

BYLAW NO. 394
OF THE VILLAGE OF SPRING LAKE

BEING A BYLAW OF THE VILLAGE OF SPRING LAKE IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF REGULATING THE KEEPING OF HENS IN URBAN AREAS.

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(i) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the 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 by bylaw regulate, prohibit, or provide for a system of licences, permits, or approval including any or all of the matters listed therein.

The Council of the Village of Spring Lake, duly assembled, hereby ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be referred to as the "Urban Hen Bylaw".

DEFINITIONS

2. In this Bylaw,
 - (a) "Adjoining Neighbours" means a site that is contiguous to another site along a common property line. If the subject site is located on a corner, an adjoining site includes a site that is adjacent across a rear lane, but not across a street;
 - (b) "Animal Health Act" means the Animal Health Act, SA 2007, C A-40.2, and any amending or succeeding legislation, and associated regulations;
 - (c) "Bylaw" means a bylaw of the Village of Spring Lake, and includes amendments thereto;
 - (d) "Bylaw Enforcement Officer" means an individual appointed as such in accordance with the Community Peace Officer Bylaw No. 386;
 - (e) "Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the Municipal Government Act and pursuant to the Chief Administrative Officer Bylaw No. 378;
 - (f) "Coop" means a fully enclosed structure intended for the keeping of Hens;
 - (g) "Coop Run" means a securely enclosed, roofed outdoor area attached to and forming part of a Coop, for Hens to roam;
 - (h) "Council" means the Mayor and other members of the Council of the Village of Spring Lake as duly elected from time to time pursuant to the provisions contained in the Local Authorities Election Act;
 - (i) "Hen" means a female chicken;
 - (j) "Hen Keeper" means a person having any right of custody, control, or possession of a Hen;
 - (k) "Hen Licence" means a licence issued under this bylaw that authorizes the keeping of Hens in the Village;

- (l) "Licensing Authority" means the CAO or an individual appointed by the CAO to issue Hen Licences;
- (m) "Municipal Violation Tag" means a Village-issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
- (n) "Peace Officer" is as defined in the Provincial Offences Procedure Act, RSA 2000, c P-34, and any amending or succeeding legislation;
- (o) "Premises Identification (PID) Number" means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the Animal Health Act to owners of livestock;
- (p) "Rooster" means a domesticated male chicken;
- (q) "Subject Property" means a lot or parcel of land in respect of which a Hen Licence is sought or has been issued;
- (r) "Temporary Caregiver" means a person who has been authorized by the Hen Keeper to provide care to their Hens in the event the Hen Keeper is temporarily unable to do so;
- (s) "Village" means the Village of Spring Lake, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the Village of Spring Lake; and
- (t) "Violation Ticket" is as defined in the Provincial Offences Procedure Act and any amending or succeeding legislation.

INTERPRETATION

3. The headings in this bylaw are for reference only.

REQUIREMENT FOR LICENCE

4. This Bylaw enables hen keeping as urban agriculture and no person shall own or keep Hens unless properly licensed in accordance with this Bylaw.
5. A Hen Licence may not be issued to an individual under the age of eighteen (18) years.

URBAN HEN KEEPING LICENCE APPLICATION AND INFORMATION

6. A Hen Licence may authorize the keeping of not more than four (4) Hens on the Subject Property and may be issued subject to such conditions as the Licensing Authority considers appropriate.
7. Before the issuance or renewal of a licence pursuant to this part, the owner of the Coop must submit to the Licensing Authority:
 - (a) completed Hen Licence application form;
 - (b) the appropriate licence fee prescribed in Schedule A; and
 - (c) any other additional information required by the Licensing Authority, including, but not limited to:
 - i. the name, address, and contact information of the person who will be the Hen Keeper and of any person who may act as a Temporary Caregiver;
 - ii. a copy of a Certificate of Title for the Subject Property issued by the Land Titles Office not more than two weeks prior to the date of the application;
 - iii. written permission to keep hens on the Subject Property, from the registered owner of the Subject Property as shown on the Certificate of Title, if the Hen Keeper is not the registered owner;

- iv. a drawing that shows the location and size of the Coop and Coop Run on the Subject Property, and associated setbacks from the Coop and Coop Run to the side and rear property lines;
 - v. evidence that the proposed Hen Keeper has experience or training in hen keeping;
 - vi. pictures of the final construction of the Coop and Coop Run including pictures of the side and rear property lines from the Coop and Coop Run; and
 - vi. a copy of the Premises Identification (PID) Number applicable to Subject Property.
- 8. Notwithstanding Section 7, at the time of application for a Hen Licence, the applicant must demonstrate to the satisfaction of the Licensing Authority that all Adjoining Neighbours have been notified of the intent to apply for a Hen Licence on the Subject Property. If an adjoining property of the Subject Property is undeveloped or developed but otherwise vacant, the applicant is not required to notify that adjoining property.
- 9. A Hen Licence is required for each property that has a Coop.
- 10. Hen Licences are valid for one (1) year following the date of issuance.
- 11. No person shall give false information when applying for a Hen Licence pursuant to this Urban Hen Keeping Bylaw.
- 12. The Licensing Authority may refuse to issue or renew a Hen Licence, or may revoke a previously issued Hen Licence, for any of the following reasons:
 - (a) an applicant for or holder of a Hen Licence does not meet or has ceased to meet the requirements of this bylaw;
 - (b) an applicant has submitted false information;
 - (c) an applicant for or holder of a Hen Licence has outstanding unpaid fines under this bylaw;
 - (d) an applicant has previously been the holder of a Hen Licence that was revoked for non-compliance with this bylaw, or in respect of which an order has been made under section 645 of the Municipal Government Act;
 - (e) an applicant for or holder of a Hen Licence has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals; or
 - (f) in the opinion of the Licensing Authority, it is in the public interest to refuse to issue a Hen Licence.
- 13. The maximum number of Hen Licenses that may be issued in the Village shall be one (1) Hen License per twenty-five (25) persons, based on the population of the Village of Spring Lake, as determined in the most recent census.
- 14. If the maximum number of Hen Licenses that may be issued in the Village has been reached, the person applying shall be added to a waiting list in the order of being received and will be contacted if a Hen License become available.

LICENCE TRANSFERS

- 15. Hen Licences issued under this Bylaw shall not be transferable from one person or property to another.

RESPONSIBILITIES OF THE HEN KEEPER

- 16. Hen Keepers must comply with the Animal Health Act.

17. Hen Keepers, owners of a Subject Property, and Temporary Caregivers must:

- (a) ensure good husbandry practices where each Hen is provided with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities to scratch, peck, dust-bathe, roost, and socialize with their own kind;
- (b) provide warmth to the Hens through heat lamps, wall insulation, poly-sheeting, seedling heat mats, or other means;
- (c) maintain the Coop and Coop Run in good repair and sanitary conditions, free from vermin and noxious and offensive smells and substances;
- (d) construct and maintain the Coop to prevent rodents from being harboured underneath, within, or within the walls of the Coop, and to prevent access to the Coop by any other animal;
- (e) keep each Hen in a secured area at all times;
- (f) keep each Hen locked in the Coop from sunset on any given day, to sunrise the following day;
- (g) ensure that Hens are kept in the Coop or Coop Run with all openings, such as doors and windows, secured in such a manner that will not allow predators to enter;
- (h) keep food and water containers in the Coop;
- (i) store feed in a fully enclosed, non-penetrable container;
- (j) remove leftover feed, trash, and manure, in a timely manner;
- (k) ensure manure is stored in an enclosed container and disposed of, as per health regulations;
- (l) follow biosecurity procedures recommended by the Canadian Food Inspection Agency (CFIA);
- (m) ensure Hens are slaughtered or euthanized at an appropriate location or facility, not on the Subject Property;
- (n) dispose of the carcass of a Hen deceased by natural causes, by double bagging and bringing it to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of Hens;
- (o) take Hens to a veterinarian, farm, abattoir, or other operation if Hens are no longer wanted;
- (p) keep Hens for personal use only, and not sell eggs, manure, meat, or any other products derived from Hens; and
- (q) keep a Hen in a cage only when actively transporting the Hen.

HEN KEEPING GENERAL REGULATIONS

18. Hen keeping is permitted under and in accordance with this bylaw.

19. This bylaw applies to the activity of Hen keeping for personal use only. The commercial sale of Hens or Hen products is not permitted.

20. This Bylaw enables the keeping of Hens within the confines of a fenced property and does not permit Hens to be sheltered within a residential dwelling unit.

21. No person shall be permitted to keep a rooster.

22. No person shall keep a Hen or Hens, on a parcel in a single-family residential zone, having an area less than 557.42 sq. m. (6,000 sq. ft.).

23. This bylaw does not exempt a person from complying with any Federal or Provincial law or regulation, other Village bylaw, or any requirement of any lawful permit, order, or licence.

COOP AND COOP RUN REQUIREMENTS FOR HEN KEEPING

24. A Coop and Coop Run are only permitted within a fenced rear yard of a residential property.
25. A Coop and Coop Run must be located at grade level, but not over a utility right-of-way.
26. A minimum Coop indoor floor area of 0.37 sq. m. (4 sq. ft.) per Hen is required.
27. The indoor floor area of a Coop shall not exceed 9.29 sq. m (100 sq. ft.).
28. The Coop shall not exceed 2.5 m (8.0 ft.) in height.
29. The minimum Coop Run outdoor area of 0.93 sq. m. (10 sq. ft.) per Hen is required but shall not exceed 9.29 sq. m (100 sq. ft.).
30. A Coop must contain a minimum of one (1) Nest Box for every two (2) hens.
31. Coops and Coop Runs are to be located:
 - (a) a minimum of 4.57 m (15 ft.) from all property lines.
32. The maximum lot coverage of all structures on a property, including a Coop, must comply with the Land Use Bylaw
33. A maximum of one (1) Coop and (1) Coop Run is permitted on one (1) parcel of residential land.
34. The Licensing Authority has the authority to impose additional site-specific conditions.

ENFORCEMENT

35. At any reasonable time, the Licensing Authority or a Peace Officer may enter upon any property in order to ascertain whether or not the provisions of this Bylaw are being observed.
36. Should a hen keeping site, Coop, or Hen Keeper be found to be non-compliant with this Bylaw at any time, the Hen Licence may be revoked. 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.
37. A person who contravenes any provision of this Bylaw is guilty of an offence.
38. In the case of an offence that 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 such separate offence.
39. A Person who is guilty of an offence under this Bylaw is liable:
 - (a) to a fine of \$250.00; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

40. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.
41. Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.
42. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
- (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.
43. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

SEVERABILITY

44. In the event that any provision of this Bylaw is found to be contrary to law by any Court of competent jurisdiction then that provision shall be severed, and the remainder of the Bylaw shall be of full force and effect.

CERTIFIED COPY OF RECORD

45. A copy of a record of the Village, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

EFFECTIVE DATE

46. This bylaw comes into effect when it is passed.

Read a first time this 12th day of October, 2021.

Read a second time this 8th day of March, 2022.

Read a third and final time this 8th day of March, 2022.



Mayor



Chief Administrative Officer

SCHEDULE OF FEES

Fee Description	Fee
Hen Licence Fee	
Hen Licences are valid for one (1) year following the date of issuance.	\$40.00