



VILLAGE OF DUCHESS

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BYLAW NO. 512-23

HEN BYLAW

**A BYLAW OF THE VILLAGE OF DUCHESS IN THE PROVINCE OF ALBERTA
TO REGULATE THE KEEPING OF CHICKENS IN URBAN AREAS ON A TEMPORARY BASIS AS
A 2 YEAR PILOT PROJECT**

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 licenses, permits and approvals; and

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

NOW THEREFORE the Council of the Village of Duchess 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 **"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;

- 2.3 **Coop** means a fully enclosed weatherproof 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 2m (6.56 ft.) in height;
- 2.4 **Council** means the Council of the Village of Duchess;
- 2.5 **Hen** means a domesticated female chicken;
- 2.6 **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;
- 2.7 **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
- 2.8 **Rooster** means a domesticated male chicken;
- 2.9 **Sell** means to exchange or deliver for money or its equivalent;
- 2.10 **Village** means the Village of Duchess, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
- 2.11 **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;
- 2.12 **Urban Hen** means a hen that is at least sixteen (16) weeks of age;
- 2.13 **Urban Hen License** means a license issued pursuant to this Bylaw which authorizes the license holder to keep urban hens on a specific property within the Town.
- 2.14 **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;

2.15 **“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 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 license has been issued.

4. URBAN HEN LICENSES

4.1 The maximum number of urban hen licenses that may be issued in the Village shall be FOUR (4).

4.2 A person may keep up to SIX (6) urban hens by:

- a) submitting a completed urban hen license application on forms approved by the CAO, and, attached as Schedule “B”; and
- b) paying an annual urban hen license fee of Forty Dollars (\$40.00).

4.3 Urban hen licenses 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 license fees shall not be reduced or prorated no matter the month of purchase.

4.5 Urban hen license fees shall not be refunded or rebated.

4.6 An urban hen license is not transferable from one person to another.

4.7 An urban hen license is not transferable from one property to another except:

- a) when a license holder has moved to a new property within the Village, then:
 - i. the license holder may apply to transfer the license; and
 - ii. an inspection of the new property must be carried out to determine

whether the license holder is still able to meet all requirements for an urban hen license as set out in this Bylaw at such property.

4.8 A person to whom an urban hen license has been issued shall produce the license upon the demand of a Peace Officer.

4.9 An urban hen license 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 license;
- f) the applicable license fee has been paid; and
- g) the applicant has complied with all other Provincial and Federal Regulations for the keeping of chickens.

4.10 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.

4.11 An urban hen license may be refused or revoked by the CAO if:

- a) the applicant or license holder does not meet or no longer meets the requirements for an urban hen license as set out in this Bylaw;
- b) the applicant or license holder furnishes false information or misrepresents any fact or circumstance required pursuant to this Bylaw;
- c) the applicant or license 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 license 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 license holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
- f) fifty percent (50%) 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.

4.12 If the CAO revokes, or refuses to issue an urban hen license, the applicant may appeal the decision to Council, in accordance with Village 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 1.5m (5.0 ft.) from any accessory structures;
 - iv. a minimum 1.2m (4.0 ft.) from a side yard and 1.5m (5.0 ft.) from the rear yard;
 - v. a minimum 3.1m (10 ft.) from a secondary front (corner lots); and
 - vi. 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 15 cm (5.90 in) long;
- d) keep each urban hen in the coop at all times;
- e) provide each urban hen with appropriate food, liquid (unfrozen) water, shelter, light, warmth, ventilation, veterinary care, and opportunities for essential behaviors 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 harboring 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 Village Bylaws;
- n) follow biosecurity procedures outlined by the Canadian Food Inspection Agency to

- reduce potential for disease outbreak;
- o) keep urban hens for personal use only; and
- p) inform the Town immediately of any disease or welfare issues that may affect the public, and of the steps taken to rectify the situation.
- q) Nuisances that are attracted to an urban hen location will be the responsibility of the homeowner.

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, except for the purpose of temporary transport.

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 Village 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 offense and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) Dollars.

- 7.3 Where there is a specified penalty listed for an offense in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offense.
- 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 offenses.
- 7.5 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense 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 Village; or
 - b) a violation ticket allowing payment according to the provisions of the Provincial Offenses 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 offense, the violation ticket may:
- a) specify the fine amount established by this Bylaw for the offense; or
 - b) require a person to appear in court without the alternative of making a voluntary payment.
- 7.10 A person who commits an offense may:
- a) if a violation ticket is issued in respect of the offense; and

- b) if the violation ticket specified the fine amount established by this Bylaw for the offense;

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 offense and any offense created pursuant to this Bylaw is a strict liability offense 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 bylaws(s), or any requirement of any lawful permit, order, or license.
- 9.3 Words in the singular include the plural and words in the plural include the singular.
- 9.4 Schedule “A” shall form a part of this Bylaw and may, from time to time, be amended.
- 9.5 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.

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

Read a first time this 23rd Day of October 2023

Read a second time this 20th day of November 2023

Read a third and final time this 20th day of November 2023

DEPUTY MAYOR
Deborah Reid-Mickler

CHIEF ADMINISTRATIVE OFFICER
Yvonne Cosh

Schedule "A"

| SECTION | OFFENSE | PENALTY 1 st Offense | 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 license | \$250 | \$500 |
| 4.6 | Transfer urban hen license | \$250 | \$500 |
| 4.8 | Fail to produce urban hen license 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 behavior | \$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 |

| | | | |
|--------|---|-------|-------|
| 5.1 p) | Fail to inform of any disease or welfare issues | \$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 |

Schedule "B"

VILLAGE OF DUCHESS
URBAN HEN LICENSE 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: _____

Complete
Mailing Address: _____

If different than mailing
Address location of urban hens _____

Phone
Number(s): _____

Email
Address: _____

Number of Chickens
At This Location: (Max. 6)

Circle One:

Owner Tenant**

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

Please initial once read:

Licence is for 2024.

I have read and accept the *Terms and Conditions* contained in Village of Duchess Bylaw No. 512-23.

I have attached letters of consent from 50% or more of the neighbours having contiguous boundaries.

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

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

Signature: ____

Date: __

FOR OFFICE USE ONLY

| Criteria to be met | Compliance Yes or No | Comments: |
|---|-------------------------|-----------|
| ❖ Payment received with complete Application | | |
| ❖ Received consent from 50% or more of the neighbours; (attach letters) | | |
| ❖ Property on which the hens will be kept is a detached or semi-detached dwelling; | | |
| ❖ Land Use Districting of the property on which the hens will be kept allows the placement of a coop; | | |
| ❖ Training Class completed | | |
| ❖ Approved Site Plan | | |

Approving Officer

Date: YYYY/MM/DD Urban Hen License No:

| Follow-up after Approval | Compliance Yes or No | Comments: |
|---|-------------------------|-----------|
| ❖ There are no roosters on site | | |
| ❖ Chicken coop is in the rear yard and located in accordance with Bylaw No. 416-20 – Section 5.1 b) | | |
| ❖ At least one nest box per coop and one perch per hen, that is at least 15 cm long; | | |
| ❖ The coop is constructed to prevent rodents from harbouring underneath or within its wall, and to prevent entrance by other animals; | | |
| ❖ Applied for and received the Premises Identification (PID) number within 30 days of assuming ownership of hens | | |

Reviewing Officer

Date: YYYY/MM/DD