

**TOWN OF INNISFAIL
BYLAW 1710-2023
URBAN HEN KEEPING BYLAW**

WHEREAS: pursuant to provisions of the Municipal Government Act, Council has the authority to regulate or prohibit certain activities for municipal purposes respecting the safety, health, and welfare of people and 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, Council has the authority to provide for a system of licenses, permits and approvals; and

NOW THEREFORE: the Council of the Town of Innisfail enacts as follows:

TITLE

This bylaw may be known as the "Urban Hen Keeping Bylaw".

PURPOSE

The purpose of the Urban Hen Keeping Bylaw is to regulate and control the keeping of Urban Hens in the Town.

DEFINITIONS

“Act” means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto;

“Animal Health Act” means Statute of Alberta 2007, Chapter A-40.2;

“Chief Administrative Officer (CAO)” means the individual appointed by Council as the Chief Administrative Officer of the Town, or their designate;

“Coop” means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of Urban Hens that is no larger than 10 metres square in floor area, and no more than 2 meters in height;

“Council” means the Council of the Town of Innisfail;

“Hen” means a female chicken;

“Land Use Bylaw” means Bylaw 1470 as amended from time to time;

“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;

“Officer” means a Community Peace Officer as appointed by the Solicitor General of Alberta; Or, a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;

“Rooster” means a domesticated male chicken;

“Sell” means to exchange or deliver for money or its equivalent;

“Town” means the Town of Innisfail, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;

“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 nor discretionary use under the bylaws of the Town;

“Urban Hen” means a hen that is at least 16 weeks of age and kept for non-commercial purposes;

“Urban Hen License” means a license issued by Town pursuant to the Urban Hen Keeping Bylaw which authorizes the license holder to keep Urban Hens on a specific property within the Town.

URBAN HEN LICENSES

- 1) There shall be a maximum of twenty (20) Urban Hen Licenses available within Town limits.
- 2) A person may apply to keep a minimum of two (2) and a maximum of four (4) Urban Hens by:
 - a) Submitting a completed application, on the form prescribed by the Town, including:
 - i) A site plan outlining Coop dimensions and identified setbacks; and
 - ii) Payment of the license fee as set out in the Rates and Fees Bylaw which is due and payable at the time of the application, prior to approval, and annually thereafter.
- 3) License fees shall not be reduced or prorated no matter the month of purchase or total number of Urban Hens.
- 4) License fees that have been paid shall not be refunded or rebated.
- 5) The Town may not issue or renew an Urban Hen license unless satisfied that:
 - a) The applicant / licence holder 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 allow the applicant to keep Urban Hens on the property;
 - b) The applicant / licence holder resides at the property in which the Urban Hen Licence is to be issued;
 - c) All Urban Hen keeping guidelines and regulations are being compiled with; and,
 - d) The applicant / licence holder has compiled with all other Provincial and Federal regulations for the keeping of livestock.
- 6) A person to whom an Urban Hen License has been issued shall produce the license on the demand of the CAO, or an Officer.
- 7) A person who applies to keep Urban Hens is required to take training which is designed to provide adequate information regarding the successful keeping of hens in an urban area through a winter cycle, and remain current with best management practices of Hen Keeping guidelines.
- 8) Upon receipt of a completed Urban Hen Licence application the Town will notify adjacent property owners of the address proposing to keep Urban Hens.
- 9) An Urban Hen License is non-transferrable from one person to another or from one property to another.

KEEPING OF URBAN HENS

- 10) No person shall be permitted to keep a rooster or hen in an urban area, other than an Urban Hen for which a valid Urban Hen License has been issued.
- 11) Only one (1) Coop per property shall be permitted.
- 12) A person who keeps Urban Hens must:
 - a) Provide each Urban Hen with at least 0.37 square metres (4 sqft) of interior floor area, and at least 0.92 square metres (10 sqft) of outdoor enclosure, with the Coop;
 - b) Ensure rear yards shall be fully enclosed with fencing at least 5 feet (1.82m) in height;
 - c) Ensure that each Coop is:
 - i) Located within the rear yard of the lot behind a detached or semi-detached dwelling, as defined in the Land Use Bylaw;
 - ii) A minimum 3.0m (10ft) from a dwelling unit;

- iii) A minimum 1.0m (3.2ft) from any lot line;
 - iv) A minimum 1.0m (3.2ft) from any other buildings;
 - v) A minimum 3.60m (12ft) from any street adjacent to the property;
 - vi) No larger than 10 metres square (108sqft) in floor area, and
 - vii) No more than 2 meters (6.5ft) in height.
- d) Provide and maintain, in the Coop, at least one nest box per Coop and one perch per Urban Hen that is at least 15cm long;
 - e) Keep each Urban Hen in the Coop at all times;
 - f) Provide each Urban Hen with food, water, shelter, light, ventilation, care and opportunities for essential behaviours such as scratching, dustbathing, and roosting, all sufficient to maintain the Urban Hen in good health;
 - g) Maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - h) Construct and maintain the Coop to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
 - i) Keep a food container and water container in the Coop;
 - j) Keep the Coop secured from sunset to sunrise;
 - k) Remove leftover feed, trash, and manure in a timely manner;
 - l) Store feed within a fully enclosed container;
 - m) Store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at any time;
 - n) Remove all manure not used for composting or fertilizing and dispose of such in accordance with Town Bylaws;
 - o) Ensure all Urban Hen related waste shall be in compostable bags and not loose in the organic carts;
 - p) Ensure that Urban Hen related waste shall be in a secure location on site until collection day;
 - q) Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak;
 - r) Obtain a Premises Identification (PID) under the Premises Identification Regulation (200/2008) in the Animal Health Act and submit a copy to the Town; and,
- 13) 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 or within Town boundaries;
 - 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 an approved Coop.

PENALTIES & ENFORCEMENT

- 14) Where an Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw the Officer may serve upon the person a Municipal Ticket allowing payment of the specified fine as set out in Schedule "A" of this Bylaw.

- 15) Should an Urban Hen license holder be found to be non-compliant with this Bylaw at any time, enforcement action may be taken including without limitation: issuing a Municipal Violation Tag or Violation Ticket, revocation of a Hen Licence, or issuance of a Stop Order under Section 645 of the Municipal Government Act.
- 16) In the event of the revocation of an Urban Hen License, the license holder will be given 30 days to rehome the Hens.
- 17) Should Hens and/or a Coop be ordered to be removed, all costs and associated expenditures related to the removal shall be the responsibility of the property owner.

AUTHORITY OF THE CAO

- 18) Without restricting any other power, duty, or function granted by the Urban Hen Keeping Bylaw, the CAO may:
- a) Carry out any inspections to determine compliance with the Urban Hen Keeping Bylaw;
 - b) Take any steps or carry out any actions required to enforce the Urban Hen Keeping Bylaw;
 - c) Take any steps or carry out any actions required to remedy a contravention of the Urban Hen Keeping Bylaw;
 - d) Establish forms for the purposes of the Urban Hen Keeping Bylaw; and,
 - e) Delegate any powers, duties, or functions under the Urban Hen Keeping Bylaw to another Town employee.

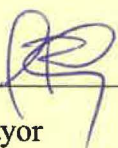
REPEAL

- 19) That bylaw 1662-2021 the Urban Hen Pilot Program Bylaw is hereby repealed.

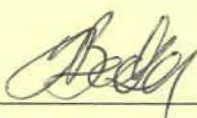
Read a first time on the 24 day of April, 2023

Read a second time on the 24 day of April, 2023

Read a third and final time on the 8 day of May, 2023



Mayor



Chief Administrative Officer

SCHEDULE "A"

Section	Offense	Fine
2	Keeping more than 4 hens	\$250.00
10	Fail to license Urban Hen Coop	\$250.00
10	Rooster within town boundaries	\$250.00
12	Coop fails to meet size / enclosure requirements	\$250.00
12(c)	Coop not located properly on parcel	\$250.00
12(g)	Fail to maintain Coop in a sanitary condition/good repair	\$250.00
12(m)	Waste not stored in an enclosed structure or container	\$250.00
13(b)	Slaughter of hens on property	\$250.00
13(c)	Unlawful disposal of deceased hens	\$250.00
13(a)	Meat or eggs produced from the keeping of hens sold commercially	\$250.00
13(e)	Hens Running at Large	\$250.00