

TOWN OF PICTURE BUTTE
BYLAW NO. 912-21

A BYLAW OF THE COUNCIL OF THE TOWN OF PICTURE BUTTE, IN THE PROVINCE OF ALBERTA, TO REGULATE AND LICENCE THE KEEPING OF CHICKENS IN URBAN AREAS OF THE TOWN OF PICTURE BUTTE

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws relating to 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 the Municipal Government Act also provides that a Council may pass bylaws to provide a system of licences, permits and approvals;

AND WHEREAS the Council of the Town of Picture Butte deems it desirable to regulate and licence the keeping of chickens in urban areas of the Town;

NOW THEREFORE, the Municipal Council of the Town of Picture Butte, hereby enacts as follows:

1. CITATION

1.1. This bylaw may be cited as the "Urban Hen Bylaw".

2. DEFINITIONS

2.1. In this bylaw:

1. "CAO" means the Chief Administrative Officer of the Town of Picture Butte, or designate;
2. "Contiguous Boundary" means property which either abuts directly on the property where 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;
3. "Coop" means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of Hens, that is no larger than 9.2 square metres (100 sq. ft.) in floor area, and no more than two metres (6.56ft.) in height;
4. "Council" means the Town of Picture Butte Council;
5. "Hen(s)" means a domesticated female chicken that is at least sixteen weeks of age;
6. "Municipal Tag" means a document alleging an offence issued pursuant to the authority of a Bylaw of the Town;
7. "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 the Hens to roam;
8. "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;
9. "Rooster" means a domesticated male chicken;
10. "Sell" means to exchange or deliver for money or its equivalent;
11. "Town" means the Town of Picture Butte, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
12. "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 the Bylaws of the Town;

13. "Urban Hen Licence" means a licence issued pursuant to this Bylaw which authorizes the licence holder to keep Hens on a specific property within the Town.
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;
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:
 1. a Rooster; or
 2. a Hen, other than on a property for which a valid Urban Hen Licence has been issued.

4. URBAN HEN LICENCES

- 4.1. The maximum number of Urban Hen Licences that may be issued in the Town shall be ten (10).
- 4.2. A person may keep up to five (5) Hens by:
 1. Submitting a completed Urban Hen Licence Application;
 2. Paying a non-refundable application fee as outlined in the Town's Fees, Rates and Charges Bylaw.
 3. Paying an annual fee for the Urban Hen Licence as outlined in the Town's Fees, Rates and Charges Bylaw.
- 4.3. Urban Hen Licences:
 1. May be issued if the CAO is satisfied that:
 - a. The applicant is the owner of the property on which the Hens will be kept; or that the owner of the property has provided written consent to the applicant;
 - b. The property is zoned as a residential land use district, excluding Residential Multi Unit – R5 properties, according to the Town's Land Use Bylaw.
 - c. The applicant resides on the property on which the Hens will be kept;
 - d. All required information has been provided;
 - e. The applicable fee has been paid; and
 - f. The applicant has complied with all other Provincial and Federal regulations for the keeping of chickens.
 2. May be refused or revoked by the CAO if:
 - a. The applicant or licence holder does not meet or no longer meets the requirements for an Urban Hen Licence as set out in the Bylaw;
 - b. The applicant or licence holder furnishes false information or misrepresents any fact or circumstance required pursuant to this Bylaw;
 - c. The applicant or licence 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 licence 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 livestock;
 - e. The applicant or licence holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
 - f. Fifty percent or more of the neighbours having contiguous boundaries with the property where the 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.
- 3. Are valid for the year, ending December 31st;
- 4. Are not transferable from one person to another;
- 5. Are not transferable from one property to another except:
 - a. when a licence holder has moved to a new property within the Town, then:
 - i. The licence holder may apply to transfer the licence; and
 - ii. an inspection of the new property must be carried out to determine the licence holder is still able to meet all requirements for an Urban Hen Licence as set out in this Bylaw at such property.
- 4.4. Urban Hen Licence Fees:
 - 1. Are to paid prior to the 31st of January of every year and expire on December 31st;
 - 2. Shall not be reduced or prorated no matter the month of purchase;
 - 3. Shall not be refunded or rebated.
- 4.5. Notwithstanding any other Town bylaw, a person who has applied for and has been approved for ownership of Hens may keep them in accordance with the terms of this Bylaw and its attached Schedules.
- 4.6. If the CAO revokes, or refuses to issue an Urban Hen Licence, the applicant may appeal the decision to Council.

5. KEEPING OF HENS

- 5.1. A person who keeps Hens must:
 - 1. Provide each Hen with at least 0.37 square metres (3.98 sq.ft.) of interior floor area, and at least 0.92 square metres (9.9 sq. ft) of outdoor enclosure, within the Coop;
 - 2. Ensure that each Coop is:
 - a. Located in the rear of the property;
 - b. Meets the setback requirements for accessory buildings and structures as outlined in the Town's current Land Use Bylaw.
 - c. At grade level, is no more than 2 metres (6.56 ft.) in height;
 - 3. Provide and maintain, in the Coop, at least one nest box per Coop and one perch per Hen that is at least 15cm long;
 - 4. Keep each Hen in the Coop at all times;
 - 5. Provide each Hen with appropriate food, water, shelter, light, warmth, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust bathing, and roosting, all sufficient to maintain the Hen in good health;
 - 6. Maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - 7. 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;
 - 8. Keep the Coop secured at all times;
 - 9. Remove leftover feed, trash, and manure in a timely manner;
 - 10. Store feed with a fully enclosed container;
 - 11. Store manure within a fully enclosed container, and store no more than 85 litres of manure at any time;
 - 12. Remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town bylaws;
 - 13. Follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce the potential for a disease outbreak;
 - 14. Keep Hens for personal use only; and
 - 15. Inform the Town immediately of any disease or welfare issues that may affect the public, and of the steps taken to rectify the situation.

- 5.2. No person who keeps Hens shall:
1. Sell eggs, manure, meat, or other products derived from a Hen;
 2. Slaughter any Hen on the property;
 3. Dispose of any Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of such; and
 4. Keep a 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 THE CHIEF ADMINISTRATIVE OFFICER

- 6.1. Without restricting any other power, duty or function granted by the Urban Hen Bylaw, the CAO may:
1. Carry out any inspections to determine compliance with this Bylaw;
 2. Take any steps or carry out any actions required to enforce this Bylaw;
 3. Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 4. Establish forms for the purpose of this Bylaw; and
 5. Delegate any powers, duties or functions under this Bylaw to a Town 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 the Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) dollars, imprisonment for a term not exceeding one year, or both.
- 7.3 Where there is a specified penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum specified penalty for the offence.
- 7.4 Where a person contravenes the same provision of this Bylaw two or more times within one twelve-month period, the specified penalty payable in respect of the second or subsequent contravention shall be the amount stated in Schedule A for such offences.
- 7.5 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence 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:
1. A violation tag allowing a payment of the specified penalty to the Town; or
 2. A violation ticket allowing payment according to the provisions of the Provincial Offences and 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:
1. Personally served; or
 2. Served by regular mail to the person's last known mailing address.
- 7.9 If a violation ticket is issued in respect to an offence, the violation ticket may:
1. Specify the fine amount established by this Bylaw for the offence; or
 2. Require a person to appear in court without the alternative of making a voluntary payment.
- 7.10 A person who commits an offence may
1. If a violation ticket is issued in respect of the offence; and
 2. If the violation ticket specified the fine amount established by this Bylaw for the offence;

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 the Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

9. COMING INTO EFFECT

8.1 This Bylaw shall come into effect on the date of the third reading.

READ A FIRST TIME THIS 26TH DAY OF APRIL, 2021. A.D.

READ A SECOND TIME THIS _____ DAY OF _____, 2021. A.D.

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2021. A.D.

TOWN OF PICTURE BUTTE

Cathy Moore
Mayor

Keith Davis

SCHEDULE A

SECTION	OFFENCE	PENALTY 1 st Offence	PENALTY 2 nd and Subsequent
3.1.1	Keep a rooster	\$250	\$500
3.1.2	Keep an unlicensed Hen	\$250	\$500
4.3.5	Transfer Urban Hen Licence	\$250	\$500
4.4.1	Fail to renew Urban Hen Licence	\$250	\$500
5.1.1	Fail to provide adequate Coop space for number of Hens	\$250	\$500
5.1.2	Coop improperly located	\$250	\$500
5.1.2	Fail to provide nest box or perch per Hen	\$250	\$500
5.1.4	Allow Hen to be outside the Coop	\$250	\$500
5.1.5	Fail to adequately provide for essential Hen behaviour	\$250	\$500
5.1.6	Fail to maintain the Coop to prevent odours	\$250	\$500
5.1.7	Fail to prevent rodents/animals from entering the Coop	\$250	\$500
5.1.8	Fail to keep Coop secured	\$250	\$500
5.1.9	Fail to remove waste in timely manner	\$250	\$500
5.1.10	Fail to properly store feed	\$250	\$500
5.1.11	Fail to properly store manure	\$250	\$500
5.1.12	Fail to properly dispose of manure	\$250	\$500
5.1.13	Fail to follow biosecurity procedures	\$250	\$500
5.1.14	Keep Hens for other than personal use	\$250	\$500
5.1.15	Fail to inform of any disease or welfare issues	\$250	\$500
5.2.1	Sell products derived from Hens	\$250	\$500
5.2.2	Slaughter Hen on property	\$250	\$500
5.2.3	Unlawfully dispose of Hen	\$250	\$500
5.2.4	Keep Hen in other form of shelter other than a Coop	\$250	\$500
	Application Fee	As per the Fees, Rates and Services Bylaw	
	Annual Urban Hen Licence Fee	As per the Fees, Rates and Services Bylaw	