

## BYLAW NO. 21/006

### 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) “Clerk” means the clerk of the Community Standards Appeal Committee;

- (d) “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.
- (e) “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;
- (f) “Council” has the meaning prescribed in the *Municipal Government Act*;
- (g) “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;
- (h) “Hen house” means a fully enclosed weather-proof building forming part of a Coop;
- (i) “Land Use Bylaw” means the Regional Municipality of Wood Buffalo *Land Use Bylaw* No 99/059, as amended or replaced;
- (j) “Licence” means a valid *License*, 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;
- (k) “Licence holder” means a person who has been issued a License;
- (l) “Licensing authority” means the Chief Administrative Officer of the Regional Municipality of Wood Buffalo or their delegate;
- (m) “Notice of Appeal” means a Notice of Appeal pursuant to the *Community Standards Appeal Committee* Bylaw No. 19/001, as amended or replaced.
- (n) “Outdoor enclosure” means a secure, enclosed, and roofed outdoor structure attached to and forming part of a Coop;
- (o) “Parcel” means a description of land as identified on a certificate of title as registered at the Alberta Land Titles Office;
- (p) “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*;

- (q) “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.
- (r) “Rooster” means a male chicken;
- (s) “Semi-detached dwelling” has the meaning prescribed in the *Land Use Bylaw*; and
- (t) “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 License; 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 2 Hens;
  - (c) keep more than 4 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. No more than 50 Licenses shall be issued and valid at any given time within the Regional Municipality of Wood Buffalo.
- 6. 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 Hen keeping complies with and is licensed under this Bylaw.
- 7. An application for a License 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 License fee of \$150.00.
- 8. To be eligible for a License, 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 owner, the 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) submit building plans for the Coop to the Licensing authority demonstrating that for each Hen to be housed in the Coop:
- i. 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,
  - ii. 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.
9. The Licensing authority may revoke a License or refuse to issue or renew a License, without refund or compensation to the applicant or License holder, for any of the following reasons:
- (a) the applicant does not meet the requirements of this Bylaw;
  - (b) the License holder has, in the opinion of the Licensing authority based on reasonable grounds, contravened this Bylaw or the License whether or not the contravention has been prosecuted;
  - (c) the License was issued based on incorrect information or a misrepresentation by the license 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 License when the maximum number of Licenses under the Bylaw has been reached.
11. The Licensing authority may issue a License subject to conditions.

12. The Licensing authority will notify an Adjoining Neighbour when a license is issued.
13. A License is non-transferable and is only approved for the License holder and the Parcel identified on the License.
14. A License shall expire one year following the date of issuance and must be renewed annually.
15. A License 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 License.
16. Where there is a Hen on a Parcel the owner of the Parcel is guilty of an offence unless there is a License 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 License 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. A License holder must:
  - (a) comply with all conditions of the License 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. All Hen houses must be located in a rear yard.
22. A Hen house 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.

#### **PART 5 - APPEALS**

24. An applicant or License holder may appeal a decision to refuse a License, revoke a License or issue a License subject to conditions within 14 days of the decision by submitting a Notice of Appeal to the Clerk.
25. An Adjoining Neighbour may appeal a decision to issue a License 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 premises of the Adjoining Neighbour; or
  - (b) a reason or factor listed in clauses 9 (a) or (c) of this Bylaw.

26. Upon receiving a Notice of Appeal under section 24 or 25, the Community Standards Appeal Committee shall hear the appeal and may either:
  - (a) confirm the decision to refuse or revoke a License;
  - (b) direct the Licensing authority to issue a License, with or without conditions;  
or
  - (c) direct the Licensing authority to reinstate a License, and where it directs that a License be reinstated, the Community Standards Appeal Committee may vary any condition provided however that it shall not vary the expiry date of the License.

#### **PART 6 – ANIMAL CONTROL OPERATIONS AND ENFORCEMENT**

27. This Bylaw may be enforced by any Bylaw Enforcement Officer.
28. Pursuant to this Bylaw, License holders shall make themselves and their Coop available for inspection upon reasonable request by the Bylaw Enforcement Officer.
29. The Licensing authority may require a License holder to take any disease mitigation measures or environmental mitigation measures determined necessary in the sole discretion of the Licensing authority at any time.
30. Sections 95 to 120A inclusive of the Responsible Pet Ownership Bylaw 19/025, including all associated enforcement and penalty provisions, apply to this Bylaw for the purpose of enforcement.

#### **PART 7 – REPEAL AND COMING INTO EFFECT**

31. 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.
32. Any reference to an enactment or bylaw is a reference to such enactment or bylaw as amended or replaced from time to time.
33. This Bylaw comes into effect May 1, 2021 and shall automatically be repealed at the conclusion of the associated pilot project on March 31, 2023.



**PART 8 – CONSEQUENTIAL AMENDMENTS**

34. The *Community Standards Appeal Committee Bylaw No. 19/001* is amended by:
- (a) adding the following definition after 2.(k) and re-lettering the definitions thereafter sequentially “Hen Licensing Decision” a decision by the licensing authority to issue, renew, revoke or refuse to issue a licence under the Backyard Hen Bylaw, as amended or replaced.
  - (b) adding the words “appeal of a Hen Licensing Decision,”
    - i. at section 2.(c) and 2.(m) after “MGA Order,”;
    - ii. at section 2.(r) after “of the Act,”;
  - (c) at section 25.(e) adding “a Hen Licensing Decision or” after “where the application is to appeal”;
  - (d) at section 30.(b) adding the words “a Hen Licensing Decision,” after “in the case of”;
  - (e) renumbering section 24 as section 24.1 and adding the following as section 24.2:
    - i. Only a person who is the applicant, the license holder or an adjoining neighbour may appeal a Hen Licensing Decision as specified in the Backyard Hen Bylaw.
35. The *Responsible Pet Ownership Bylaw No. 19/025* is amended by adding the following to section 91 “Prohibited Animals”:
- 91.9 a “Hen” as defined by the *Backyard Hen Bylaw No. 21/006*, which may be allowed where a licence is granted in accordance with the said bylaw.

Read a first time this 23<sup>rd</sup> day of February, 2021.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Read a third time and final time this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor

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Chief Legislative Officer