

THE CITY OF SPRUCE GROVE

BYLAW C-1313-24

HENS BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended, a municipality may pass bylaws with respect to wild and domestic animals and activities in relation to them;

AND WHEREAS pursuant to the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended, a municipality may by bylaw regulate or prohibit, and provide for a system of licences, permits, or approvals;

NOW THEREFORE the Council for the City of Spruce Grove, duly assembled, hereby enacts as follows:

1. DEFINITIONS

- 1.1 “Act” means the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended.
- 1.2 “Adjoining Neighbour” means an owner or occupant of a property that is adjacent to a Subject Property.
- 1.3 “Certificate of Title” means an official government-issued document that provides proof of landowner’s right of ownership.
- 1.4 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta, or where the context so requires, the area contained within the boundaries of the City of Spruce Grove.
- 1.5 “Communicable Diseases” means diseases which can be passed from animal to animal and zoonotic diseases as per the *Animal Health Act*, SA 2007, c A-40.2, s 2, as amended.
- 1.6 “Hen” means a female chicken.
- 1.7 “Hen Coop” means a fully enclosed structure intended for the keeping of Hens.

- 1.8 “Hen Enclosure” means an enclosure consisting of an indoor Hen Coop and an attached outdoor, covered Hen Run.
- 1.9 “Hen Keeper” means a person having any right of custody, control, or possession of a Hen.
- 1.10 “Hen Keeping Licence” means a Licence issued under this bylaw that authorizes the keeping of Hens within the boundaries of the City of Spruce Grove.
- 1.11 “Hen Licence Issuer and Inspector” means a Person responsible for issuing Hen Keeping Licences and conducting inspections.
- 1.12 “Hen Run” means a securely enclosed, roofed outdoor area attached to a Hen Coop, for Hens to roam.
- 1.13 “Husbandry” means the management and care of animals.
- 1.14 “Licensing Authority” means a person appointed by the City Manager having all authority to carry out the provisions of this Bylaw.
- 1.15 “Licence Holder” means the Person named on an approved Hen Keeping Licence.
- 1.16 “Peace Officer” means any sworn member of the Royal Canadian Mounted Police, a Peace Officer or Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c P-35, as amended, and employed by the City, or a Bylaw Enforcement Officer employed by the City.
- 1.17 “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*, S.A. 2007, C A-40.2 and *Traceability Premises Identification Regulation*, Alta Reg 200/2008, as amended, to owners of livestock.
- 1.18 “Registered Owner” means a person registered under the *Land Titles Act*, R.S.A. 2000, c L-4, as amended, as the owner of the fee simple estate in the land.
- 1.19 “Rooster” means a male chicken.

- 1.20 “Subject Property” means a lot or parcel of land in respect of which a Hen Keeping Licence is sought or has been issued.
- 1.21 “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.
- 1.22 “Violation Ticket” means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, cP-34, as amended.

2. OBJECT OF THE BYLAW

- 2.1 The purpose of this Bylaw is to enable Hen keeping as urban agriculture if the Hen Keeper is the holder of a valid Hen Keeping Licence and remains in compliance with the provisions of this Bylaw.

3. HEN LICENCE

- 3.1 A Hen Keeping Licence may be issued only to a Person aged 18 years or older.
- 3.2 A Hen Keeping Licence may authorize the keeping of no less than three (3) Hens and no more than six (6) Hens on the Subject Property and may be issued subject to conditions as the Licensing Authority considers appropriate.
- 3.3 The maximum number of Hen Keeping Licences that may be issued shall be determined by the Director of Planning and Development.
- 3.4 Before a Hen Keeping Licence is issued the applicant shall provide the following to the satisfaction of the Licensing Authority:
- (a) a completed Hen Keeping Licence application;
 - (b) the Hen Keeping Licence fee prescribed in the Development Fees and Fines Bylaw, as amended; 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 a Person who may act as a Temporary Caregiver;
 - (ii) a copy of a Certificate of Title for the Subject Property;
 - (iii) written permission to keep Hens on the Subject Property, from the Registered Owner of the Subject Property;
 - (iv) a site plan showing the location, size, height and associated setbacks to the side and rear property lines of the Hen Coop and Hen Run on the Subject Property;
 - (v) a copy of other permits as required for the Hen Coop.
- (d) documentation that demonstrates the completion of an accredited urban Hen Keeping course;
 - (e) documentation of support and assistance through an established relationship with a mentor;
 - (f) documentation of a local veterinarian who is familiar with treating Hens to ensure standards of care;
 - (g) a checklist with daily, weekly, monthly and seasonal tasks to prevent disease and to keep Communicable Diseases from spreading should they occur;
 - (h) documentation that all Adjoining Neighbours have been notified of the applicant's intent to participate in the Hen Keeping program, and:
 - (i) if the adjacent property is an apartment building, church or school, the building manager shall be notified;
 - (ii) the contact information for the neighbours notified shall be provided with the application form;
 - (iii) if an adjacent property to the Subject Property is undeveloped or developed but otherwise vacant, or is City-owned, the applicant is not required to notify that adjacent property.

3.5 A Hen Keeping Licence is valid to December 31 of the year of issuance.

- 3.6 A Hen Keeping Licence is not transferable from one Person or property to another.
- 3.7 A site inspection is required for renewal of a Hen Keeping Licence.
- 3.8 A copy of the Premises Identification (PID) Number as required by the *Animal Health Act*, and applicable to the Subject Property shall be provided to the Licensing Authority after the Hen Licence is issued.
- 3.9 The Licensing Authority will notify Adjoining Neighbours when a Hen Licence is issued.
- 3.10 A Hen Licence does not take effect until:
- (a) the appeal period referenced in Section 4 has expired, if no appeal is received during the appeal period; or
 - (b) the Community Standards Appeal Committee has made a decision on any appeal that upholds the issuance of the Hen Licence, with or without conditions.
- 3.11 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 been a subject of recurring bylaw enforcement issues;
 - (d) an applicant was previously the holder of a Hen Licence that was revoked for non-compliance with this Bylaw; or
 - (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.
- 3.12 The City may, at its own discretion, discontinue all Hen Keeping Licences within the City.

4. APPEAL

- 4.1 An appeal lies from a decision of the Licensing Authority to:
- (a) issue a Hen Keeping Licence if the appellant is an Adjoining Neighbour;
 - (b) impose conditions on a Hen Keeping Licence, if the appellant is the Person who applied for the Hen Licence or is an Adjoining Neighbour;
 - (c) refuse to issue a Hen Keeping Licence, if the appellant is the Person who applied for the Hen keeping Licence;
 - (d) revoke a Hen Keeping Licence, if the appellant is the holder of the Hen Keeping Licence that was revoked.
- 4.2 An Adjoining Neighbour may appeal only if the grounds for appeal are:
- (a) that the keeping of Hens on the Subject Property is likely to have a materially adverse effect on the health of the Adjoining Neighbour or of a Person living in the premises of the Adjoining Neighbour; or
 - (b) a reason or factor listed in subsection 3.11 (a) or (e).
- 4.3 An appeal shall be received in writing addressed to the City Clerk's Office and shall be received in that office no later than 14 days after the decision appealed from is issued.
- 4.4 The appeal shall be heard by the Community Standards Appeal Committee.
- 4.5 The Community Standards Appeal Committee shall schedule the hearing within 30 calendar days after receipt of the notice of appeal and the appeal fee by the Clerk.
- 4.6 A decision of the Committee is not final until notification of the decision is given in writing. Notification of the decision on an appeal in relation to a Hen Keeping Licence shall be provided within 15 business days of the date on which the decision of the Committee is made.

5. RESPONSIBILITIES OF A HEN KEEPER

- 5.1 No person shall keep or harbour within the City:

- (a) any Hen, without:
 - (i) a valid Hen Keeping Licence; and
 - (ii) a permitted Hen Enclosure;
- (b) a Hen less than 16 weeks old; or
- (c) a Rooster.

5.2 Hen Keepers shall comply with the conditions of the Hen Keeping Licence.

5.3 Hen Keepers shall comply with the *Animal Health Act*, S.A. 2007, c A-40.2, as amended.

5.4 Hen Keepers and Temporary Caregivers shall:

- (a) ensure good Husbandry practices and maintain Hens in such a condition to prevent distress, disease, and welfare issues;
- (b) provide Hens with appropriate food, water, shelter, light, warmth, ventilation, veterinary care and opportunities for essential behaviours such as scratching, pecking, dustbathing, roosting and socializing;
- (c) maintain the Hen Coop in good repair and sanitary conditions, free from vermin and noxious and offensive smells and substances, and in conformance to the Community Standards Bylaw, as amended;
- (d) remove and discard leftover feed and manure to prevent nuisance odours;
- (e) keep Hens for personal use only, and not sell eggs, manure, meat or any other products derived from Hens;
- (f) dispose of the carcass of a Hen deceased by natural causes, by double bagging and placing it in the garbage, or bringing it to a veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of Hens pursuant to the *Animal Health Act Disposal of Dead Animals Regulation (AR 132/2014)*;
- (g) not engage in on-site slaughter or euthanizing of Hens, and for greater certainty, if removal of a Hen is required, the Hen may be euthanized humanely by a veterinarian, moved to a new home, or taken to a licensed abattoir;

- (h) keep Hens in a locked enclosure;
- (i) keep the Hen Coop secure so that no predator can enter;
- (j) keep Hens in a cage only when actively transporting Hens;
- (k) follow the biosecurity procedures recommended by the Canadian Food Inspection Agency (CFIA).

6. HEN ENCLOSURE REQUIREMENTS

- 6.1 One Hen Enclosure is permitted at each participating property. No Hen Coop shall be permitted without a Hen Run, nor shall a Hen Run be permitted without a Hen Coop.
- 6.2 A Hen Enclosure is only permitted within a fenced side or rear yard of a residential property.
- 6.3 A Hen Enclosure shall be a minimum of 1.2 metres from all adjacent property lines and 1.5 metres from the dwelling.
- 6.4 A Hen Enclosure shall be set back a minimum of 3 metres from dwelling windows and doors of neighbouring properties.
- 6.5 A Hen Enclosure shall be located at grade level, but not over a utility right-of-way.
- 6.6 A Hen Coop shall not exceed a maximum floor area of 9.2 square metres.
- 6.7 A Hen Coop shall have a maximum height of 1.8 metres or less.
- 6.8 A Hen Enclosure shall include 0.37 square metres of Hen Coop area per Hen and 0.92 square metres of Hen Run area per Hen.
- 6.9 A Hen Coop shall be enclosed, insulated, heated and ventilated to function in all seasons.
- 6.10 The Hen Run shall be securely attached to the Hen Coop, covered and wrapped in the winter.
- 6.11 The Licensing Authority has the authority to impose additional site-specific conditions.

7. ENFORCEMENT

- 7.1 Hen Keepers shall make themselves available for inspection of the Hen Enclosure by the Hen Licence Issuer and Inspector.
- 7.2 Should a Hen Keeper be found non-compliant with this Bylaw at any time, enforcement action may be taken, including issuing of a Violation Ticket by a Peace Officer, and/or revocation of a Hen Keeping Licence by the Hen Licence Issuer and Inspector.
- 7.3 Should Hens and/or a Hen Enclosure be ordered to be removed, all costs and associated expenditures related to the removal shall be the responsibility of the Licence Holder.
- 7.4 A Person who contravenes any provision of this Bylaw is guilty of an offence.

8. VIOLATION TICKET

- 8.1 Notwithstanding anything else in this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.
- 8.3 Notwithstanding anything else in this Bylaw, where a person is issued a Violation Ticket requiring them to appear in court without the alternative of making a voluntary payment, the person shall be liable upon conviction to a penalty of up to \$10,000, and in no event shall such penalty be lower than the specified penalty set out in Schedule "A" of this Bylaw.

9. FINES AND PENALTIES

9.1 A Person who is guilty of an offence under this Bylaw is liable to a specified penalty as set out in Schedule "A".

10. SEVERABILITY

10.1 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.

11. EFFECTIVE DATE

11.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried	27 May 2024
Second Reading Carried	27 May 2024
Third Reading Carried	10 June 2024
Date Signed	10 June 2024

Mayor

City Clerk

Schedule A Fines and Penalties

Offence	Penalty Amount	
	First Offence	Subsequent Offence
Commencing operations without a valid Hen Keeping Licence, as per Section 5.1 (a) (i) of this Bylaw.	\$250.00	\$500.00
Continuing activity after the Hen Keeping Licence has been suspended or cancelled, as per Section 3.12 and Section 5.1 (a) (i) of this Bylaw.	\$250.00	\$500.00
Non-compliance with conditions of the Hen Keeping Licence, as per Section 5.2 of this Bylaw.	\$250.00	\$500.00