

# TOWN OF CALMAR

## BYLAW #2023-07

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BEING A BYLAW OF THE TOWN OF CALMAR, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF HENS IN URBAN AREAS.

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**WHEREAS**, pursuant to section 7 of the *Municipal Government Act* the council of a municipality may pass bylaws for municipal purposes respecting: the safety, health and welfare of people and the protection of people and property; wild and domestic animals, and activities in relation to them; and the enforcement of bylaws; and

**WHEREAS**, pursuant to section 8 of the *Municipal Government Act* the council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licences, permits and approvals.

**NOW THEREFORE**, the Council of the Town of Calmar, in the Province of Alberta, assembled enacts as follows:

1. **TITLE**

This bylaw may be called the "Urban Hens Bylaw."

2. The purpose of this bylaw is to regulate and control the keeping of urban hens within the Town of Calmar.

3. For the purposes of this bylaw:

- a) **"Bylaw Enforcement Officer"** means a person appointed Bylaw/Peace Officer by the Town of Calmar Chief Administrative Officer;
- b) **"Coop"** means a fully enclosed weatherproof structure and attached Outdoor Enclosure used for the keeping of urban hens, that is no larger than 10 m<sup>2</sup> in floor area, and no more than 2.4m in height;
- c) **"Hen"** means a domesticated female chicken;
- d) **"Municipal Tag"** means a document alleging an offence issued pursuant to the authority of a Bylaw of the Town;
- e) **"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;
- f) **"Rooster"** means a domesticated male chicken;
- g) **"Urban Chicken"** means a Hen that is at least 16 weeks of age;
- h) **"Urban Hens License"** means a license issued by the Chief Administrative Officer or designate pursuant to this Bylaw authorizing the license holder to keep urban hens on a specific property within the Town of Calmar;
- i) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*;
- j) **"Urban Area"** means lands located within the Municipal Boundary of the Town.

4. **PROHIBITIONS**

In an Urban Area, no person shall:

- a) keep a Rooster;
- b) keep a hen, other than an urban hen for which a valid urban hen's license has been issued;
- c) have no more than one coop on a property.

5. **URBAN HEN'S LICENSE**

A person may apply to keep no more than (4) urban hens by:

- a) submitting a completed application, on the form approved by the Chief Administrative Officer or designate, and
- b) Applicants shall advise the adjacent landowners of their intention to keep urban hens;
- c) paying an application fee and then the renewed yearly fee as per the Fees and Charges Bylaw.

6. The Chief Administrative Officer or designate may not issue an urban hen license unless satisfied that:

- a) the applicant 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 the application;
- b) the applicable fee has been paid; and
- c) all required information has been provided.

7. The maximum number of licenses that may be issued shall be one Urban Hen License per one hundred (100) persons based on the population of the Town of Calmar as determined in the most recent municipal census.

8. The Chief Administrative Officer or designate may refuse to grant an Urban Hen License for the following reasons:

- a) the applicant or license holder does not or no longer meets the requirements of this bylaw for an Urban Hen License;
- b) the applicant or license holder:
  - i. furnishes false information or misrepresents any fact or circumstance to the Chief Administrative Officer or a Bylaw/Peace Officer;
  - ii. has, in the opinion of the Chief Administrative Officer based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
  - iii. 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 urban hens;
  - iv. fails to pay any fee required by this or any applicable Bylaw; or

- c) in the opinion of the Chief Administrative Officer based on reasonable grounds it is in the public interest to do so.
- 9. If the Chief Administrative Officer or designate refuses to grant an Urban Hen License, the applicant may appeal the decision to the Town Council.
- 10. An Urban Hen License is valid if the applicant resides on the property listed on the application.
- 11. An Urban Hen License is not transferable from one person to another or from one property to another.
- 12. A person to whom an Urban Hen License has been issued shall produce the license at the demand of the Chief Administrative Officer or designate or a Bylaw/Peace Officer.

13. **KEEPING OF URBAN HENS**

A person who keeps Urban Hens must:

- a) provide each Hen with at least 0.37 m<sup>2</sup> (3.98 ft<sup>2</sup>) of interior floor area, and at least 0.92 m<sup>2</sup> (9.9 ft<sup>2</sup>) of Outdoor Area and;
- b) supervise free range urban hens at all times;
- c) provide and maintain, in the Coop, at least one nest box per coop and one perch per Hen, that is at least 15 cm long;
- d) provide each Hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dustbathing, and roosting, all sufficient to maintain the Hen in good health;
- e) place the coop a minimum of 1.0 m (3.3 ft.) from each property boundary and located at the rear of the property, 3.0 m from all dwelling windows and doors;
- f) ensure the coop is no higher than 2.4 m (8 ft.) in height;
- 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) and manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
- n) remove all other manure not used for composting or fertilizing and dispose of same in accordance with Town bylaws;

- o) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
- p) keep Hens for personal use only.

14. No person who keeps Urban Hens shall:

- a) sell eggs, manure, meat, or other products derived from Hens;
- b) slaughter a Hen on the property;
- c) dispose of a Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens; and
- d) keep a Hen in a cage, kennel, or any shelter other than a coop.

15. **OFFENCE AND PENALTIES**

- a) A person who contravenes any provision of this Bylaw is guilty of an offence.
- b) A person who is guilty of an offence is liable to a fine in an amount not less than \$100.00.
- c) Without restricting the generality of section 16, the fine amount established for use on Municipal Tags and for Violation Tickets if a voluntary payment option is offered is \$150.00.

16. **MUNICIPAL TAG**

A Bylaw/Peace Officer is authorized and empowered to issue a Municipal Tag to any person who the Bylaw/Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

17. A Municipal Tag may be issued to such person:

- a) either personally; or
- b) by mailing a copy to such person at his or her last known post office address.

18. The Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:

- a) the name of the Person;
- b) the offence;
- c) the specified penalty established by this Bylaw for the offence;
- d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
- e) any other information as may be required by the Chief Administrative Officer.

19. **PAYMENT IN LIEU OF PROSECUTION**

- 20. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Municipal Tag.

## 21. VIOLATION TICKET

- a) If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- b) Despite section 22, a Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- c) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - i. specify the fine amount established by this Bylaw for the offence; or
  - ii. require a person to appear in court without the alternative of making a voluntary payment.

## 22. VOLUNTARY PAYMENT

A person who commits an offence may

- a) if a Violation Ticket is issued in respect of the offence; and
- b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- c) make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

## 23. OBSTRUCTION

### POWERS OF CHIEF ADMINISTRATIVE OFFICER

- a) Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer or designate may:
  - i. carry out any inspections to determine compliance with this Bylaw;
  - ii. take any steps or carry out any actions required to enforce this Bylaw;
  - iii. take any steps or carry out any actions required to remedy a contravention of this Bylaw;
  - iv. establish forms for the purposes of this Bylaw; and
  - v. delegate any powers, duties, or functions under this Bylaw to a Town employee.

24. GENERAL

- a) Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Town Bylaw, or any requirement of any lawful permit, order, or licence.

25. SEVERABILITY

- a) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.


26. ENACTMENT

- a) This Bylaw shall come into effect upon third reading.
- b) Bylaw #2022-09 is hereby rescinded.

READ FIRST TIME THIS 06 DAY OF FEBRUARY 2023.

READ A SECOND TIME THIS 06 DAY OF FEBRUARY 2023.

READ A THIRD TIME, BY UNANIMOUS CONSENT, THIS 06 DAY OF FEBRUARY 2023



Mayor Carnahan



CAO Losier