

BYLAW 24-17

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE THE KEEPING OF CHICKENS IN URBAN AREAS

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 Town;

NOW THEREFORE the Council of the Town of Okotoks 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:

- 2.1 **Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Town appointed by Council, or designate;
- 2.2 **coop** means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of urban hens, that is no larger than 10m² (107.63 ft.²) in floor area, and no more than 2m (6.56 ft.) in height;
- 2.3 **Council** means the Council of the Town of Okotoks;
- 2.4 **hen** means a domesticated female chicken;
- 2.5 **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;

2.6 **Peace Officer** means:

- a) a member of the Royal Canadian Mounted Police;
- b) a Community Peace Officer as appointed by the Solicitor General of Alberta;
- c) a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;

2.7 **rooster** means a domesticated male chicken;

2.8 **sell** means to exchange or deliver for money or its equivalent;

2.9 **Town** means the Town of Okotoks, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;

2.10 **urban area** means lands located within the Town on which agricultural operations, including but not limited to the keeping of livestock, are neither a permitted or discretionary use under Bylaws of the Town;

2.11 **urban hen** means a hen that is at least sixteen (16) weeks of age;

2.12 **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 Town.

2.13 **violation tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;

2.14 **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. PROHIBITIONS

3.1 No person in an urban area shall keep:

- a) a rooster; or
- b) a hen, other than an urban hen for which a valid urban hen licence has been issued.

4. URBAN HEN LICENCES

4.1 The maximum number of urban hen licences that may be issued in the Town shall be one urban hen licence per one thousand five hundred (1500) persons based on the population of the Town as determined by the most recent census.

- 4.2 A person may keep up to four (4) urban hens by:
- a) submitting a completed urban hen licence application on forms approved by the CAO; and
 - b) paying an annual urban hen licence fee as set out in the Town of Okotoks Fees, Rates and Charges Bylaw 09-16.
- 4.3 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.
- 4.4 Urban hen licence fees shall not be reduced or prorated no matter the month of purchase.
- 4.5 Urban hen licence fees shall not be refunded or rebated.
- 4.6 An urban hen licence is not transferable from one person to another.
- 4.7 An urban hen licence is not transferable from one property to another except:
- a) when a licence holder has moved to a new property within the Town, then:
 - i. the licence holder may apply to transfer the licence; and
 - ii. an inspection of the new property must be carried out to determine the licence holder is still able to meet all requirements for an urban hen licence as set out in this Bylaw at such property.
- 4.8 A person to whom an urban hen licence has been issued shall produce the licence upon the demand of a Peace Officer.
- 4.9 An urban hen licence may be issued or renewed 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;
 - 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.
- 4.10 An urban hen licence may be revoked or may not be renewed 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) in the opinion of the CAO, based on reasonable grounds, it is in the public interest to do so.

4.11 If the CAO revokes, or refuses to issue or renew an urban hen licence, the applicant may appeal the decision to Council, in accordance with Town Bylaws.

5. KEEPING OF URBAN HENS

5.1 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;
- b) ensure that each coop is:
 - i. located in the rear yard of the property;
 - ii. a minimum 3.0m (9.84 ft.) from a dwelling;
 - iii. a minimum 1m (3.28 ft.) from any lot line;
 - iv. a minimum 3.6m (11.81 ft.) from any street adjacent to the property; and
 - v. at grade level, no more than 2m (6.56 ft.) in height;
- c) provide and maintain, in the coop, at least one nest box per coop and one perch per urban hen that is at least 15cm (5.90 in) long;
- d) keep each urban hen in the coop at all times;
- e) provide each urban 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 urban hen in good health;
- f) maintain the coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- g) 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;
- h) keep a food container and water container in the coop;
- i) keep the coop secured at all times;
- j) remove leftover feed, trash, and manure in a timely manner;
- k) store feed within a fully enclosed container;
- l) store manure within a fully enclosed container, and store no more than 85 litres (3 cubic feet) of manure at any time;
- m) remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town Bylaws;
- n) follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and

- o) keep urban hens for personal use only.

5.2 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.

6. AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER

6.1 Without restricting any other power, duty, or function granted by the Urban Hen Bylaw, the Chief Administrative Officer 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 Town employee

7. PENALTIES AND ENFORCEMENT

7.1 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.

7.2 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.

7.3 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.

7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 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 Town; 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.
- 7.8 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.
- 7.9 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.
- 7.10 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;

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.

8. SEVERABILITY

- 8.1 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.

9. GENERAL

9.1 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.

9.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw(s), or any requirement of any lawful permit, order or licence.

9.3 Words in the singular include the plural and words in the plural include the singular.

9.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

9.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended.


9.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town 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.

This Bylaw shall come into full force and effect upon third and final reading,


READ A FIRST TIME this 17th day of July, 2017.

READ A SECOND TIME this 21st day of August, 2017.

READ A THIRD TIME AND PASSED this 21st day of August, 2017.



Mayor



Chief Administrative Officer

Schedule "A"

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