 - (c) the fine amount as established by this bylaw;
 - (d) that the fine amount shall be paid within 14 days from the issuance of the municipal tag; and
 - (e) any other information as may be required.

Violation Tickets

44. If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, a Bylaw Enforcement Officer may commence proceedings by issuing a long form information or a violation ticket under either Part 2 or Part 3 of the Provincial Offences Procedures Act.
45. Despite sections 42 and 44, where a Bylaw Enforcement Officer believes that a person has contravened any provision of this bylaw, he or she may commence proceedings by issuing a long form information or a violation ticket under either Part 2 or Part 3 of the Provincial Offences Procedures Act.

Payment in Lieu of Prosecution

46. If a municipal tag is issued in respect of a non-compliance, and if the municipal tag specifies the fine amount established by this bylaw for the non-compliance, the person to whom the municipal tag is issued may make a voluntary payment equal to the specified fine, in lieu of prosecution.
47. Where the voluntary payment referred to in section 46 is received within 7 days of the day of issuance of the municipal tag, the prescribed penalty shall be reduced by 40% and such reduced payment shall be accepted in lieu of prosecution.

Continuous Offences

48. In the case of an offence that is of a continuing nature, each contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such offence is liable to a fine in an amount not less than the amount specified in section 39 or section 40 for each day.

Liability for Fees

- 49. The levying and payment of any fine or term of imprisonment imposed by the Court shall not relieve a person from paying any fees, charges or costs from which the person is liable under the provisions of this bylaw and the Fees Bylaw.
- 51. The fees and charges payable under this bylaw shall be as prescribed in the Fees Bylaw.

PART 8 – REPEAL AND COMING INTO EFFECT

- 50. 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.
- 51. Any reference to an enactment or bylaw is a reference to such enactment or bylaw as amended or replaced from time to time.
- 52. This Bylaw comes into effect March 31, 2023.

Read a first time this 14th day of March, 2023.

Read a second time this 28th day of March, 2023.

Read a third and final time this 28th day of March, 2023..

Signed and Passed this 28th day of March 2023

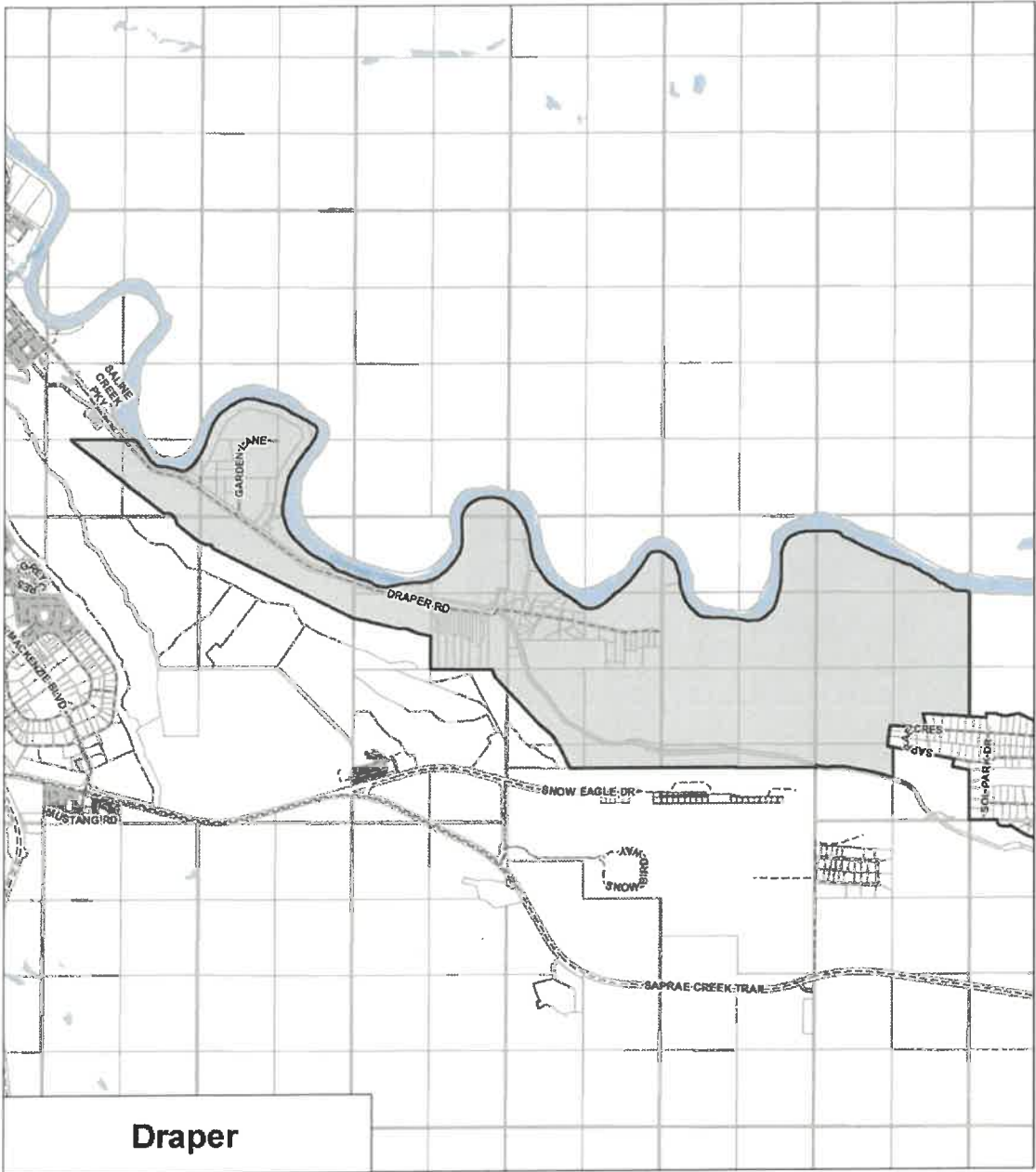


Mayor



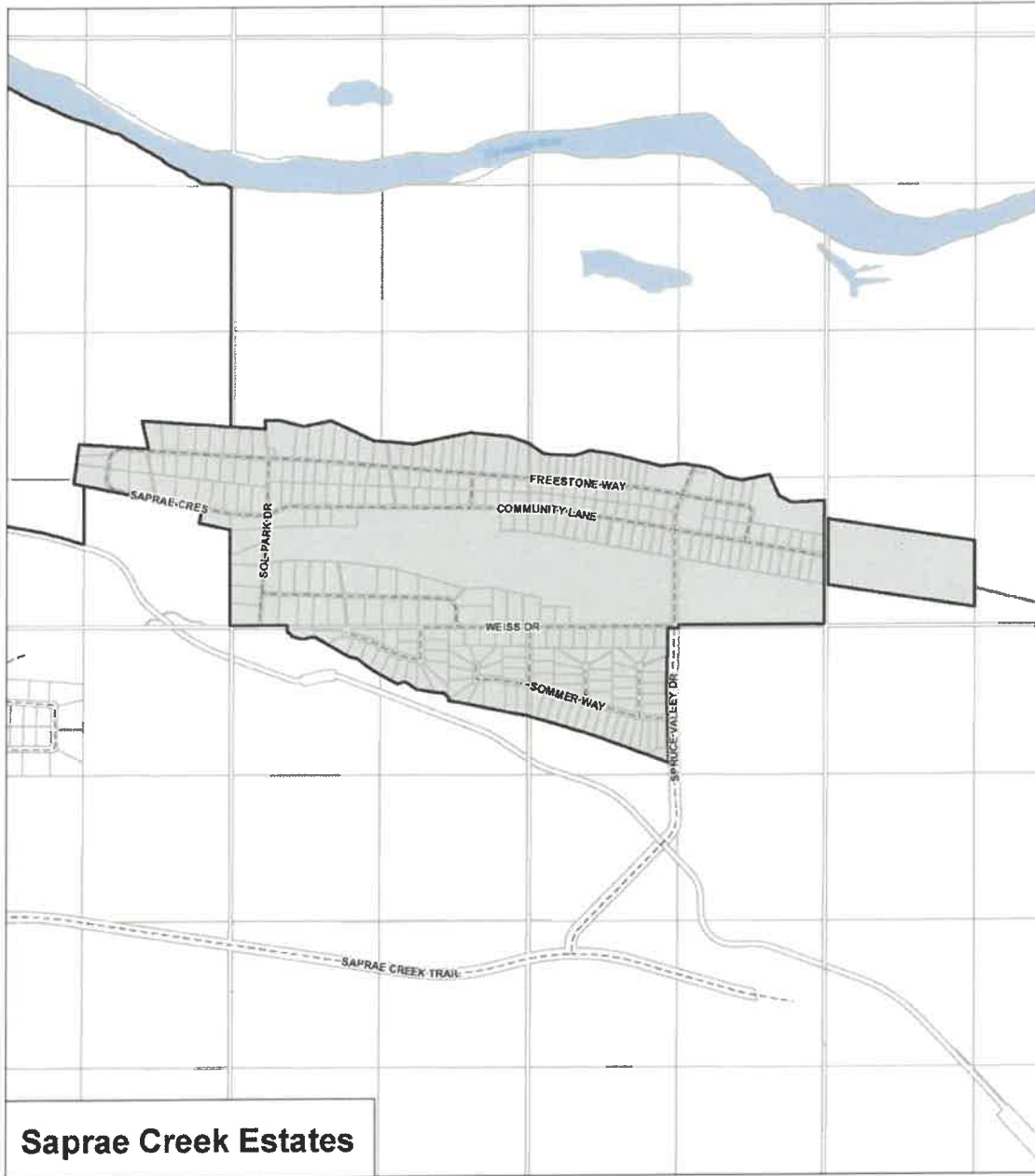
Chief Legislative Officer

Schedule A- Hamlet Maps



■ Hamlet Area

Schedule A- Hamlet Maps



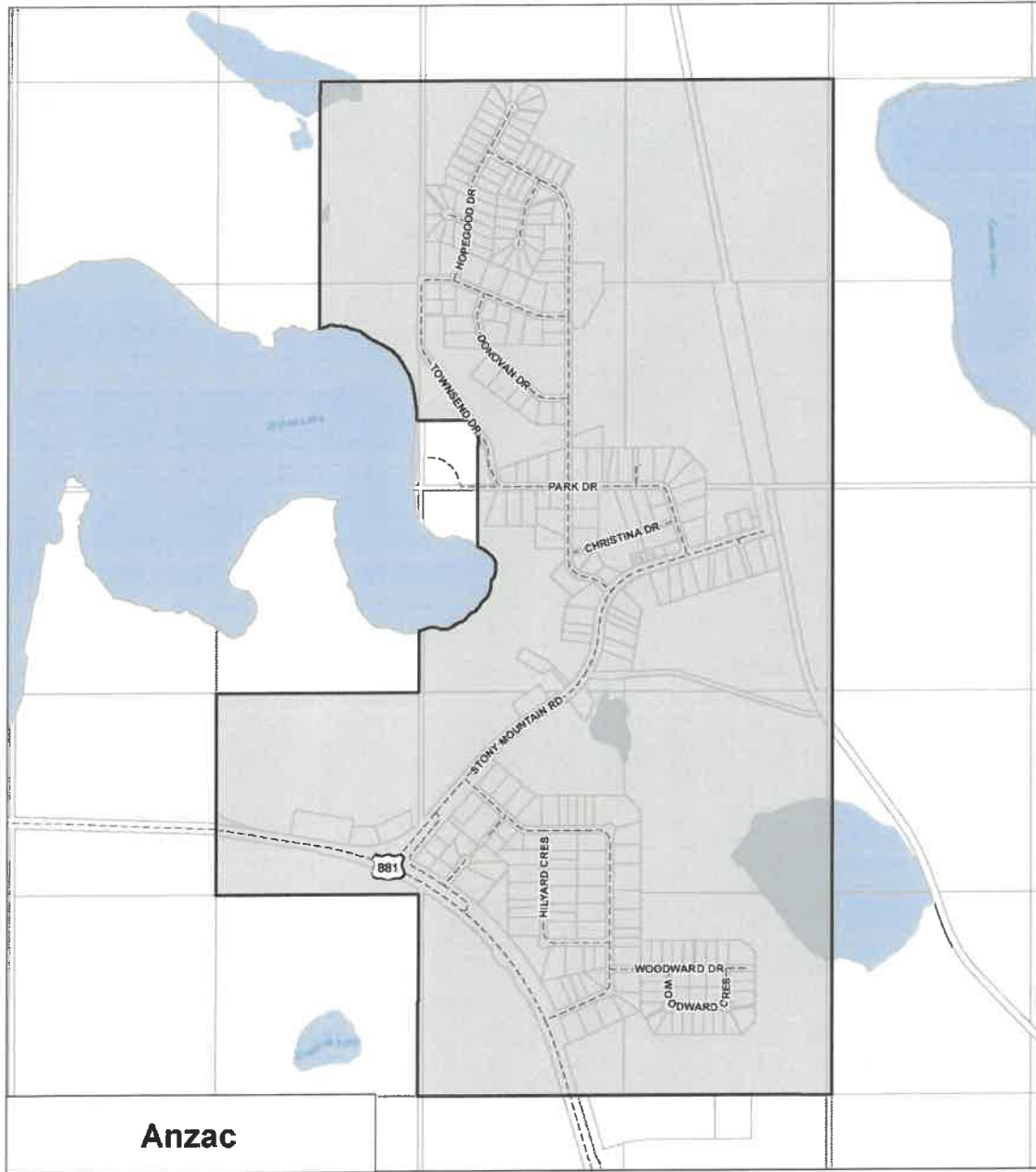
 Hamlet Area

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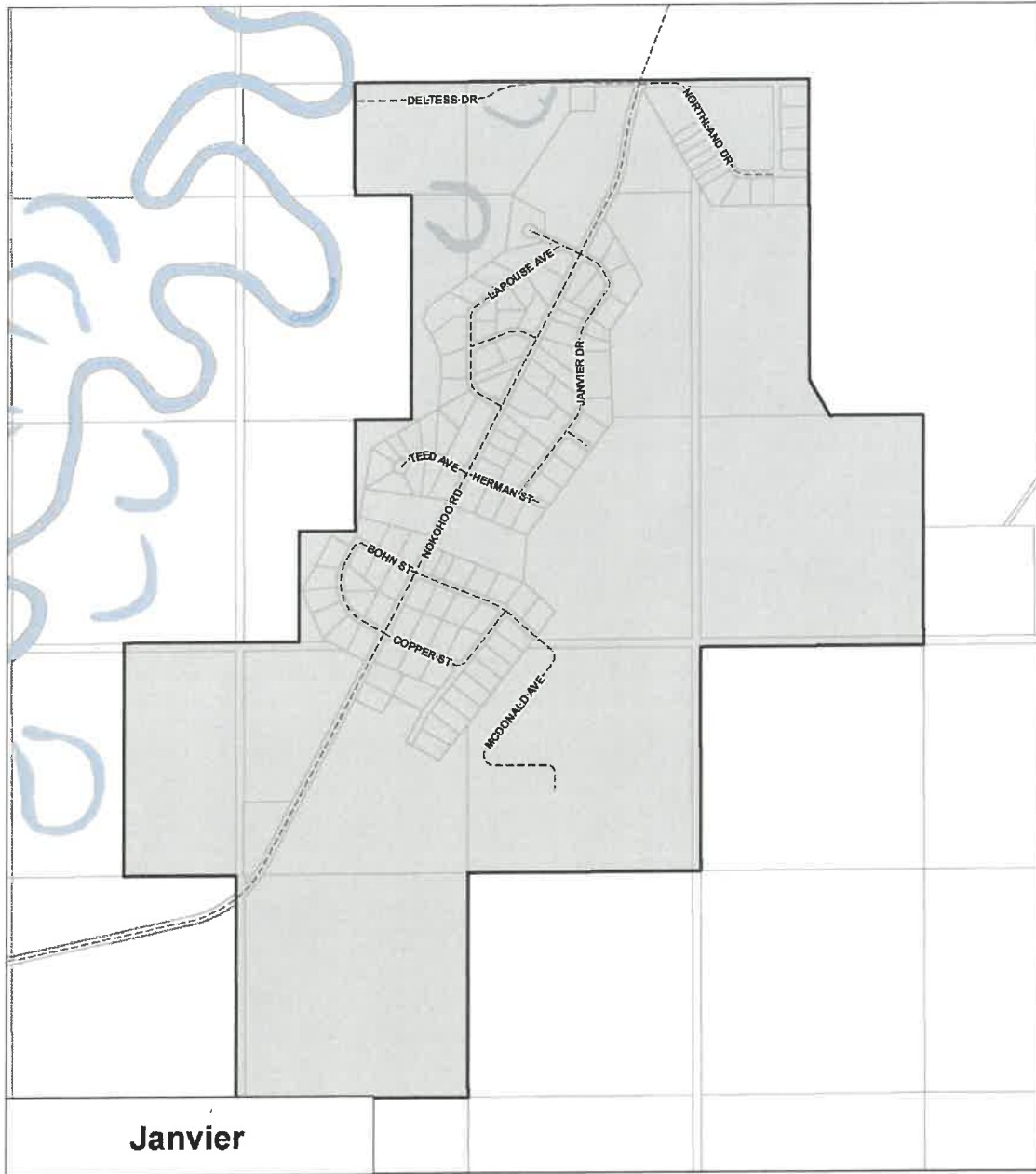
Hamlet Area

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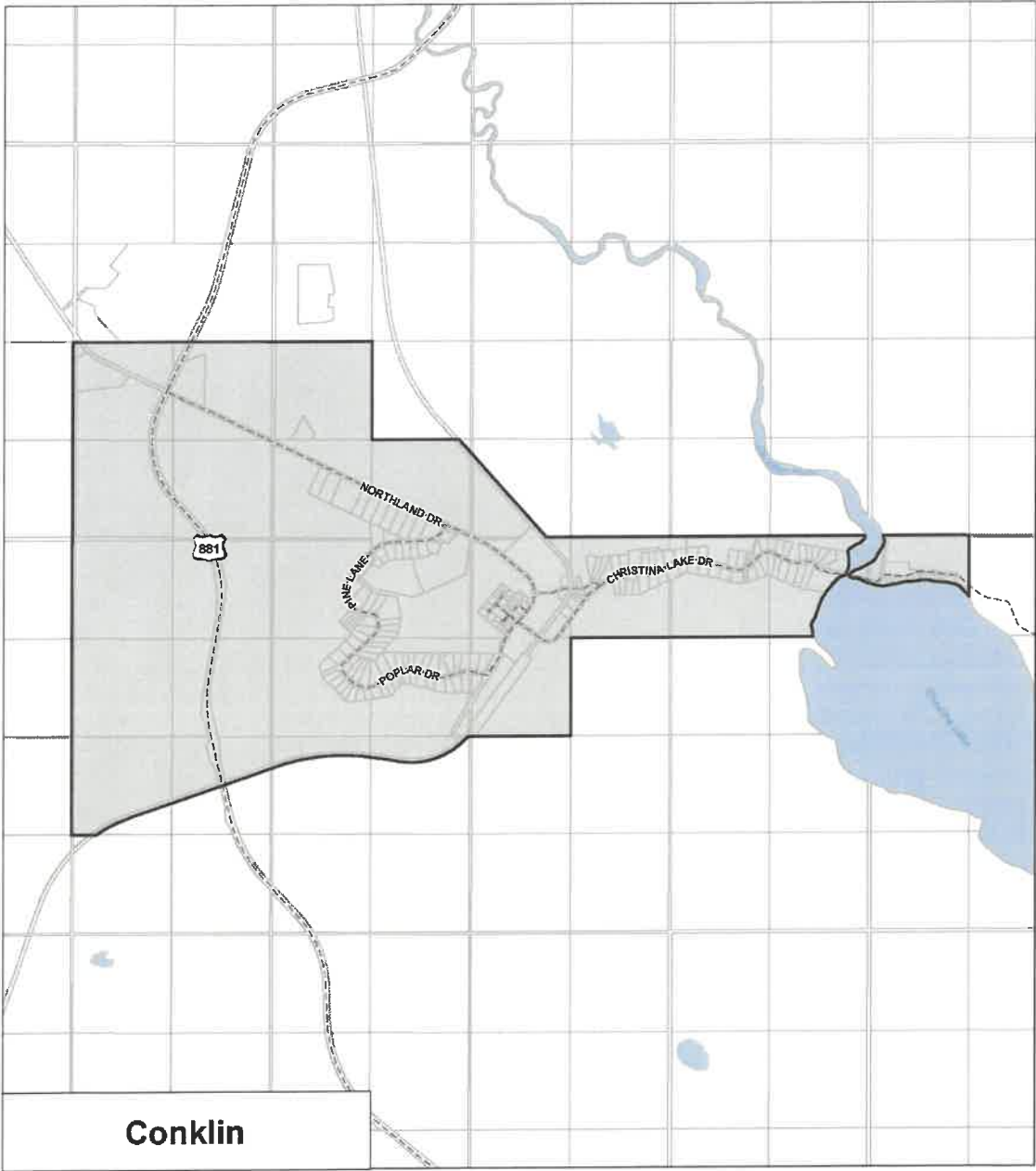
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Schedule A- Hamlet Maps



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 Hamlet Area