



**BYLAW NO.010-2023
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING URBAN HEN KEEPING WITHIN THE JURISDICTION OF THE TOWN OF SMOKY LAKE

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 bylaw, regulate or prohibit and to provide for a system of licenses, permits and approvals.

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

1. TITLE

1.1 This Bylaw may be cited as the “Urban Hens” Bylaw.

2. DEFINITIONS

- 2.1 “Act” means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto;
- 2.2 “Adjoining Neighbour” means an owner or occupant of a property that is contiguous to a Subject Property along a common property line. If the Subject Property is located on a corner lot, an Adjoining Neighbour includes an owner or occupant of property that is adjacent to the Subject Property across a rear lane, but not across a street;
- 2.3 “Animal Health Act” means Statutes of Alberta 2007, Chapter A-40.2;
- 2.4 “Bylaw Officer” means a Bylaw Officer appointed by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.
- 2.5 “CAO” means the person holding the office of Chief Administrative Officer of the Town of Smoky Lake;
- 2.6 “Coop” means a fully enclosed weather proof structure with an attached outdoor enclosure having a bare earth or vegetated floor for urban hens to roam not exceeding 10 meters square in a floor area and no more than 2 meters in height;
- 2.7 “Coop Run” means a securely enclosed structure intended for the keeping of hens;

- 2.8 “Council” means the Council of the Town of Smoky Lake;
- 2.9 “Hen” means a domesticated female chicken that is at least four (4) months old;
- 2.10 “Hen Keeper” means a person having any right of custody, control or possession of a hen;
- 2.11 “Hen License” means a license issued under this bylaw that authorizes the keeping of hens on a specific property within an urban area within the Town;
- 2.12 “Licensing Authority” means the CAO or a person appointed by the CAO to issue Hen Licenses;
- 2.13 “Nest box” means a box within a coop for the nesting of hens;
- 2.14 “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;
- 2.15 “Rooster” means a domesticated male chicken;
- 2.16 “Sell” means to exchange or deliver for money or its equivalent;
- 2.17 “Subject Property” means a lot or parcel of land in respect of which a Hen License is sought or has been issued;
- 2.18 “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;
- 2.19 “Town” means the Town of Smoky Lake, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
- 2.20 “Urban Area” means the 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;
- 2.21 “Urban Hen” means a hen that is at least 16 weeks of age;
- 2.22 “Violation Tag” means a notice that alleges a bylaw offence and provides a person the opportunity to pay an amount to the Town in lieu of prosecution for the offence; and
- 2.23 “Violation Ticket” means a violation ticket as defined in the Provincial Procedures Act, R.S.A. 2000, c. P-31.

3. PURPOSE

- 3.1 The purpose of this bylaw is to regulate and control the keeping of hens as urban agriculture within the Town of Smoky Lake.

4. PROHIBITIONS

- 4.1 In an Urban Area, no person shall;
- a) Keep a Rooster; or

- b) Keep a hen, other than an Urban Hen for which a valid Hen License has been issued.

5. URBAN HEN LICENSE

- 5.1 A person may apply to keep a minimum of two (2) and a maximum of four (4) urban hens by:
- a) Submitting a completed Hen License application, in the form prescribed by the Licensing Authority Officer, including;
 - b) Paying a Hen License fee prescribed in "Schedule A" to this bylaw which is due and payable at the time of the application, prior to approval and annually thereafter;
 - 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;
 - iii. 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.
 - d) A site plan including a drawing that shows the location of the Coop and Coop Run dimensions and associated setbacks from the Coop and Coop Run to the side and rear property lines.
 - e) Evidence that the proposed Hen Keeper has experience or training from a source approved by administration.
 - f) A copy of the Premises Identification (PID) Number applicable to Subject Property.
- 5.2 At the time of application for a Hen License, the applicant must demonstrate to the satisfaction of the Licensing Authority that all Adjoining Neighbours have been notified of the intent to apply for a Hen License on the Subject Property. If an adjoining property of the Subject Property is undeveloped or developed but otherwise vacant, the applicant is not required to notify that adjoining property.
- 5.3 A Hen License does not take effect until:
- a) The Licensing Authority is satisfied all provisions in Section 6.1 and 6.2 have been met; and
 - b) The appeal period referenced in Section 7.2 has expired, if no appeal was received during the appeal period; or
 - c) The Appeal Committee has made a decision on any appeal and that decision upholds the issuance of the Hen License, with or without conditions.
- 5.4 A Hen License is valid only for the period of January 1 to December 31 in the year for which the license is issued.

- 5.5 Hen License fees shall not be reduced or prorated no matter the month of purchase or total number of urban hens.
- 5.6 A Hen License is not transferable from one person to another or from one property to another.
- 5.7 A person to whom a Hen License has been issued shall produce the license at the demand of the Licensing Authority or a Bylaw Officer.
- 5.8 The Licensing Authority may refuse to grant or renew a Hen License for the following reasons:
- a) The applicant or license holder does not meet or has ceased to meet the requirements of this bylaw;
 - b) The applicant or license holder:
 - i. Provides false information or misrepresents any fact or circumstances to the Licensing Authority or Bylaw Officer;
 - ii. Fails to pay any fee required by this Bylaw or any applicable Bylaw;
 - 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. An applicant for or holder of a Hen License has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals;
 - v. An applicant has previously been the holder of a Hen License that was revoked for non-compliance with this Bylaw, or in respect of which an order has been made under section 645 of the *Municipal Government Act*;
 - vi. Has not complied with all other Provincial and Federal regulations for the keeping of livestock; or
 - c) In the opinion of the Licensing Authority based on reasonable grounds it is in the public interest to do so.

6. APPEAL

- 6.1 An appeal lies from a decision of the Licensing Authority to:
- a) Issue a Hen License, if the appellant is an Adjoining Neighbour;
 - b) Impose conditions on a Hen License, if the appellant is the person who applied for the Hen License or is an Adjoining Neighbour;
 - c) Refuse a Hen License, if the appellant is the person who applied for the Hen License; or
 - d) Revoke a Hen License, if the appellant is the holder of the Hen License that was revoked.
- 6.2 An appeal under Section 6.1 must be in writing, addressed to the CAO, and must be received not later than fourteen (14) days after the decision appealed from is issued.
- 6.3 An Adjoining Neighbour may appeal under clause 6.1 (a) or 6.1 (b) of this Bylaw only if the grounds of 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 clauses 5.8 (a), 5.8 (b) (i), (ii), (iv) or (v) of this Bylaw.
- 6.4 As soon as reasonably practicable and in any event not more than 14 days after receiving notice of appeal the CAO must appoint an Appeal Committee for the purpose of hearing the appeal, and apart from appointing the Appeal Committee and providing it with administrative support the CAO shall not be involved in the appeal process.
- 6.5 The Appeal Committee shall consist of three (3) members non of whom is an employee or Council Member of the Town and that Administration may appoint members as deemed appropriate.
- 6.6 The Appeal Committee shall schedule the hearing of the appeal within 30 days after notice of appeal.
- 6.7 Subject to the requirements of this bylaw the Appeal Committee members shall from among themselves choose a Chair and may establish a procedure consistent with principles of natural justice for the hearing of the appeal.
- 6.8 The Appeal Committee shall provide its decision in writing, with reasons, within seven (7) businesses days of the hearing of the appeal. The Appeal Committee may:
- a) Uphold the decision of the Licensing Authority;
 - b) Vary the decision of the Licensing Authority, including imposing conditions on a Hen License that differ from any conditions imposed by the Licensing Authority; or
 - c) Overturn the decision of the Licensing Authority.
- 6.9 The decision of the Appeal Committee is final and binding and is not subject to appeal to a Court.

7. RESPONSIBILITIES OF A HEN KEEPER

- 7.1 A Hen Keeper 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 food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities for essential behaviours such as scratching, dustbathing, roosting, pecking, and socializing with their own kind;
 - b) Keep each hen in a secured area at all times;

- c) Keep the Coop secured from sunset on any given day to sunrise the following day;
- d) Provide warmth to the hens through heat lamps, wall insulation, poly-sheeting, seedling heat mat, or other means;
- e) Construct and maintain the Coop to prevent a rodent from harboring underneath or within it or within its walls, and to prevent access to the coop by any other animal;
- f) Ensure that hens are kept in the Coop with all opening, such as doors and windows, secured in such manner that will not allow predators to enter;
- g) Maintain the Coop in good repair and sanitary conditions, and free from vermin and noxious or offensive smells and substances;
- h) Store feed in a fully enclosed, non-penetrable container;
- i) Keep food and water containers in the Coop;
- j) Remove leftover feed, trash, and manure in a timely manner;
- k) Store manure within a fully enclosed container, and store no more than three (3) cubic feet of manure at any time;
- l) Remove all other manure not used for composting or fertilizing and dispose.
- m) Place all urban hen related waste in a secure location on site until collection day;
- n) Ensure hens are slaughtered or euthanized at an appropriate location or facility, not on the Subject Property;
- o) 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;
- p) Take hens to a veterinarian, farm, abattoir, or other operation if the hens are no longer wanted;
- q) Keep hens in a cage only when actively transporting the hen; and
- r) Keep hens for personal use only, and not sell eggs, manure, meat, or any other products derived from hens.

8. COOP REQUIREMENTS

8.1 A Hen Keeper must:

- a) Provide each hen with at least 0.37 square meters of interior floor area, and at least 0.92 square meters of Coop Run outdoor area, within the Coop;
- b) Provide a minimum of one (1) Nest box for every three (3) hens; and
- c) Ensure the Coop meets the requirements in the Land Use Bylaw regarding an accessory building.

- 8.2 Coops must meet the setbacks in the Land Use Bylaw and an accessory building can not block side yard access.
- 8.3 Coops cannot be located in a Utility Right of Way or an Overland Drainage Right of Way.
- 8.4 Only one (1) Coop per property shall be permitted.
- 8.5 The maximum lot coverage of all structures on a property, including a Coop, must comply with the Land Use Bylaw.
- 8.6 The Licensing Authority and Development Authority has the authority to impose additional site-specific conditions.

9. GENERAL REGULATIONS FOR HEN KEEPERS

- 9.1 Hen Keeping is permitted under and in accordance with this Bylaw.
- 9.2 This Bylaw applies to the activity of hen keeping for personal use only. The commercial sale of hens or hen products is not permitted.
- 9.3 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.
- 9.4 Each hen must be a minimum of four (4) months (16 weeks) old when acquired for keeping under a Hen License.
- 9.5 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 license.

10. ENFORCEMENT

- 10.1 The Licensing Authority or a Peace Officer has the right to access any Subject Property to inspect for compliance with this bylaw.
- 10.2 Where a Peace Officer has reasonable grounds to believe that a Hen Keeper has contravened any provision of this Bylaw the Peace Officer may serve the Hen Keeper a Municipal Ticket allowing payment of the specified penalty as set out in Schedule "B" of this Bylaw.
- 10.3 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 a Hen License or issuance of a Stop Order under Section 645 of the *Municipal Government Act*.
- 10.4 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.
- 10.5 In the event of the revocation of a Hen Licensee, the Licensee will be given fourteen (14) days to rehome the hens.

10.6 No person shall hinder, interrupt, or cause to be hindered any employee of the Town or its contractors, servant, agents, or workers, in the exercise of the powers or duties authorized or required in the Urban Hen Bylaw.

11. OFFENCES AND PENALTIES

11.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

11.2 A person who is guilty of an offence is liable to a fine in an amount not less than \$115.00 as set out in Schedule "B" of this Bylaw.

11.3 A person who is guilty of an offence under this Bylaw is liable to a specified penalty of \$230.00 as set out in Schedule "B" of this Bylaw.

12. CONTINUING OFFENCE

12.1 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.

13. MUNICIPAL VIOLATION TAG

13.1 A Bylaw Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.

13.2 Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid within the time limited on the Tag for payment, and if paid in full and on time no prosecution will be initiated.

14. STRICT LIABILITY OFFENCE

14.1 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

15. SEVERABILITY

15.1 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.

16. EFFECTIVE DATE

16.1 This Bylaw shall come into force and effect on third and final reading.

READ a FIRST time this 24th Day of July 2023.

READ a SECOND time this 28th Day of August 2023.

READ a THIRD and FINAL time this 28th Day of August 2023.

ORIGINAL SIGNED

Amy Cherniwchan
Mayor

ORIGINAL SIGNED

Dawn Phillips
Chief Administrative Officer

SCHEDULE "A"
FEES

Fee Description	Fee
Hen License Fee	
Hen Licenses are valid for one (1) year following the date of issuance	\$50.00

**SCHEDULE “B”
PENALTIES FOR VIOLATIONS**

SECTION	Offence	Minimum Penalty (in lieu of prosecution)	Specified Penalty
4.0 (a)	Rooster within Town Boundaries	\$115.00	\$230.00
5.1	Keeping more than 4 hens	\$115.00	\$230.00
8.1 (a), (b)	Coop fails to meet size/enclosure requirements	\$115.00	\$230.00
8.1 (c)	Coop not located properly on Subject Property	\$115.00	\$230.00
7.2 (b)	Hens running at Large	\$115.00	\$230.00
7.2 (g)	Fail to maintain coop in an enclosed sanitary condition / good repair	\$115.00	\$230.00
7.2 (k)	Waste not stored in an enclosed structure or container	\$115.00	\$230.00
7.2 (r)	Meat or eggs produced from the keeping of hens sold commercially	\$115.00	\$230.00
7.2 (n)	Slaughter of hens on property	\$115.00	\$230.00
7.0 (o)	Unlawful disposal of deceased hens	\$115.00	\$230.00