

**BYLAW NO 04-2024**

**OF THE TOWN OF BRUDERHEIM**

**(hereinafter referred to as “the Municipality”)**

**IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA, FOR THE LICENSING, REGULATING AND CONFINEMENT OF URBAN HENS WITHIN THE TOWN OF BRUDERHEIM**

**WHEREAS** pursuant to provisions of the *Municipal Government Act*, Council has the authority to regulate or prohibit certain activities for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property, wild and domestic animals, and certain activities in relation to them; and

**WHEREAS**, pursuant to provisions of the *Municipal Government Act*, Council has the authority to provide for a system of licenses, permits and approvals; and

**WHEREAS** Council deems it necessary to assess the viability of keeping urban hens within the Town; and

**NOTWITHSTANDING** any Town Bylaws or Regulations enacted by Council;

**NOW THEREFORE** the Council of the Town of Bruderheim, hereby enacts a time constrained Urban Hen Pilot Program as follows:

**1. BYLAW TITLE**

**1.1** This Bylaw is known as “Urban Hen Pilot Program Bylaw.”

**2. DEFINITIONS**

**2.1** For the purpose of this Bylaw:

- a. “Act” means the Municipal Government Act, RSA 2000, c.M-26;
- b. “Animal Health Act” means Statute of Alberta 2007, Chapter A-40.2;
- c. “CAO” means the Chief Administrative Officer or it’s designate;
- d. “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 m in height.
- e. “Council” means the Council of The Town of Bruderheim;
- f. “Hen” means a female chicken;
- g. “Land Use Bylaw” means Bylaw 33-2015 as amended from time to time;
- h. “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;
- i. “Officer” means a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;
- j. “Rooster” means a domesticated male chicken;
- k. “Sell” means exchange or deliver for money or its equivalent;
- l. “Town” mean the Town of Bruderheim, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;

- m. “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 the Bylaws of the Town;
- n. “Urban Hen” means a hen that is at least 16 weeks of age and kept for non-commercial purposes;
- o. “Urban Hen License” means a license issued by the Town pursuant to the Urban Hen Pilot Program which authorizes the license holder to keep Urban Hens on a specific property within the Town.

### 3. **PURPOSE**

**3.1** The purpose of the Urban Hen Pilot Program is to regulate and control the keeping of urban hens in the Town during a defined pilot program period.

### 4. **PROHIBITIONS**

**4.1** No person shall be permitted to keep a rooster or hen in an urban area, other than an urban hen for which a valid urban hen license has been issued.

### 5. **PILOT PROGRAM REGULATIONS**

**5.1** The length of the Urban Hen Pilot Program shall be one (1 year), effective May 8, 2024.

**5.2** Participants must acknowledge the Pilot Program is a trial.

**5.3** Should the Pilot Program not result in implementation of a formal Municipal Urban Hen Program, participants will have ninety (90) days from the end of the Pilot Program to rehome urban hens.

### 6. **URBAN HEN LICENSE**

**6.1** A person may apply to keep a minimum of two (2) and a maximum of four (4) urban hens by submitting a completed application, on the form provided by the Town, including:

- a) A site plan including coop dimensions and identified setbacks;
- b) Proof of approval from neighbours having contiguous boundaries with the property where the Urban Hens will be kept;
- c) Proof of training-completion certificate from an approved urban hen keeping course;
- d) The Premises Identification Number, as issued by the Province of Alberta; and
- e) Any other information deemed necessary and/or requested by the Town.

**6.2** There shall be a maximum of five (5) urban hen licenses available during the pilot program.

**6.3** An Urban Hen License may not be issued unless:

- a) The applicant is the owner of the property on which the urban hens will be kept;
- b) All pilot program guidelines and regulations are being complied with; and
- c) The applicant has complied with all other Provincial and Federal regulations for the keeping of livestock.

**6.4** An urban hen license is only valid for the duration of the pilot program.

**6.5** A person to whom an Urban hen license has been issued shall produce the license on the demand of the CAO or Bylaw Enforcement Officer.

**6.6** A person who keeps urban hens is required to take training which is designed to provide adequate information regarding the successful keeping of hens in an urban area through a winter cycle and remain current with best management practices of Hen Keeping guidelines.

**6.7** A Hen License is not transferable from one person to another or from one property to another.

## **7. KEEPING OF URBAN HENS**

**7.1** A person who keeps urban hens must:

- a) Obtain a Premises Identification (PID) under the Premises Identification Regulation in the *Animal Health Act* and submit a copy to the Town.
- b) Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak.

**7.2** Hen Keepers, owners of a Subject Property, and Temporary Caregivers must:

- a) Provide each urban hen with at least 0.37 m<sup>2</sup> (4 sqft) of interior floor area, and at least 0.92 m<sup>2</sup> (10 sqft) of outdoor enclosure, within the coop;
- b) Ensure rear yards shall be fully enclosed with fencing at least 5 feet (1.82 m) in height; and
- c) Ensure that each coop is:
  - I. Located within the rear yard of the lot behind a detached or semi-detached dwelling, as defined in the Land Use Bylaw;
  - II. A minimum 3.0 m (10 ft) from a dwelling unit;
  - III. A minimum 1.0 m (3.2 ft) from a side lot or 4.0 m (12.8 ft) from a lot line that abuts a flanking road;
  - IV. A minimum 1.0 m (3.2 ft) from any other buildings;
  - V. No larger than 10 m<sup>2</sup> (108 sqft) in floor area; and
  - VI. No more than 2 m (6.5 ft) in height.
  - VII. Only one (1) coop per property shall be permitted;
  - VIII. Provide and maintain, in the coop, at least one nest box per coop and one perch per urban hen that is at least 15 cm long;
  - IX. Provide each urban hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dustbathing, and roosting, all sufficient to maintain the urban hen in good health;
  - X. Maintain the coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
  - XI. 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;
  - XII. Keep a food container and water container in the coop;

- XIII. Keep the coop secured from sunset to sunrise;
- XIV. Remove leftover feed, trash, and manure in a timely manner;
- XV. Store feed within a fully enclosed container;
- XVI. Store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at any time;
- XVII. Remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town Bylaws,
- XVIII. All urban hen related waste shall be in a secure location on site until collection day;
- XIX. Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak;
- XX. Keep urban hens for personal use only;
- XXI. No person who keeps urban hens shall:
  - i. Sell eggs, manure, meat, or other products derived from an urban hen;
  - ii. Slaughter any urban hen on the property or within Town boundaries;
  - iii. 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
  - iv. Keep an urban hen in a cage, kennel, or any other form of shelter other than a coop.

## 8. **ENFORCEMENT**

**8.1** Where an Officer has reasonable ground to believe that a person has contravened any provision of this Bylaw, he or she may serve upon the person a Municipal Ticket allowing payment of the specified fine as set out in Schedule "A" of this Bylaw;

**8.2** Should a hen keeping site, 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 an Urban Hen License, or issuance of a Stop Order under Section 645 of the *Municipal Government Act*;

**8.3** In the event of the revocation of an Urban hen License, the Licensee will be given thirty (30) days to rehome the hens;

**8.4** 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.

## 9. **INTERFERENCE WITH TOWN FORCES**

**9.1** No person shall hinder, interrupt, or cause to be hindered by any employee of the Town or its contractors, servants or agents or workers, in the exercise of the powers or duties as authorized or required in the Urban Hen Pilot Program Bylaw.

## 10. **AUTHORITY OF THE CAO**

- 10.1** Without restricting any other power, duty, or function granted by the Urban Hen Pilot Program Bylaw, the CAO may:
- a. Carry out an inspection to determine compliance with the Urban Hen Pilot Program;
  - b. Take any steps or carry out any actions required to enforce the Urban Hen Pilot Program Bylaw;
  - c. Take any steps or carry out any actions required to remedy a contravention of the Urban Hen Pilot Program Bylaw;
  - d. Establish forms for the purposes of the Urban Hen Pilot Program Bylaw; and
  - e. Delegate any powers, duties, or functions under the Urban Hen Pilot Program Bylaw to a Town employee.

**11. GENERAL**

- 11.1** Nothing in the Urban Hen Pilot Program Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Urban Hen Pilot Program Bylaw, or any requirement of any lawful permit, order, or license.

**12. SEVERABILITY**

- 12.1** If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.

**13. EFFECTIVE DATE**

- 13.1** That this Bylaw shall come into force and effect upon the date of third reading and is duly signed.

**READ A FIRST TIME** this 8<sup>th</sup> day of May 2024.

**READ A SECOND TIME** this 8<sup>th</sup> day of May, 2024.

**READ A THIRD AND FINAL TIME** this 8<sup>th</sup> day of May ,2024.

Original Signed \_\_\_\_\_  
Mayor

Original Signed \_\_\_\_\_  
Chief Administrative Office

**PENALTIES FOR VIOLATIONS**

<b>SECTION</b>	<b>Offense</b>	<b>First</b>	<b>Second</b>
4.1	Rooster within Town Boundaries	\$115.00	\$230.00
6.1	Keeping more than 4 hens or less than 2 hens	\$115.00	\$230.00
7.2 (a)	Coop fails to meet size/enclosure requirements	\$115.00	\$230.00
7.2 (c)	Coop not located properly on parcel	\$115.00	\$230.00
7.2 (IX)	Hens running at large	\$115.00	\$230.00
7.2 (XI)	Fail to maintain coop in a sanitary condition/good repair	\$115.00	\$230.00
7.2 (XVII)	Waste not stored in an enclosed structure or container	\$115.00	\$230.00
7.2 (XXIII) (i)	Meat or eggs produced from the keeping of hens sold	\$115.00	\$230.00
7.2 (XXIII) (ii)	Slaughter of hens within Town boundaries	\$115.00	\$230.00
7.2 (XXIII) (iii)	Unlawful disposal of deceased hens	\$115.00	\$230.00

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