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A BYLAW OF THE TOWN OF ATHABASCA, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION AND CONTROL OF BACKYARD HENS

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WHEREAS Pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a Council may pass a bylaw for municipal purposes respecting wild and domestic animals and activities in relation to them; and

WHEREAS the Council of the Town of Athabasca now deems it necessary and expedient to establish regulations in relation to the keeping of backyard hens within the limits of the Town.

NOW THEREFORE the Council of the Town of Athabasca, duly assembled, hereby enacts as follows:

SHORT TITLE

1. This Bylaw will be cited as the "Backyard Hen Bylaw".

DEFINITIONS AND INTERPRETATION

2. 2.1) In this Bylaw:

- I. **Adjacent Neighbour** means land that is contiguous to a particular parcel of land, including land that would be contiguous if not for highway, road, river or stream.
- II. **Animal Health Act** means the Animal Health Act, S.A. 2007, c. A-40.2, including regulation under that statute.
- III. **Chief Administrative Officer (CAO)** means the person appointed by Town Council as its Chief Administrative Officer or that person's designate.
- IV. **Coop** means a fully enclosed, weatherproof structure used for the keep of hens that is no larger than 100 square feet in floor area, and no more than 6 feet in height.
- V. **Council** means the Mayor and Councillors of the Town of Athabasca for the time being elected.
- VI. **Hen** means a female chicken.
- VII. **Hen Keeper** means a person having any right of custody, control or possession of a hen.
- VIII. **Hen Licence** means a licence issued under this bylaw which authorizes the keeping of hens within town limits.

   
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- IX. **Licencing Authority** means the Chief Administrative Officer, or a person appointed by the Chief Administrative Officer to issue Hen licences.
- X. **Municipal Tag** means a specified penalty issued under S. 7(i)(vi) of the Municipal Government Act, R.S.A. 2000, c. M-26.
- XI. **Peace Officer** means any RCMP, Community Peace Officer or Bylaw Enforcement Officer.
- XII. **Rooster** means a male chicken.
- XIII. **Sell** means to exchange or deliver for money or its equivalent.
- XIV. **Town** means the Town of Athabasca, its employees or its duly authorized representatives.
- XV. **Violation Ticket** means a specified penalty issued under the *Provincial Offences Procedure Act*.

### HEN LICENCE

- 3. 3.1) The maximum number of hen licences that may be issued in the Town shall be four (4), on a first come, first serve basis.
- 3.2) A hen licence shall only be issued to a person aged 18 years or older.
- 3.3) A person may keep up to four (4) hens by:
  - a) submitting a completed hen licence application on forms approved by the CAO; and
  - b) paying an annual hen licence fee as set out in **Schedule A** of this bylaw. 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.
- 3.4) Hen licence fees shall not be reduced or prorated no matter the month of purchase.
- 3.5) Hen licence fees shall not be refunded or rebated.
- 3.6) A hen licence is not transferable from one person to another.
- 3.7) A hen licence is not transferable from one property to another.
- 3.8) A person to whom a hen licence has been issued shall produce the licence upon the demand of a Peace Officer.
- 3.9) A hen licence may be issued or renewed if the CAO is satisfied that the following information has been provided:
  - a) the name, address, and contact information of the person who will be the Hen Keeper;

   
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- b) written permission to keep hens of the property, issued by Land Titles, if the Hen Keeper is not the registered owner;
  - c) written permission from all adjacent neighbours;
  - d) a drawing showing the location and size of the Coop on the property, and all setbacks from the Coop to the side and rear property lines;
  - e) evidence that the proposed Hen Keeper has experience or training in hen keeping;
  - f) the applicant has complied with all other Provincial and Federal Regulations for the keeping of chickens.
3. 10) A hen licence may be revoked or may not be renewed by the CAO if:
- a) the applicant or licence holder does not meet or has ceased to meet the requirements for a hen licence;
  - b) the applicant or licence holder furnishes false information or misrepresents fact or circumstance required by this Bylaw;
  - c) the applicant or licence holder has contravened any part of this Bylaw;
  - d) the applicant or licence holder fails to pay a fine imposed for a contravention of this Bylaw;
  - e) the applicant or licence holder has been convicted of any offence involving abuse, mistreatment or negligent treatment in keeping of animals;
  - f) the applicant or licence holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
  - g) in the opinion of the CAO, based on reasonable grounds, it is in the public interest to do so.

### KEEPING OF HENS

4. 1) A person who keeps hens must:
- a) provide each hen with at least 4 square feet of interior floor area, and at least 10 square feet of outdoor enclosure, within the coop;
  - b) ensure that each coop is:
    - i. located in the rear yard of a fenced property;
    - ii. a minimum 10 feet from a dwelling;
    - iii. a minimum 5 feet from any lot line;
  - c) provide and maintain, in the coop, at least one nest box for every one to two hens and one perch per hen that is at least 6 inches long;

  
CAO

  
Mayor

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- d) keep all hens in the coop from sunset on any given day, to sunrise the following day;
- e) keep all hens in a secured area at all times;
- f) provide each hen with food, water, shelter, light, warmth, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting;
- 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, within, 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 at all times;
- k) remove leftover feed, trash, and manure in a timely manner;
- l) store feed within a fully enclosed container;
- m) ensure that hens are slaughtered or euthanized at an appropriate facility;
- n) hens that are deceased due to natural causes are to be disposed of by bringing them to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of hens;
- o) should you decide to no longer keep your hens you must notify the Town immediately.

### PROHIBITIONS

- 5. 5.1) No person shall keep
  - a) a rooster;
  - b) any hens under 16 weeks old.

### RIGHT OF ENTRY

- 6. 6.1) A Peace Officer may, for the purposes of ensuring that the provisions of this Bylaw are being complied with, enter upon a Property in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw.

### OFFENSES & VIOLATIONS

- 7. 7.1) No person shall cause or allow a contravention of this Bylaw. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Owner by issuing a Municipal Tag or Violation Ticket in accordance with **Schedule B** of this

   
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Bylaw.

SEVERABILITY

12. 12.1) Should any provision of this Bylaw be found to be void or unenforceable, the remainder of the Bylaw shall remain in full force and effect.

BYLAW 010-2020 AND ANY AMENDMENTS THERETO ARE HEREBY REPEALED.

THIS BYLAW SHALL TAKE FULL FORCE AND EFFECT UPON DATE OF FINAL READING.

READ FOR A FIRST TIME THIS 20<sup>TH</sup> DAY OF DECEMBER, A.D. 2022.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

READ FOR A SECOND TIME THIS 20<sup>TH</sup> DAY OF DECEMBER, A.D. 2022.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

READ FOR A THIRD TIME THIS 20<sup>TH</sup> DAY OF DECEMBER, A.D. 2022.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

  
CAO Mayor

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SCHEDULE A

- a) The fee for the annual Hen Licence shall be set at \$40.00

   
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SCHEDULE B

OFFENCES

| Description of Offence                                                     | First Offence | Second and Subsequent Offences |
|----------------------------------------------------------------------------|---------------|--------------------------------|
| Any offence as outlined in this bylaw other than any item specified below: | \$100.00      | \$150.00                       |

   
CAO Mayor