

**BYLAW 2022-05**  
**VILLAGE OF BEISEKER**  
**URBAN HEN BYLAW**

A bylaw of the Village of Beiseker in the Province of Alberta, being a bylaw to regulate the keeping of poultry within the Village of Beiseker.

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 provide for a system of licenses, permits and approvals; and

WHEREAS the Council of the Village of Beiseker deems it desirable to regulate and licence the keeping of chickens in urban areas of the Village

NOW THEREFORE, the Council of the Village of Beiseker, in the Province of Alberta, enacts as follows:

**1. SHORT TITLE**

This bylaw may be cited as the Beiseker Urban Hen Bylaw.

**2. DEFINITIONS**

1. **“CAO”** means the Chief Administrative Officer of the Village of Beiseker as appointed by Council or their delegate
2. **“Caged Bird”** means any bird normally kept in confined in a cage with a residence, but does not include chickens or any poultry as described in Section 2 of this bylaw.
3. **“Coop”** means a fully enclosed weather-proof structure and attached outdoor enclosure used for the keeping of urban hens
4. **“Council”** means the Council of the Village of Beiseker
5. **“ Enforcement Officer”** means any member of the RCMP, Community Peace Officer, Bylaw Enforcement Officer, or authorized person as appointed by Council
6. **“Livestock”** includes, but is not limited to:
  - a) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
  - b) domestically reared or kept deer, reindeer, moose, elk or bison;
  - c) farm bred, including fur bearing animals such as rabbits, foxes, weasels or minx;
  - d) animals of the bovine species;
  - e) all other animals that are kept for agricultural purposes (except for urban hens)
  - f) does not include cats, dogs, caged birds or other domesticated household pets.

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7. **“Outdoor Enclosure”** means a securely enclosed, roofed outdoor area attached to and forming part of a coop having bare earth or vegetated floor for urban hens to roam;
  8. **“Rooster”** means a male chicken
  9. **“Poultry”** includes, but is not limited to:
    - a) animals of the avian species including chickens, turkeys, ducks, geese, pigeons, pheasants and peacocks; or
    - b) a wild bird of any kind.
  10. **“Urban Hen”** means a female chicken that is at least sixteen (16) weeks of age .
  11. **“Urban Hen License”** means a license issued pursuant to this bylaw which authorizes the licence holder to keep up to six (6) Urban Hens on a specific property within the Village
  12. **“ Violation Tag”** means a tag or similar document issued by the Village of Beiseker pursuant to the *Municipal Government Act*.
  13. **“Violation Ticket”** as per the *Provincial Offences Procedure Act R.S.A 2000, Chapter P 4(POPA)* and the regulations as amended or replaced from time to time.
  14. **“Village”** means the Village of Beiseker in the Province of Alberta
3. **PROHIBITIONS**
1. No person shall keep within the Village:
    - a) a Rooster;
    - b) any other Livestock or Poultry other than a Hen as described in Section 2 for which a valid Urban Hen License as been issued
  - 2) No person shall:
    - a) sell eggs, manure, meat or any other products derived from Hens
    - b) slaughter any Hen within the Village
    - c) dispose of a Hen or any other chicken except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of hens or chickens; and
    - d) keep a Hen in any other structure other than a coop.

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**4. URBAN HEN LICENCES**

1. The maximum number of licences that will be issued by the Village is five (5). These licenses are limited to the following residential areas only:
  - a) One License – Between 3<sup>rd</sup> and 4<sup>th</sup> Avenue from 5<sup>th</sup> Street to 9<sup>th</sup> Street
  - b) One License – Between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue from Lount Crescent to 5<sup>th</sup> Street
  - c) One License – Between 1<sup>st</sup> and 2<sup>nd</sup> Avenue from 9<sup>th</sup> Street to North Road (Highway 72)
  - d) Two Licenses – any residential property West of the old CP Train Line or South of Highway 72 (includes Beacon Heights and/or Grasslands Subdivisions)
  - b) Urban Hens will not be allowed on multi-family residential lots.
  
2. In order to keep up to six (6) urban hens a person must:
  - a) submit a completed urban hen license application on forms approved by the CAO; and
  - b) pay an annual urban hen license fee as set out in Schedule “A” of this Bylaw; and
  - c) receive an approved Urban Hen License from the Village of Beiseker.
  
3. The CAO may not issue or renew an Urban Hen License, unless satisfied that:
  - a) A site plan of the Coop and Outdoor Enclosure as well as fencing is provided with the application and all conditions Section 4.4 of this bylaw have been met. Note: The Licence will not be issued until an inspection of the Coop, Outdoor Enclosure and fencing is completed by the Enforcement Officer and signed off; and
  - b) 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 application; and
  - c) The application will include signatures of approval from any property owner within 60 meters/200 feet of the property where the hens will be kept. If there is any contention from neighbouring properties, it will be up to the applicant to resolve them; and
  - d) The applicant must reside on the property where the hens are kept; and
  - e) The applicant shows proof of having taken a course on the safe handling of hen and eggs; and
  - f) Proof of a Premises ID from Alberta Agriculture is provided; and
  - g) The license fee for the first year has been paid; and
  - h) all required information has been provided; and
  - i) the applicant has complied with all other Provincial and Federal Regulations for the keeping of chickens.

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4. The conditions of the structure of a Coop and Outdoor Enclosure are as follows:
  - a) Located in the backyard of a dwelling; and
  - b) Is located a minimum of 3m (9.8 ft) from principle dwelling; and
  - c) Is located a minimum of 1m (3.3 ft) from any property line; and
  - d) Each Hen is provided with at least 0.37 m<sup>2</sup> (4 ft sq.) of interior floor area within the Coop; and
  - e) There is at least 0.92 m<sup>2</sup> (10 sq. ft) of Outdoor Enclosure per hen; and
  - f) In the Coop, at least one nest box per 2 Hens 30 cm (1 ft) square and one perch per Hen, that is at least 30 cm (1 ft) is provided and maintained; and
  - g) The backyard of the dwelling must be fully fenced; and
  - h) The Coop and Outdoor Enclosure are to be fully enclosed with fencing, chicken wire, and solid roof coverings to provide hens secure access to exercise, earth and vegetation when they are unsupervised during the day; and
  - i) the height of the Coop does not exceed the rear fence height of 2m (6 ft); and
  - j) the Coop is properly insulated for winter.
5. An Urban Hen Licence is not transferable from one person to another
6. An Urban Hen Licence is not transferable from one property to another, except:
  - a) when a licence holder has moved to a new property within the Village, then:
    - i. the license holder may apply to transfer the license; and
    - ii. an inspection of the new property must be carried out to determine the licence holder is sill able to meet all the requirements for an urban hen licence as set out in this Bylaw at such property; and
    - iii. all conditions of this Bylaw are met for the new location
7. A person to whom an Urban Hen Licence has been issued shall produce the licence upon the request of an Enforcement Officer
8. An Urban Hen Licence may be revoked or may not be renewed by the CAO if:
  - a) the applicant or license holder does not meet, or no longer meets the requirements for an Urban Hen License as set out by this bylaw
  - b) the applicant or license holder furnishes false information or misrepresents any fact or circumstances required pursuant to this bylaw
  - c) the applicant or license 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.

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- d) the applicant or license holder fails to pay a municipal fine or a fine imposed by a court for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of Urban Hens;
  - e) the applicant or license holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
  - f) in the opinion of the CAO, based on reasonable grounds, it is the public interest to do so.
9. If the CAO revokes or refuses to issue or renew an Urban Hen License, the applicant may appeal the decision to Council, in accordance with Village Bylaws and procedures.

**5. URBAN HEN LICENCE FEE**

- 1. Application Fees are due when the completed application is provided to the Village office and is not refundable if the application is ineligible or refused. If granted, the application fee will cover the Licence fee for the first year (January to December)
- 2. An annual fee will be due by the last day of February to cover the period of January to December of every year.
- 3. A penalty of two (2) times the annual Urban Hen License Fee will be charged for late payment of the annual fee.
- 3. License and application fees will not be reduced or prorated no matter the month of application.

**6. KEEPING OF URBAN HENS**

A person who keeps Urban Hens must:

- 1. 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; and
- 2. Maintain the Coop and Outdoor Enclosure in good repair and sanitary condition, and is free from standing water, vermin and noxious or offensive smells and substances; and

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3. Construct and maintain the Coop and Outdoor Enclosure to prevent any rodent from harbouring underneath, within, or within its walls and to prevent entrance from any other animal or bird; and
4. Keep a food container and water container in the Coop; and
5. Keep the Coop secured at all times; and
6. Remove leftover feed, trash and manure in a timely manner; and
7. Store feed within a fully enclosed container; and
8. Store manure within a fully enclosed container, and store no more than 85 litres (3 cubic feet) of manure at any time;
9. Dispose of manure and bedding or any other materials related to the keeping of Urban Hens in securely fastened bags or containers to be disposed of in garbage bins for pickup. As an alternative, manure and/or bedding can be disposed of at the Village Transfer Site compost pile; and
10. Ensure that Urban Hen operations do not cause a disturbance to neighbouring residents due to noise, odour or any other nuisance, including a risk to public health.

**7. AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER**

Without restricting any other power, duty or function granted by the Urban Hen Bylaw; the Chief Administrative Officer:

1. Will assign annual inspections (or as determined by the CAO) of Urban Hen sites to determine compliance with this Bylaw; and
2. Will take steps to carry out any actions required to enforce the Urban Hen Bylaw; and
3. Will take steps or carry out any actions required to remedy a contravention of the Urban Hen Bylaw; and
4. Will establish forms and/or procedures for the purposes of the Urban Hen Bylaw; and
5. Will delegate any powers, duties or functions under the Urban Hen Bylaw to an Enforcement Officer or any other Village employee or contractor.

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**8. PENALTIES AND ENFORCEMENT**

1. No person shall willfully obstruct, hinder or interfere with an Enforcement Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.
2. Any person who contravenes any provision of this Bylaw by:
  - a) doing any act or thing which the person is prohibited from doing; or
  - b) 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 purpose of prosecution under this Bylaw.
3. 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 licence.
4. 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 Ten Thousand (\$10,000.00) Dollars, imprisonment for a term not exceeding one (1) year, or both.
5. Where there is a specified penalty for an offence in Schedule "B" to this Bylaw, that amount is the minimum specified penalty for the offence.
6. Where a person contravenes the same provision of this bylaw two (2) or more times within a twelve (12) month period, the specified penalty payable in respect of the second or subsequent contravention, shall be in the amount stated in Schedule "B" for such offences.
7. 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.
8. 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.

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9. Any Enforcement Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
  - a) a Violation Tag allowing a payment of the specified penalty to the Village; or
  - b) a Violation Ticket allowing payment according to the provisions of the Provincial Offences Procedure Act, as amended.
  
10. Service of a Violation Tag will be deemed served if it is:
  - a) personally served; or
  - b) served by regular mail to the person's last known mailing address.
  
11. A person who commits an offence may:
  - a) if a Violation Tag is issued in respect of the offence; and
  - b) if the Violation Tag specified the amount established by this Bylaw for the offence:

make a voluntary payment equal to the specified fine by delivering the Violation Tag and the specified fine to the Village Office specified on the Violation Tag.
  
12. Service of a Violation Ticket will be deemed served as per the POPA *Provincial Offences Procedures Act*, as amended.
  
13. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may:
  - a) specify the 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.
  
14. 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 specified the 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.



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**9. SEVERABILITY**

It is the intention of Council that each separate provision of this Bylaw be deemed independent of all other provisions herein and it is further Council's intention that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

**10. GENERAL**

1. Words in the singular include the plural words and the plural include the singular.
2. This Bylaw is gender neutral and, accordingly any reference to one gender includes any other.
3. Schedule "A" and "B" shall form part of this Bylaw and may, from time to time, be amended by motion of Council.
4. No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Village from pursuing any other remedy in relation to a premises as provided by *the Municipal Government Act (as amended)*, or any other law of the Province of Alberta.

This bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME THIS 25<sup>th</sup> day of April, 2022

READ A SECOND TIME THIS 25<sup>th</sup> day of April 2022

READ A THIRD TIME AND PASS THIS 9<sup>th</sup> day of May 2022

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Mayor, Warren Wise

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CAO, Heather Leslie

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**SCHEDULE "A" – URBAN HENLICENCE FEES  
See Section 5.0 for further information**

- |           |  |                |
|-----------|--|----------------|
| <b>1.</b> | <b>APPLICATION FEE</b><br>To be paid upon application – not refundable if application is refused<br>Covers the first year (to December) of licensing<br>Is not reduced or pro-rated regardless of the month of application | <b>\$60.00</b> |
| <b>2.</b> | <b>ANNUAL FEE</b><br>Every subsequent year after initial application is approved.<br>Valid from January to December of every year<br>Due before the last day of February every year  | <b>\$30.00</b> |
| <b>3.</b> | <b>LATE PENALTY FOR ANNUAL FEE</b><br>Due after the last day of February every year  | <b>\$60.00</b> |

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**SCHEDULE "B" – URBAN HEN BYLAW PENALTIES AND FINES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>MUNICIPAL TAG FIRST OFFENCE</b>	<b>MUNICIPAL TAG 2<sup>ND</sup> AND SUBSEQUENT OFFENCE</b>	<b>MINIMUM SPECIFIED PENALTY PROVINCIAL TICKET</b>
3.1 a)	Keep a Rooster	250.00	500.00	800.00
3.1 b)/4.2 c)	Failure to have an Urban Hen License	250.00	500.00	800.00
3.2 a)	Sell eggs, manure, meat or any other products derived from Hens	250.00	500.00	800.00
3.2 b)	Slaughter a Hen within the Village	250.00	500.00	800.00
3.2 c)	Failure to properly dispose of a Hen	250.00	500.00	800.00
3.2 d)	Failure to keep a Hen in any other structure other than a Coop	250.00	500.00	800.00
4.2	Keep more than 4 Hens	250.00	500.00	800.00
4.2 b)	Failure to pay an Urban Hen License Fee	250.00	500.00	800.00
4.2. c)	Failure to obtain approval of an Urban Hen License	250.00	500.00	800.00
4.4 a-j	Failure to comply with the proper structures of a Coop and Outdoor Enclosure	250.00	500.00	800.00
4.6	Failure to properly transfer an Urban Hen License from one property to another	250.00	500.00	800.00
4.7	Failure to produce an Urban Hen License	250.00	500.00	800.00
6.1-10	Failure to properly keep and care for Urban Hens	250.00	500.00	800.00
8.1	Obstruct, hinder or interfere with an Enforcement Officer	500.00	750.00	1000.00
8.2	Failure to comply with an Order	500.00	750.00	1000.00