



Town of High Prairie

Bylaw No. 13-2020



A BYLAW OF THE TOWN OF HIGH PRAIRIE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF HENS WITHIN THE TOWN OF HIGH PRAIRIE

WHEREAS pursuant to section 7(a) of the Municipal Government Act, RSA 2000, a municipal Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS pursuant to section 7(h) of the Municipal Government Act, a Council may pass Bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

WHEREAS pursuant to section 7(e) of the Municipal Government Act, a Council may pass Bylaws for municipal purposes respecting the enforcement of Bylaws made under Municipal Government Act or any other enactment, including any or all of the matters listed therein; and

WHEREAS pursuant to section 8 of the Municipal Government Act, a Council may in a Bylaw passed regulate or prohibit, and provide for a system of Licenses, permits or approvals, including any or all of the matters listed therein; and

WHEREAS Council deems it necessary to assess the viability of urban hen keeping within the Town of High Prairie on a pilot basis; and

WHEREAS Council wishes to regulate the keeping of laying hens in a responsible manner that ensures that hen keeping is a positive addition to the community, whilst safeguarding public health and safety;

NOW THEREFORE pursuant to section 7 and 8 of the Municipal Government Act, RSA 2000 Chapter M-26, Council of Town of High Prairie, in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

- 1. This Bylaw may be cited as the "Hen Keeping Bylaw".

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## DEFINITIONS

### 2. In this Bylaw:

- (a) "Abattoir" means a facility where animals are slaughtered for the consumption as food for humans;
- (b) "Coop" means a fully-enclosed, weather-proof structure and attached outdoor enclosure used for keeping and raising hens;
- (c) "Council" means the duly elected Council of the Town of High Prairie;
- (d) "Communicable Disease" means any disease or illness that may be transmitted from an animal to another or to human through direct and indirect contact;
- (e) "Hen" means domesticated female chicken;
- (f) "Hen House" means an enclosed structure that houses hens at night and includes a secure place for them to eat and lay eggs;
- (g) "Hen License" means a License issued pursuant to this Bylaw authorizing the License Holder to keep laying hens on a specific property within Town;
- (h) "Licensee" means the person(s) named on Hen License;
- (i) "Licensing Authority" means the Chief Administrative Officer or a person appointed by the Chief Administrative Officer to issue Hen License on behalf of the Town of High Prairie;
- (j) "Neighbours" means all the properties located within a 300 feet radius from a property where an application for a Hen License has been received or approved;
- (k) "Outdoor Enclosure (Hen run)" means a securely enclosed, roofed, outdoor area attached to and forming part of a Coop having bare earth or vegetated floor for the hens to roam;
- (l) "Owner" means any one or more persons who:

- i. is named on a License;
  - ii. own or claims any propriety interest in a hen;
  - iii. has the care, charges, custody, possession or control of a hen, either temporarily or permanently;
  - iv. harbours a hen or allows a hen to stay on their Property;
  - v. as interest in securely enclosed, roofed, outdoor area attached to and forming part of a Coop having bare earth or vegetated floor for the hens to roam;
- (m) "Owner's Property" means any Premises which are owned or leased by the Owner;
  - (n) "Peace Officer" means a Peace Officer appointed by the Town of High Prairie, a member of the Royal Canadian Mounted Police or a Fish and Wildlife Officer or a Sheriff and any other persons designated by the Town to enforce the provisions of this Bylaw;
  - (o) "Premises" means any dwelling, building, parcel or lot of a real property or a portion thereof;
  - (p) "Public Place" means a place or building located within the corporate boundaries of the Town of High Prairie, whether publicly or privately owned, to which members of the public have access by right or invitation, whether expressly or implied, and includes but is not limited to schools, playgrounds, parks, cemeteries and places of worship.
  - (q) "Rooster" means a domesticated male chicken;
  - (r) "Running at Large" means a hen being outside a Coop or run;
  - (s) "Urban Hen" means a hen that is at least sixteen (16) weeks of age;

- (t) "Town" means the Town of High Prairie, a municipal corporation of the Province of Alberta, and includes, where the context requires, the area contained within the corporate boundaries of the Town of High Prairie.
- (u) "Municipal Violation Tag" means a Town-issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence.
- (v) "Violation Ticket" means Violation Ticket as defined in the *Provincial Offences Procedure Act* and any amending or succeeding legislation.

### LICENSING REQUIREMENTS

- 3. No person shall keep or raise hens in Town without having a Hen License issued in accordance with this Bylaw.
- 4. A Hen License may not be issued to an individual that is under the age of eighteen (18) years.
- 5. A Hen License is valid for a period of one year. A person who intends to keep Hens for more than a year must renew their License annually.
- 6. Council shall set the fee for a Hen License, which shall be reviewed from time to time, in accordance with the Fees Bylaw.
- 7. A Hen License issued pursuant to this Bylaw shall not be transferable from one person or property to another.
- 8. An Owner of Hen(s) shall reside on the property for which a License has been issued.
- 9. Up to a maximum of four (4) hens shall be kept on a property for which a Hen License has been issued.
- 10. Hens kept on a Licensed property shall be for personal use only.
- 11. No person shall be allowed to:
  - (a) keep a rooster;
  - (b) keep a hen, other than hen(s) for which a License has been issued by the Licensing Authority;

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- (c) sell chicken, meat, manure or other products associated with hens kept on their property;
  - (d) slaughter hens on their property;
12. Prior to the issuance of a Hen License, the applicant must submit to the Licensing Authority:
- (e) a completed Hen License application form;
  - (f) the appropriate fees set by Council and prescribed on the application form;
  - (g) any other information, including but not limited to:
    - i. the name, address and contact information of the property owner;
    - ii. written permission from the land owner, if the applicant is not the landowner;
    - iii. proof of providing notification to all neighbours located within 300 feet radius from the site;
    - iv. confirmation of the location of the Coop in relation to the property and compliance with setback requirements, either in the form of a site plan or photographic evidence;
    - v. a valid Alberta Premises Identification (PID) Number obtained from Alberta Agriculture and Forestry.
13. The Licensing Authority may, in consultation with Council, limit the number of Licenses that are issued within the Town to safeguard public safety and health.

## **COOP REGULATIONS AND REQUIREMENTS**

14. The minimum parcel size for a property approved for a Hen License in a residential district shall be 464.52 sq meters (5,000 sq feet);
15. A Hen Coop or enclosure shall:
- (a) be allowed only on properties with a securely fenced yard;

- (b) be located only in the rear yard of a property behind the principal dwelling unit;
  - (c) maintain a minimum setback distance of at least 3.0 meters (10 feet) away from the principal building;
  - (d) maintain a minimum setback distance of at least 3.0 meters (10 feet) away from all property lines;
  - (e) have a maximum size of 10 sq meters (107.6 sq feet);
  - (f) be located at least 25 meters (82 feet) away from any Public Place;
  - (g) be located at ground level and maintain a maximum height of 2.0 meters (6.5 feet);
  - (h) contain at least one (1) nest box and one (1) perch, that is at least 15 centimetres (6 inches) long, for each Hen;
  - (i) contain a food container and a water container.
16. A minimum separation distance or buffer of 91 meters (300 feet) shall be kept or maintained between an approved site and another approved site within Town, to safeguard public safety and health.
17. The keeping of Hens in all Public Places within the Town is not permitted under this Bylaw.

### **HEN KEEPER'S RESPONSIBILITIES**

18. A Licensed Hen keeper shall:
- (a) comply with the *Animal Health Act* and related regulations;
  - (b) adhere to good husbandry practices and maintain the Hen(s), Coop and Hen runs in good and clean condition so as to mitigate any negative impacts, including but not limited to attracting predator animals, unsanitary conditions within and around the property, noise and obnoxious odours;
  - (c) ensure that Coops and the Outdoor Enclosure are secured from sunset to sunrise;
  - (d) ensure that the Hen(s) are not running at large;

- (e) ensure that food is stored properly within a fully enclosed container to discourage predators;
- (f) ensure that leftover feed, manure and trash are removed from the Coop within 48 hours;
- (g) ensure that manure is disposed of properly in accordance with municipal bylaws;
- (h) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce the potential for disease outbreak;
- (i) not keep Hen(s) in a cage, kennel or any other form of shelter other than a Coop;
- (j) ensure than any deceased Hen(s) are immediately disposed by delivering to an abattoir, veterinarian or other operation that is lawfully permitted to dispose of such;
- (k) upon observing that a Hen is suffering from communicable diseases,
  - i. immediately report to the Licensing Authority, Veterinarian and Inspector of the Health of Animals Branch of the local office of the Federal Department of Agriculture;
  - ii. confine or isolate the Hen in such a manner as prescribed by the person or organization rereferred to in subsection (k) (i) for not less than ten (10) days, so as to prevent further spread of the disease;
  - iii. not permit the Hen to be in any Public Place;
  - iv. not keep the Hen in contact with, or in close proximity to, any of the other Hens free from such disease.
- (l) make available for immediate inspection themselves, Coop or any other materials related to Hen keeping upon reasonable request from the Licensing Authority or a Peace Officer;
- (m) comply with the provisions of this Bylaw.

19. Nothing in this Bylaw relieves a person who has been issued a Hen License from complying any applicable municipal, provincial and federal legislation.

### **LICENSE REFUSAL AND REVOCATION**

20. The Licensing Authority may refuse an application for a Hen License where:
- (a) the applicant failed to provide any or all the required information relevant to make a decision on the application; and/or
  - (b) there is enough evidence to conclude that issuance of the License would create adverse impact on neighbour(s) due to health or other concerns.
21. The Licensing Authority may revoke a Hen License where:
- (c) the License was issued in error; or
  - (d) the License was issued based on false, inaccurate, incomplete or misleading information provided by the applicant; or
  - (e) an approved site or License Holder is found to be non-compliant with the terms and conditions of the License or the provisions of this Bylaw at any given time.

### **ENFORCEMENT**

22. At any reasonable time, the Licensing Authority or a Peace Officer may enter onto a property in order to ascertain whether or not the provisions of this Bylaw are being complied with.

### **OFFENCES AND PENALTIES**

23. A person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
24. Where a Peace Officer believes that a person has contravened any provisions of this Bylaw, the Officer may commence proceedings against the person by issuing:



- (a) a Municipal Violation Tag specifying the fine amount established by this Bylaw, which must be paid in lieu of prosecution; or
- (b) a Violation Ticket specifying the fine amount established by this Bylaw, which may be paid voluntarily in lieu of prosecution; or requiring a court appearance without the option of making a voluntary payment.

25. Where the offence is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each separate offence.

26. A person who is guilty of an offence under this Bylaw is liable:

- (a) to a fine amount of \$250.00; or
- (b) upon summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year, or both.

27. Notwithstanding any of the above penalties, where Hens need to be relocated, all costs and related expenses shall be the responsibility of the property owner.

### **SEVERABILITY**

28. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.


**ENACTMENT**

- 29. This Bylaw shall come into full force and effect upon the date of its final passing thereof.
- 30. Unless otherwise extended by Council, this Bylaw shall terminate on September 30, 2022.

Given First Reading given on the 23<sup>rd</sup> day of June, 2020

Given Second Reading given on the 14<sup>th</sup> day of July, 2020.

Given Third Reading and Final given on the 14<sup>th</sup> day of July, 2020.

  
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**Brian Panasiuk, Mayor**

  
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**Brian Martinson, CAO**