

**TOWN OF LEGAL  
BYLAW # 11-2021  
HEN BYLAW**

**A BYLAW OF THE TOWN OF LEGAL, IN THE PROVINCE OF ALBERTA, TO REGULATE HEN KEEPING WITHIN THE TOWN OF LEGAL.**

**WHEREAS** pursuant to the *Municipal Government Act*, a council may pass bylaws respecting wild and domestic animals and activities in relation to them;

**AND WHEREAS** pursuant to the *Municipal Government Act*, a council may by bylaw regulate or prohibit, and provide for a system of licences, permits, or approvals;

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

**1.0 TITLE**

1.1 This Bylaw may be referred to as the "Hen Bylaw".

**2.0 DEFINITIONS**

2.1 In this bylaw:

- a. "Act" means the *Municipal Government Act, R.S.A. 2000, c.M-26* as amended;
- b. "Adjoining Neighbour" means the owner(s) of the properties abutting the applicant's property, or those that share a property line with. For the purpose of this Bylaw and for clarity, as displayed in Schedule "B" of this Bylaw:
  - a. applicants who reside on an internal lot will have to provide written consent from property owners on each adjoining sidelines and those property owners directly across the alley.
  - b. applicants who reside on a corner lot will have to provide written consent from property owners on the adjoining sideline and those property owners directly across the alley.
- c. "Animal Health Act" means the *Animal Health Act, SA 2007, C A-40.2* as amended, including regulations under that statute;
- d. "Bylaw Enforcement Officer" means the person or persons appointed as such from time to time by the Town of Legal Council, to perform any duties under this Bylaw and includes but is not limited to; a member of the Royal Canadian Mounted Police, a Peace Officer and a Bylaw Enforcement Officer;
- e. "Chief Administrative Officer" means the Chief Administrative Officer for the Town of Legal;
- f. "Coop" means a fully enclosed structure intended for the keeping of Hens;
- g. "Hen" means a female chicken;
- h. "Hen Enclosure" means an enclosed space that extends out of doors and can be open to the elements and covered for further protection against weather and predators;
- i. "Hen Keeper" means a person having any right of custody, control, or possession of a Hen;
- j. "Hen Licence" means a licence issued under this Bylaw that authorizes the keeping of Hens in the Town;
- k. "Licensing Authority" means the Chief Administrative Officer or designate to issue Hen Licences;
- l. "Municipal Violation Tag" means a tag or similar document issued by the Town or their designate pursuant to the *Municipal Government Act*, as amended or repealed and replaced from time to time;
- n. "Nest Box" means a box within a Coop for the nesting of Hens;
- 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 male domestic 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. "Town" means the corporation of the Town of Legal or the area contained within the boundaries thereof, as the context requires; and
- t. "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act, RSA 2000, c. P-34*, as amended or repealed and replaced from time to time

### 3.0 HEN LICENCE

- 3.1 The purpose of this Bylaw is to enable hen keeping as urban agriculture, if the Hen Keeper is the holder of a valid Hen Licence and remains at all times in compliance with the provisions of this Bylaw.
- 3.2 A Hen Licence may be issued only to a natural person aged 18 years or older.
- 3.3 A Hen Licence may authorize the keeping of not more than 4 Hens on the Subject Property and may be issued subject to such conditions as the Licensing Authority considers appropriate.
- 3.4 Before a Hen Licence is issued or renewed, the applicant must provide to the satisfaction of the Licensing Authority:
  - a. a completed Hen Licence or Hen Licence renewal application, in the form prescribed by the Licensing Authority;
  - b. the Hen Licence fee prescribed in Schedule A to this Bylaw; and
  - c. any other information reasonably 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, or, 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;
    - iii. a drawing that shows the location and size of the Coop and enclosure on the Subject Property, and associated setbacks from the Coop and enclosure to the side and rear property lines;
    - iv. proof that the proposed Hen Keeper has completed training in hen keeping by providing a certificate of completion of one of the Town approved hen keeping courses:
      - 1. River City Chickens – Chickens 101; or
      - 2. Alberta Farm Animal Care – Introduction to Backyard Chickens; and
    - v. a copy of the Premises Identification (PID) Number applicable to Subject Property.
- 3.5 At the time of application for a Hen Licence, the applicant must provide to the satisfaction of the Licensing Authority a written letter of consent from all Adjoining Neighbours
- 3.6 A Hen Licence is valid from January to December of each year.
- 3.7 A Hen Licence is not transferable from one person or property to another.
- 3.8 Keeping of hens does not require a development permit under the Town's Land Use Bylaw if hen keeping complies with and is licensed under this Bylaw.
- 3.9 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 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.

#### 4.0 RESPONSIBILITIES OF A HEN KEEPER

4.1 Hen Keepers must comply with the *Animal Health Act*.

4.2 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, polysheeting, seedling heat mats, or other means;
- c. maintain the Coop and enclosure in good repair and sanitary conditions, free from vermin and noxious and offensive smells and substances;
- d. construct and maintain the Coop and enclosure to prevent rodents from being harboured underneath, within, or within the walls of the Coop, and to prevent access to the Coop and enclosure by any other animal;
- e. keep each Hen locked in the Coop from sunset on any given day, to sunrise the following day;
- f. ensure that Hens are kept in the enclosure at all times, with all openings, such as doors and windows, secured in such a manner that will not allow predators to enter;
- g. keep food and water containers in the Coop;
- h. store feed in a fully enclosed, non-penetrable container;
- i. remove leftover feed, trash, and manure, in a timely manner;
- j. follow biosecurity procedures recommended by the Canadian Food Inspection Agency (CFIA);
- k. ensure Hens are slaughtered or euthanized at an appropriate location or facility, not on the Subject Property;
- l. 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;
- m. take Hens to a veterinarian, farm, abattoir, or other operation if Hens are no longer wanted;
- n. keep Hens for personal use only, and not sell eggs, manure, meat, or any other products derived from Hens; and
- o. keep a Hen in a cage only when actively transporting the Hen.

#### 5.0 HEN KEEPING GENERAL REGULATIONS

5.1 Hen keeping is permitted under and in accordance with this Bylaw.

5.2 Roosters are prohibited.

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

5.4 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.

5.4.1 A licensee must keep each hen in the coop or enclosure at all times.

5.5 Each Hen must be a minimum of 4 months (16 weeks) old when acquired for keeping under a Hen Licence.

- 5.6 This Bylaw does not exempt 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.

## **6.0 COOP REQUIREMENTS FOR HEN KEEPING**

- 6.1 A Coop is only permitted within a fenced rear yard of a single family residential property, classified as an R-1 – Residential District in accordance with the Town of Legal Land Use Bylaw, as amended.
- 6.1.1 Subject to Section 6.1, a residential property must have a principal building.
  - 6.1.2 Coops are not permitted on vacant lots.
- 6.2 A Coop and enclosure must be located at grade level, but not over a utility right-of-way.
- 6.3 A minimum size for outdoor hen enclosure shall be 0.92 m<sup>2</sup> and maximum 1.25 m<sup>2</sup> per hen within a Coop.
- 6.3.1 A minimum Coop floor area of 0.37 sq. m. (4 sq. ft.) per Hen is required.
  - 6.3.2 A Coop must contain a minimum of 1 Nest Box for every 1 or 2 hens.
  - 6.3.3 A hen Coop and Hen Enclosure cannot exceed 107 sq. ft
  - 6.3.4 Adjustable ventilation of 0.5-1sqft per hen (0.046-0.093m<sup>2</sup>) is required.
- 6.4 A maximum height allowed for a Coop is 8 ft. (2.4m), and the maximum height for an enclosure is 6 ft. (1.8m).
- 6.5 The setbacks of a Coop from property lines and/or other structures within the same property must comply with the minimum requirements outlined in the Land Use Bylaw for an accessory building.
- 6.6 The maximum lot coverage of all structures on a property, including a Coop, must comply with the Land Use Bylaw.
- 6.7 The Licensing Authority has the authority to impose additional site-specific conditions.

## **7.0 ENFORCEMENT**

### **7.1 Offence**

- 7.1.1 The Licensing Authority or a Bylaw Enforcement Officer may enter upon any Subject Property to inspect for compliance with this Bylaw.
- 7.1.2 Should a subject property, Coop, or Hen Keeper be found to be non-compliant with this Bylaw at any time, enforcement action may be taken including without limitation: issuing a Municipal Violation Tag or Violation Ticket, revocation of a Hen Licence or issuance of a Stop Order under the *Municipal Government Act*.
- 7.1.3 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.
- 7.1.4 A person who contravenes any provision of this Bylaw is guilty of an offence.

### **7.2 Continuing Offence**

- 7.2.1 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.

### **7.3 Fines and Penalties**

- 7.3.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "A" which is attached hereto as part of this Bylaw.

- 7.3.2 Notwithstanding Section 7.3.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence shall be liable to a fine of not less than the double sum as set out in item of Schedule "A" which is attached hereto as part of this Bylaw.
- 7.3.3 Schedule "A" may be amended from time to time and shall form part of this Bylaw.

**7.4 Municipal Violation Tag**

- 7.4.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a "Violation Tag" or "Ticket" to any person who contravenes any provision in this Bylaw.
- 7.4.2 Such "Violation Tag" or "Ticket" may be issued to such person:
  - a. either personally or by leaving a copy for him at his last most usual place of abode; or
  - b. by mailing a copy to such person to his last known address.

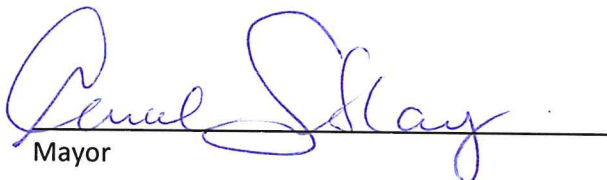
The "Violation Tag" shall state, inter alia:

- a. The name of the offender;
  - b. The offence;
  - c. The appropriate fine for the offence as specified in Schedule "A" of this Bylaw; and
  - d. That the fine shall be paid within thirty (30) days of the issuance of the "Violation Tag".
- 7.4.3 Where a contravention of this Bylaw is of a continuing nature, further "Violation Tags" or "Tickets" for the same offence may be issued by a Bylaw Enforcement Officer, provided however, that no more than one (1) "Violation Tag" shall be issued for each day, or part of a day that the contravention continues.
  - 7.4.3 Where a "Violation Tag" is issued, the person to whom the "Violation Tag" is issued may, in lieu of being prosecuted for the offence, pay the Town the sum specified on the "Violation Tag".
  - 7.4.4 Where, in the opinion of a Bylaw Enforcement Officer a person has contravened any section of this Bylaw the Bylaw Enforcement Officer may serve upon such person a Violation Ticket in the form and manner as prescribed by the provisions of Part II of the *Provincial Offences Procedure Act, RSA 2000, c. P-34* and all its regulations and amendments thereto.

Read a first time this 7<sup>th</sup> day of June, 2021.

Read a second time this 21 day of June, 2021.

Read a third and final time this 21 day of June, 2021.

  
 Mayor

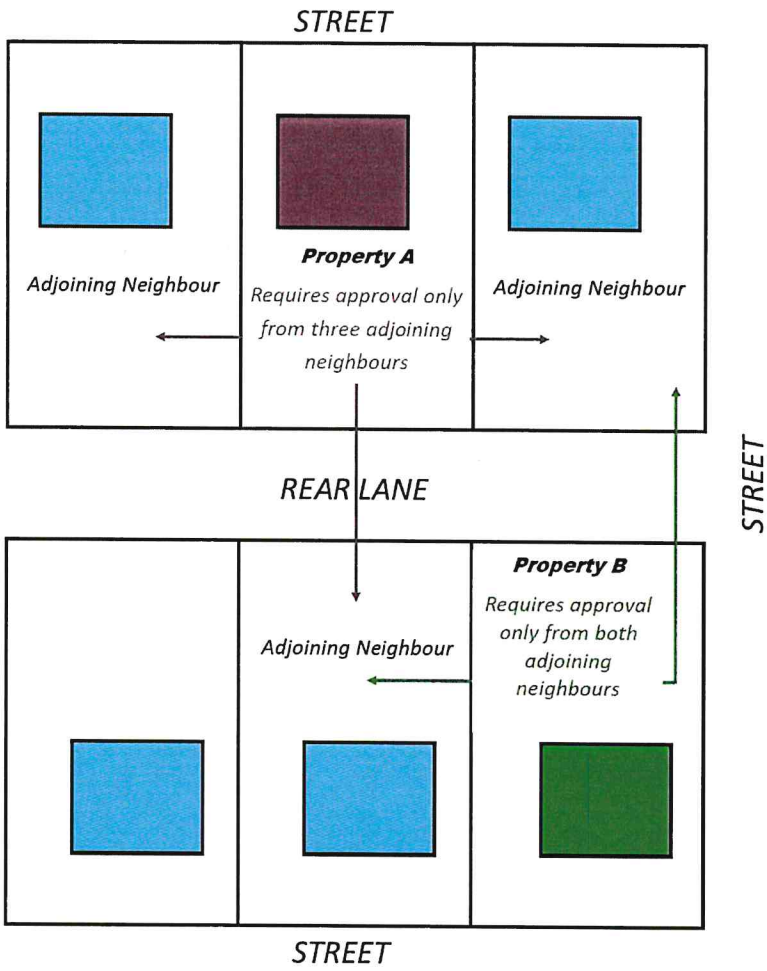
  
 Chief Administrative Officer



SCHEDULE A – FEES

Fee Description	Fee	
<b>Hen Licence Fee</b>		
Annual Hen Licences (January to December)	\$60.00	
<b>Penalty Fee</b>	<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> and Repeat Offence</b>
A Person who is guilty of an offence under this Bylaw is liable to a specified penalty	\$250.00	\$500.00

SCHEDULE B – ADJOINING NEIGHBOUR DIAGRAM



# ADJOINING NEIGHBOURS

**(Property A)** Applicants who reside on an internal lot will have to provide written consent from property owners on each adjoining sidelines and those property owners directly across the alley.

**(Property B)** Applicants who reside on a corner lot will have to provide written consent from property owners on the adjoining sideline and those property owners directly across the alley.

