

# **VILLAGE OF ELNORA**

## **BYLAW NO. 2025-03**

### **URBAN HEN BYLAW**

**BEING A BYLAW OF THE VILLAGE OF ELNORA, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF URBAN HENS FOR NON-COMMERCIAL PURPOSES.**

**WHEREAS** Section 7 of the *Municipal Government Act* provides that 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** Section 8 of the *Municipal Government Act* provides that the council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licenses, permits and approvals;

**NOW THEREFORE**, the Council of the Village of Elnora, duly assembled, HEREBY ENACTS AS FOLLOWS:

#### **1. SHORT TITLE**

1.1 This Bylaw may be cited as the "Hen Bylaw"

#### **2. PURPOSE**

2.1 The purpose of this bylaw is to regulate and control the keeping of Urban Hens within the Village of Elnora.

#### **3. DEFINITIONS**

3.1 "Act" means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto;

3.2 "Animal Health Act" means Statutes of Alberta 2007, Chapter A-40.2;

3.3 "Chief Administrative Officer" or "CAO" means the person appointed to the position of Chief Administrative Officer by Council, or who has been delegated to act on behalf of the CAO by the Council or the CAO;

3.4 "Coop" means a fully enclosed weatherproof structure with an attached outdoor enclosure having a bare earth or vegetated floor for urban hens to roam; not larger than 100 sq. ft. (10 m<sup>2</sup>) in area and no more than 8 ft.(2.4 m) in height.

3.5 "Coop Run" means a securely enclosed structure intended for the keeping of Hens;

3.6 "Council" means the Council of the Village of Elnora;

- 3.7 "Urban Hen" means a domesticated female chicken that is at least four (4) months old;
- 3.8 "Hen Keeper" means a person having any right of custody, control or possession of a Hen;
- 3.9 "Hen License" means a license issued under this bylaw that authorizes the keeping of hens on a specific property within the Village;
- 3.10 "Municipal Ticket" shall mean a written notice issued by an Enforcement Officer, to advise a person that a violation of Bylaw has occurred and that by payment of a specified amount for the offense within a set time-period, they will avoid prosecution for the offense.
- 3.11 "Nest box" means a box within a Coop for the nesting of Hens;
- 3.12 "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;
- 3.13 "Rooster" means a domesticated male chicken;
- 3.14 "Sell" means to exchange or deliver for money or its equivalent;
- 3.15 "Subject Property" means a lot or parcel of land in respect of which a Hen License is sought or has been issued;
- 3.16 "Village" means the Village of Elnora

#### **4. PROHIBITIONS**

- 4.1 In a residential zone in the Village of Elnora, no person shall:
  - a. keep a Rooster; or
  - b. keep a Hen, other than a Hen for which a valid Hen License has been issued.

#### **5. PERMITTING AND REGULATIONS**

- 5.1 A person may apply to keep at least two (2) and at most four (4) urban hens by:
  - a. Paying a Hen License fee prescribed in the Village Rates Bylaw which is due and payable at the time of the application, prior to approval and annually thereafter, and;
  - b. Submitting a completed Hen License application, in the form prescribed by the Licensing Authority Officer; including but not limited to:
    - i. The name, address and contact information of the Hen Keeper
    - ii. Written permission to keep hens from the registered owner of the Subject Property if the Hen Keeper is not the registered owner.

- iii. A site plan including a drawing that shows the location, dimensions, and property line setbacks of the Coop and Coop Run
  - iv. A copy of the Premises Identification (PID) Number applicable to Subject Property.
- 5.2 Urban Hens are only allowed on residential properties with a fenced backyard, with related structures located to meet the same setback regulations as an accessory building in the Village's Land Use Bylaw.
- 5.3 The Owner of an Urban Hen shall not sell eggs, manure, meat, or other products derived from their Urban Hens.
- 5.4 The Owner of an Urban Hen shall ensure:
  - a. That the applicant resides on the property on which the Urban Hens will be kept;
  - b. that each Urban Hen is provided with food, water, shelter, light, ventilation, care, and opportunities for essential behaviors such as scratching, dustbathing, and roosting, as sufficient to maintain the Urban Hen in good health;
  - c. that feed is stored within a fully enclosed container;
  - d. that manure is stored in a fully enclosed container, with no more than three (3) cubic feet of manure at a time;
  - e. that all other manure not used for composting or fertilizing is removed and disposed of properly;
  - f. that storage of bedding materials does not become unsightly or a fire hazard.
- 5.5 An Urban Hen License is not transferable from one person to another or from one property to another.
- 5.6 In accordance with *Section 542 of the Municipal Government Act, RSA 2000 C M-26, and any amendments thereto*, if an Enforcement Officer has reasonable grounds to believe that any provision of this Bylaw has been contravened, they are authorized to, after giving reasonable notice to the Hen Keeper, enter upon the Subject Property at any reasonable time to inspect any place where the Urban Hen is kept.
- 5.7 Urban Hens must be kept in a Coop:
  - a. where each Urban Hen is provided with at least 4ft<sup>2</sup> (0.37 m<sup>2</sup>) of interior floor area, and at least 10ft<sup>2</sup> (0.93 m<sup>2</sup>) of outdoor enclosure, within the Coop;
  - b. with at least one nest box per coop and one perch per Urban Hen, that is at least 6 inches (15 cm) long;
  - c. that is in good condition, is not in disrepair, and free from vermin and noxious or offensive smells and substances;
  - d. that is located in the fenced rear yard of the property;
  - e. that is constructed to prevent any rodent from harboring underneath or within it or within its walls, and to prevent entrance by another animal, and;
  - f. that is secured from sunset to sunrise.
- 5.8 Urban Hens are not to be:
  - a. released into the wild, or slaughtered or buried on the property;

- b. disposed of except by delivery to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Urban Hens, or;
  - c. kept in a cage or any shelter other than a coop.
- 5.9 The CAO may refuse to grant or renew an Urban Hen License for the following reasons:
  - a. The applicant or license holder does not or no longer meets the requirements of this bylaw or any other applicable bylaw related to the keeping of Urban Hens.
  - b. The applicant or license holder has provided false information or misrepresents any fact or circumstance to the CAO or an Enforcement Officer.
  - c. The applicant or license holder has, in the opinion of the CAO or Enforcement Officer based on reasonable grounds, contravened this bylaw, or any other applicable bylaw related to the keeping of Urban Hens, whether or not the contravention has been prosecuted.
  - d. The applicant or license holder 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.
  - e. The applicant or license holder fails to pay any fee required by this bylaw or any other applicable bylaw.
  - f. In the opinion of the CAO, or Enforcement Officer, based on reasonable grounds it is in the public interest to do so.
- 5.10 If for any reason, an Urban Hen License is revoked, or is not renewed, the Urban Hen must be removed from the property within 30 days, including the removal of the coop.
- 5.11 This bylaw does not exempt a person from complying with any Federal or Provincial law or regulation, other Village bylaw, or any requirement of any lawful permit, order, or license.

## **6. OFFENCES AND PENALTIES**

- 6.1 Every owner who contravenes any of the provisions 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; or
  - c. failing to obey lawful direction given by an Enforcement Officer is guilty of an offence.
- 6.2 Any person convicted of an offence pursuant to the Bylaw is liable for a penalty specified in the Rates Bylaw.
- 6.3 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 the Rates Bylaw for each such separate offence.

6.4 The expenses and costs of any action or measures taken by the Village under this Bylaw are an amount owing to the Village by the person in contravention of this Bylaw and any unpaid expenses or costs may be added to the tax roll of the Subject Property in accordance with the Municipal Government Act, RSA 2000, C-M26, and any amendments thereto.

**7. Powers of the CAO**

7.1 Without restricting any other power, duty, or function granted by this Bylaw, the CAO may:

- a. Carry out any inspections to determine compliance with this Bylaw;
- b. Take any steps or carry out any actions required to enforce this Bylaw;
- c. Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- d. Establish forms for the purposes of this Bylaw;
- e. Delegate any powers, duties or functions of this Bylaw to a Village Employee

**8. SEVERABILITY**

8.1 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.

**9. REVIEW OF BYLAW**

9.1 This Bylaw will be reviewed at least once per Council term.

**10. ENACTMENT**

10.1 This Bylaw shall come into force and effect on the final date of passing thereof.

**11. PREVIOUS BYLAWS RESCINDED**

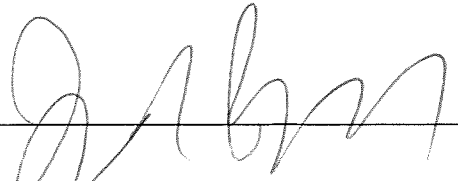
11.1 Bylaw No. 493-0805 is repealed in its entirety.

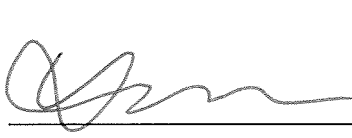
Read a first time this 13<sup>th</sup> day of May, 2025.

Read a second time this 13<sup>th</sup> day of May, 2025

By unanimous consent, Council agrees to give **BYLAW #2025-03 third and final reading.**

Read a third time this 13<sup>th</sup> day of May, 2025

  
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Mayor

  
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CAO