



BYLAW

Bylaw Number: 1341/20

BEING A BYLAW OF THE TOWN OF NANTON, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF CHICKENS WITHIN THE TOWN.

WHEREAS Pursuant to section 7 of the *Municipal Government Act, RSA 2000, c M-36, and any amending or succeeding legislation* 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 to provide for a system of licences, permits and approvals;

NOW THEREFORE, COUNCIL OF THE TOWN OF NANTON, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

1. PURPOSE:

The purpose of this Bylaw is to permit and regulate the keeping of chickens within the corporate boundaries of the Town of Nanton and to remain in compliance with both the parameters of this Bylaw and any associated bylaws, provincial or federal enactments that may apply.

2. INTERPRETATION:

2.1 This Bylaw will be cited as the "Urban Chickens Regulation Bylaw".

2.2 Definitions

- a) "Act" means the Municipal Government Act as amended from time to time;
- b) "Adjoining Neighbours" means a site that is contiguous along a common property line. If the subject site is located on a corner, an adjoining site includes a site that is adjacent across a rear lane, but not across a street;
- c) "*Animal Health Act*" means Statute of Alberta, 2007, Chapter A-40.2;
- d) "Bee" means the insect *Apis mellifera L.*, also known as honey bees;
- e) "Bylaw" means a bylaw of the Town of Nanton and amendments thereto;
- f) "CAO" means the person appointed to the position of Chief Administrative Officer by Council pursuant to the Act;
- g) "Coop" means a fully enclosed weather proof structure and attached Outdoor Enclosure used for the keeping of Urban Chickens pursuant to any applicable accessory building or structure provisions in Land Use Bylaw;

- h) "Council" means the Mayor and the other members of the Council of the Town of Nanton as duly elected from time to time pursuant to the provisions contained in the Local Authorities Election Act;
- i) "Hen" means a domesticated female chicken;
- j) "Land Use Bylaw" means the most recent, approved bylaw that governs land use within the Town of Nanton;
- k) "Licence" means an Urban Chicken Licence issued pursuant to this Bylaw authorizing the Licence holder to keep Urban Chickens on a specific property within a residential neighbourhood;
- l) "Licensee" means the holder of a licence pursuant to this Bylaw;
- m) "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 Chickens to roam;
- n) "Peace Officer" is as defined in the Provincial Offences Procedure Act, RSA 2000, c P-34, and any amending or succeeding legislation;
- o) "Pedestrian Walkway" means a path, trail or sidewalk for pedestrian circulation that cannot be used for motorized vehicular use;
- p) "Planning & Development Services" means a department of the Town of Nanton;
- q) "Rooster" means a domesticated male chicken;
- r) "Town" means the Town of Nanton;
- s) "Urban Chicken" means a Hen that is at least 16 weeks of age and is kept for non-commercial purposes.

3. RESPONSIBILITIES OF LICENCE HOLDERS:

3.1 Urban Chicken Licences

3.1.1 Urban Chicken licensees must comply the *Alberta Animal Health Act* and any other applicable standards adopted by the Province of Alberta.

3.1.2 Urban Chicken owners on whose property hens are kept have a duty to take reasonable measures to ensure that:

- a) The Coop and Hens that are kept in the Coop do not pose a safety risk to persons on adjacent public or private property;
- b) The potential for damage to building and/or property located on adjacent public or private property as a result of the keeping of Urban Chickens is minimized;
- c) Required procedures are followed as outlined by the Canadian Food Inspection Agency to reduce potential disease outbreak.

3.1.3 Urban Chicken owners must apply annually for a Town of Nanton Licence as per the process outlined in the Urban Chicken Licence Application.

4. GENERAL PROVISIONS:

- 4.1 Nothing contained within this Bylaw relieves a Person from complying with any other applicable municipal, provincial or federal legislation, regulation or bylaw or any requirements of any applicable permit, order, consent, agreement, or other direction.
- 4.2 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 4.3 In the event that any provision of this Bylaw is to any extent invalid or incapable of being enforced, such provision shall be excluded to the extent of such invalidity or unenforceability; all other terms and provisions shall remain in full force and effect.
- 4.4 Every provision of this Bylaw is independent of all other provisions, 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.
- 4.5 This Bylaw only applies to Coops located within the Town and those Coops shall be in compliance with the Town of Nanton Land Use Bylaw with respect to:
- a) permitted uses for the Land Use District;
 - b) any applicable accessory building setbacks;
 - c) any applicable principal dwelling setbacks or other regulations.
- 4.6 The keeping of Urban Chickens for the purposes of this Bylaw are for personal, non-commercial use only.
- 4.7 Any person wanting to keep Urban Chickens must obtain a Premises Identification (PID) under the Premises Identification Regulation (200/2008) in *the Alberta Animal Health Act*.
- 4.8 No more than three (3) Hens can be kept one (1) parcel of residential land.
- 4.9 The keeping of Urban Chickens in parks, reserve land, or on open spaces occupied or managed by the Town is not permitted under this Bylaw.
- 4.10 A single parcel of residential property cannot be licensed for both Urban Chickens and Urban Bees together unless the site is equal to or greater than 0.3 acres or 1,214 square metres in area.
- 4.11 Adjoining neighbours to a licence-holding residence cannot hold a licence for the same animal unless their residential parcel is equal to or greater than 0.3 acres or 1,214 square metres in area.
- 4.12 Licences issued under this Bylaw shall not be transferable from one person or property to another.
- 4.13 Pursuant to the Town Waste and Recycling Bylaw, as amended, animal waste, dead animals and animal parts are prohibited from being set out for municipal waste collection and such actions are subject to enforcement action under that regulation.

5. LICENCE REQUIREMENTS:

- 5.1 The fee for a Licence must be paid prior to approval and the applicable fee is identified in Schedule 'A' attached hereto.

- 5.2 Each Urban Chicken owner must take urban chicken training from an accepted provider or provide written evidence of equivalent experience.
- 5.3 An approved Licence can be suspended or revoked, without refund or compensation, at any time by the CAO if it can be determined by a Peace Officer that there is non-compliance with this Bylaw or the Licence Application.
- a) A Licensee with a revoked Licence can reapply for a new Licence but must show compliance with all requirements and pay all applicable fees unless the fee(s) are waived by the CAO.
- 5.4 Licence application or renewals that are denied may be reconsidered by the CAO, upon request of the Licensee, within thirty (30) business days of the decision rendered by the Town.
- 5.5 A Licence can be applied for at any time of the year.

6. COOP REQUIRMENTS:

- 6.1 Only Hens will be allowed to be kept.
- 6.2 Roosters are prohibited.
- 6.3 Each Hen must be provided with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dustbathing and roosting, all sufficient to maintain the Hen in good health.
- 6.4 No Hen shall be slaughtered on the property.
- 6.5 Hens will be disposed of by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens.
- 6.6 Coops are restricted to rear yards with reasonable protection from access to other animals or children and each Coop must provide each Hen with at least 0.37 m² of interior floor area, and at least 0.92 m² of Outdoor Enclosure, within the Coop.
- 6.7 The Licensee must provide and maintain, in the Coop, at least one nest box per Coop and one perch per Hen that is at least 15 cm long.
- 6.8 A Licensee must keep each Hen in the Coop at all times.
- 6.9 The Coop must be maintained in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances.
- 6.10 A Licensee must 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.

7. LICENCE APPLICATION AND INFORMATION:

- 7.1 Before the issuance or renewal of a licence pursuant to this part, the applicant or Licensee must submit to the Town:
- a) a completed Licence application form, as provided by the CAO;
- b) the appropriate licence fee prescribed in Schedule 'A' attached to this bylaw and

- c) any other additional information required by the Town, including, but not limited to:
- i. the name, address, and contact information of the applicant or licensee;
 - ii. written permission from the registered property owner, if different, to install a Coop on the property.
 - iii. a drawing that shows Coop location on the property, and associated setbacks if there is no solid fence and/or the property is adjacent to a Pedestrian Walkway (if applicable);
 - iv. proof of success in training from an accepted organization or association;
 - v. proof of a Premises Identification (PIO) number pursuant to the *Animal Health Act*.
 - vi. plan for disposal of animal waste.

7.2 Notwithstanding Section 7.1, at the time of initial application for a Licence, the applicant must submit to the Town either:

- a) written support from all Adjoining Neighbours to the issuance of a Licence for Urban Chickens; or
- b) evidence that all Adjoining Neighbours have been asked for their support or views by the applicant and given reasonable time to respond or contact the Town if preferred.

7.3 Refusal by one or more Adjoining Neighbours to support an application will leave an application approval or refusal at the discretion of the Chief Administrative Officer or designate, who may choose to contact Adjoining Neighbours for additional information.

7.4 Valid Licenses expire on December 31st each year and must be renewed annually by January 31st of the following year or a late fee may be applied in addition to the annual license fee.

7.5 No person shall give false information when applying for a Licence pursuant to this Bylaw.

7.6 The Town may refuse to issue a Licence or may revoke a Licence by providing written notice to the applicant or licensee.

8.0 OFFENCES AND PENALTIES:

8.1 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 which the Person is required to do;

is guilty of an offence.

8.2 Any Person who is convicted of an offence pursuant to the Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.

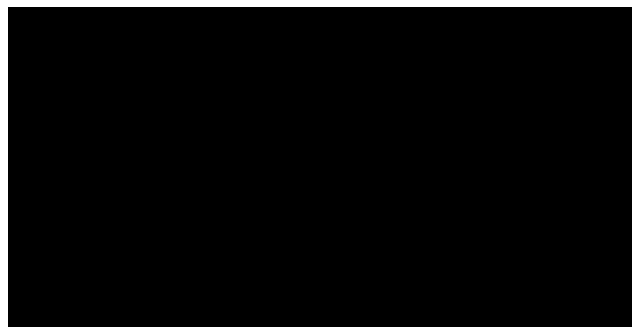
8.3 Where the CAO, an Officer or a Peace Officer has reason to believe that a person has contravened any provision of this Bylaw, and that it is in the best interest of the Town to compel the person to appear in front of a Provincial Court, he may direct a Peace Officer to commence proceedings to issue a Part 2 Summons pursuant to the Provincial Offense Procedure Act of Alberta.

- 8.4 Where the CAO, an Officer or a Peace Officer has reason to believe that a person has contravened any provisions of this Bylaw, notice shall be served in accordance with the Municipal Government Act allowing payment of the specified penalty, as specified per Schedule "B" attached to this Bylaw, in lieu of prosecution for the offence.
- 8.5 Where a contravention of this Bylaw is of a continuing nature, further violation tickets may be issued by a Peace Officer, provided that no more than one ticket shall be issued for each day that the contravention continues.
- 8.6 This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act.
- 8.7 The levying and payment of any fine in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw of the Town of Nanton.
- 8.8 Where there is a specified penalty listed for an offence in Schedule "B" of this Bylaw, the amount is the specified penalty for the offence.
- 8.9 Where any person contravenes the same provision of this Bylaw,
- (a) Twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention shall be double the amount provided for in Schedule "B" of this Bylaw; or
 - (b) Three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount provided for in Schedule "B" of this Bylaw.
- 8.10 Licensees shall make themselves and their Coops available for inspection upon reasonable request by a Peace Officer.
- 8.11 Subsequent to any inspection under section 8.10, the Town can compel a Licensee to take any necessary disease and/or environmental mitigation measures if required.

9. EFFECTIVE DATE AND READINGS

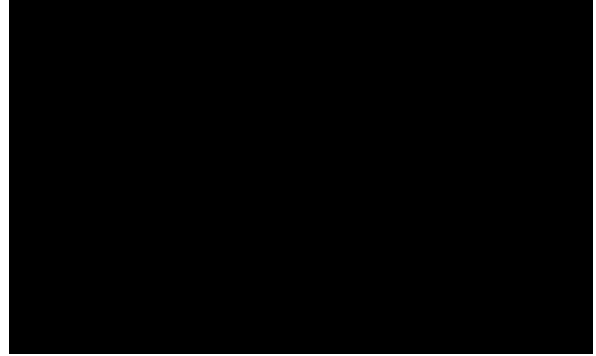
- 9.1 This Bylaw shall come into full force and effect upon final reading thereof.
- 9.2 Read a **first** time this 13th day of July, 2020.

TOWN OF NANTON



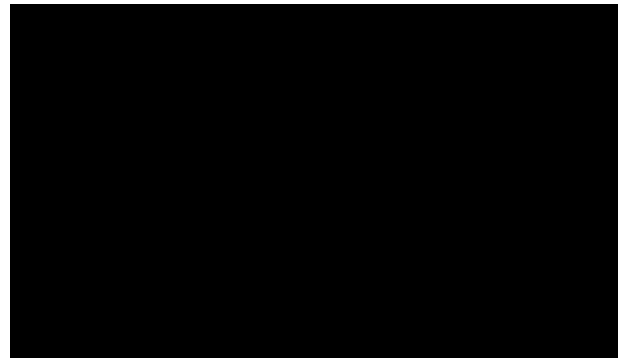
9.3 Read a **second** time this 10th day of August, 2020.

TOWN OF NANTON



9.4 Read a **third** time this 10th day of August, 2020.

TOWN OF NANTON



BYLAW # 1341/20 - SCHEDULE "A"

URBAN CHICKENS

(GST not applicable)

DESCRIPTION	FEE	Explanatory information
Application/renewal for up to 3 Urban Chickens	\$60.00 per annum	Section 7 of Bylaw
Late Payment Fee	\$50.00 in addition to annual fee	Section 7.4

Handwritten signature

BYLAW # 1341/20 - SCHEDULE "B"

URBAN CHICKENS

The specified penalties for any contravention of this Bylaw #1341/20 are specified for within a twelve (12) month period, as follows:

First Offence: \$250.00

Second Offence: \$500.00

Third Offence: \$750.00

