

BYLAW 40-24

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE THE KEEPING OF CHICKENS IN URBAN AREAS

WHEREAS pursuant to provisions of the *Municipal Government Act (MGA)*, RSA 2000, Chapter M-26 and amendments thereto, the Town of Okotoks Council may pass a bylaw for municipal purposes respecting 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 Council has the authority to provide for a system of permits and approvals; and

WHEREAS Council deems it desirable to regulate the keeping of chickens in urban areas of the Town.

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

1. SHORT TITLE

1.1 This Bylaw may be known as the "Urban Hen Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the following means:

- 2.1 **Chief Administrative Officer (CAO)** - the person appointed to the position of Chief Administrative Officer for the Town of Okotoks within the meaning of the *Municipal Government Act*.
- 2.2 **coop** - a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of urban hens, that is no larger than 10m² (107.63 ft.²) in floor area, and no more than 2m (6.56 ft.) in height.
- 2.3 **Council** - the Mayor and Councillors duly elected pursuant to the provisions of the *Local Authorities Election Act*.
- 2.4 **hen** - a domesticated female chicken.
- 2.5 **outdoor enclosure** - 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.

- 2.6 **Peace Officer:**
- 2.6.1 a member of the Royal Canadian Mounted Police;
 - 2.6.2 a Community Peace Officer as appointed by the Solicitor General of Alberta;
 - 2.6.3 a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town.
- 2.7 **rooster** - a domesticated male chicken.
- 2.8 **sell** - to exchange or deliver for money or its equivalent.
- 2.9 **Town** - the Town of Okotoks, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof.
- 2.10 **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 Bylaws of the Town.
- 2.11 **urban hen** - means a hen that is at least sixteen (16) weeks of age.
- 2.12 **urban hen application fee** - the sum paid as established in the Town's Fees, Rates, and Charges Bylaw and pursuant to this Bylaw, which indicates the intention of a resident to keep urban hens on a specific property within Town.
- 2.13 **violation tag** - 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.
- 2.14 **violation ticket** - a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*.

3. PROHIBITIONS

- 3.1 No person in an urban area shall keep:
- 3.1.1 a rooster; or
 - 3.1.2 a hen, other than an urban hen for which an urban hen application fee has been paid.

4. URBAN HEN APPLICATIONS

- 4.1 The maximum number of urban hen applications that may be approved in the Town shall be one (1) urban hen application per 750 persons based on the population of the Town as determined by the most recent census.
- 4.2 A person may keep up to four (4) urban hens by:
- 4.2.1 submitting a completed urban hen application in the form prescribed; and
 - 4.2.2 paying an urban hen application fee as set out in the Fees, Rates, and Charges Bylaw.

- 4.3 An urban hen application fee:
- 4.3.1 shall not be reduced or prorated no matter the month of purchase;
 - 4.3.2 shall not be refunded or rebated;
 - 4.3.3 is not transferable from one person to another; and
 - 4.3.4 is not transferable from one property to another except when an applicant has moved to a new property within Town then:
 - 4.3.4.1 the applicant may apply to transfer the application; and
 - 4.3.4.2 an inspection of the new property must be carried out to determine the applicant is still able to meet all requirements for an urban hen application as set out in this Bylaw at such property.
- 4.4 A person who has paid an urban hen application fee shall produce proof of payment upon the demand of a Peace Officer.
- 4.5 An urban hen application fee may be approved if the CAO is satisfied that:
- 4.5.1 the applicant is the owner of the property on which the urban hens will be kept;
 - 4.5.2 the owner of the property has provided written consent to the applicant;
 - 4.5.3 the land use designation of the property on which the urban hens will be kept allows the placement of a coop for the keeping of urban hens;
 - 4.5.4 the applicant resides on the property on which the urban hens will be kept;
 - 4.5.5 all required information has been provided;
 - 4.5.6 the applicant has taken a course on the safe handling of hens and eggs;
 - 4.5.7 the applicable application fee has been paid; and
 - 4.5.8 the applicant has complied with all other provincial and federal regulations for the keeping of chickens.
- 4.6 An urban hen application may be revoked or may not be renewed by the CAO if:
- 4.6.1 the applicant does not meet or no longer meets the requirements as set out in this Bylaw;
 - 4.6.2 the applicant furnishes false information or misrepresents any fact or circumstance required pursuant to this Bylaw;
 - 4.6.3 the applicant 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;
 - 4.6.4 the applicant fails to pay a fine imposed by a court for a contravention of this Bylaw or any other applicable bylaw related to the keeping of livestock;
 - 4.6.5 the applicant fails to pay any fee required by this Bylaw or any other applicable legislation; or
 - 4.6.6 in the opinion of the CAO, based on reasonable grounds, it is in the public interest to do so.

5. KEEPING OF URBAN HENS

- 5.1 A person who keeps urban hens must:
- 5.1.1 provide each urban hen with at least 0.37m² (3.98 ft.²) of interior floor area, and at least 0.92m² (9.9 ft.²) of outdoor enclosure, within the coop;

- 5.1.2 ensure that each coop is:
 - 5.1.2.1 located in the rear yard of the property;
 - 5.1.2.2 a minimum 3.0m (9.84 ft.) from a dwelling;
 - 5.1.2.3 a minimum 1m (3.28 ft.) from any lot line;
 - 5.1.2.4 a minimum 3.6m (11.81 ft.) from any street adjacent to the property; and
 - 5.1.2.5 at grade level, no more than 2m (6.56 ft.) in height;
 - 5.1.3 provide and maintain, in the coop, at least one nest box per coop and one perch per urban hen that is at least 15cm (5.90 in) long;
 - 5.1.4 keep each urban hen in the coop at all times;
 - 5.1.5 provide each urban hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the urban hen in good health;
 - 5.1.6 maintain the coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - 5.1.7 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;
 - 5.1.8 keep a food container and water container in the coop;
 - 5.1.9 keep the coop secured at all times;
 - 5.1.10 remove leftover feed, trash, and manure in a timely manner;
 - 5.1.11 store feed within a fully enclosed container;
 - 5.1.12 store manure within a fully enclosed container, and store no more than 85 litres (3 cubic feet) of manure at any time;
 - 5.1.13 remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town bylaws;
 - 5.1.14 follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
 - 5.1.15 keep urban hens for personal use only.
- 5.2 No person who keeps urban hens shall:
- 5.2.1 sell eggs, manure, meat, or other products derived from an urban hen;
 - 5.2.2 slaughter any urban hen on the property;
 - 5.2.3 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
 - 5.2.4 keep an urban hen in a cage, kennel, or any other form of shelter other than a coop.

6. AUTHORITY OF CAO

- 6.1 Without restricting any other power, duty, or function granted by the Urban Hen Bylaw, the CAO may:
- 6.1.1 carry out any inspections to determine compliance with the Urban Hen Bylaw;
 - 6.1.2 take any steps or carry out any actions required to enforce the Urban Hen Bylaw;
 - 6.1.3 take any steps or carry out any actions required to remedy a contravention of the Urban Hen Bylaw;
 - 6.1.4 establish forms for the purposes of the Urban Hen Bylaw; and
 - 6.1.5 delegate any powers, duties, or functions under the Urban Hen 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 this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000, imprisonment for a term not exceeding one (1) 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 (2) or more times within one twelve (12) 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:
- 7.7.1 a violation tag allowing a payment of the specified penalty to the Town; or
 - 7.7.2 a violation ticket allowing payment according to the provisions of the Provincial Offences 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:
- 7.8.1 personally served; or
 - 7.8.2 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:
- 7.9.1 specify the fine amount established by this Bylaw for the offence; or
 - 7.9.2 require a person to appear in court without the alternative of making a voluntary payment.
- 7.10 A person who commits an offence may:
- 7.10.1 if a violation ticket is issued in respect of the offence; and
 - 7.10.2 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 this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

9. GENERAL

- 9.1 Any person who contravenes any provision of this Bylaw by:
- 9.1.1 doing any act or thing which the person is prohibited from doing; or
 - 9.1.2 failing to do any act or thing the person is required to do;

is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

- 9.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw(s), or any requirement of any lawful permit, order or license.
- 9.3 Words in the singular include the plural and words in the plural include the singular.
- 9.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 9.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended.
- 9.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premises as provided by the *MGA*, or any other law of the Province of Alberta.

This Bylaw shall come into full force and effect upon third and final reading, and Revised Bylaw 24-17 and any amendments thereto are rescinded.

READ A FIRST TIME this day of 2024.

READ A SECOND TIME this day of 2024.

READ A THIRD TIME AND PASSED this day of 2024.

Mayor

Chief Administrative Officer

Draft

SCHEDULE "A"

Section	Offence	Penalties	
		1 st Offence	2 nd and Subsequent Offences
3.1.1	Keep a rooster	\$250	\$500
3.1.2	Keep urban hens without a Town approved application	\$250	\$500
4.2	Keep more than four (4) urban hens	\$250	\$500
4.2.2	Fail to pay the urban hen application fee	\$250	\$500
4.3.3	Transfer urban hen approved application to another person	\$250	\$500
4.3.4	Transfer urban hen approved application to another property without notice to the Town or inspection by the Town	\$250	\$500
4.4	Fail to produce upon demand, proof of payment for an urban hen application	\$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
5.1.3	Fail to provide nest box or perch per urban hen	\$250	\$500
5.1.4	Allow urban hen to be outside coop	\$250	\$500
5.1.5	Fail to adequately provide for essential hen behaviour	\$250	\$500
5.1.6	Fail to maintain coop to prevent odors	\$250	\$500
5.1.7	Fail to prevent rodents/animals from entering coop	\$250	\$500
5.1.8	Fail to keep food and water in coop	\$250	\$500
5.1.9	Fail to keep coop secured	\$250	\$500
5.1.10	Fail to remove waste in timely manner	\$250	\$500
5.1.11	Fail to properly store feed	\$250	\$500
5.1.12	Fail to properly store manure	\$250	\$500
5.1.13	Fail to properly dispose of manure	\$250	\$500
5.1.14	Fail to follow biosecurity procedures	\$250	\$500
5.1.15	Keep urban hens for other than personal use	\$250	\$500

5.2.1	Sell products derived from urban hens	\$250	\$500
5.2.2	Slaughter urban hen on property	\$250	\$500
5.2.3	Unlawfully dispose of urban hen	\$250	\$500
5.2.4	Keep urban hen in other form of shelter other than coop	\$250	\$500

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