
BEING A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA FOR THE LICENSING, REGULATION, AND CONTROL OF URBAN HENS

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M 26.1 of the Revised Statutes of Alberta, 2000 and amendments thereto, to authorize the regulation, licensing, and control of urban hens within the Town of Blackfalds.

WHEREAS, pursuant to Section 7 of the MGA, RSA 2000, Chapter M-26 and amendments thereto, 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 MGA, RSA 2000, Chapter M-26 and amendments thereto, a municipality shall pass bylaws regulating, prohibiting, and providing for a system of licenses, permits or approvals, including any and all of the matters listed herein.

NOW THEREFORE the Municipal Council of the Town of Blackfalds, duly assembled, hereby enacts:

PART 1 – TITLE

- 1.1 That this Bylaw shall be cited as the “**Urban Hen Bylaw**”.
- 1.2 That Schedule ‘A’, as attached, form part of this Bylaw.

PART 2 – DEFINITIONS

2.1 In this Bylaw:

- (a) “**Chief Administrative Officer**” or “**CAO**” means the Chief Administrative Officer of the Municipality, or their delegate;
- (b) “**Coop**” means a fully enclosed weatherproof structure used for the keeping of Urban Hens that is no larger than 10.0 m² in floor area, and no more than 2.4 m in height.
- (c) “**Development Permit**” means a document that is issued under the Land Use Bylaw and authorizes a development.
- (d) “**Urban Hen**” means a domesticated female chicken that is at least 16 weeks of age.
- (e) “**Municipal Ticket**” means a municipal ticket issued on behalf of the Town for a violation under this Bylaw.
- (f) “**Officer**” includes an Animal Control Officer, a Bylaw Enforcement Officer, a Peace Officer, a Special Constable and a Member of the Royal Canadian Mounted Police.
- (g) “**Outdoor Enclosure**” means a security enclosed outdoor area attached to a Coop for Urban Hens to roam.
- (h) “**Owner**” includes any person, partnership, association, or corporation:
 - a. Owning, possessing, having charge of, or control over, any Urban Hen;
 - b. Harboring any Urban Hen;
 - c. Suffering or permitting any Urban Hen to remain about their house or premises; and
 - d. Any person to whom an Urban Hen License has been issued under this Bylaw.
- (i) “**Principal Building**” means a building which is considered the principal use of the lot on which it is erected.
- (j) “**Projection**” means any portion of a building or structure which extends into a required setback.
- (k) “**Rear Yard**” means the portion of a lot or site abutting the rear property line extending across the full width of the Subject Property, situated between the rear property line and the nearest wall of the Principal Building. Where there is no Principal Building, the Rear Yard shall be determined at the minimum Rear Yard prescribed in the land

use district the Subject Property is located on.

- (l) **“Rooster”** means a domesticated male chicken.
- (m) **“Side Yard”** means that portion of a lot or site abutting a side property line extending from the front yard to the Rear Yard. The Side Yard is situated between the side lot line and the nearest wall of the Principal Building, not including Projections. Where there is no Principal Building, the Side Yard shall be determined at the minimum Side Yard prescribed in the land use district the parcel is located in.
- (n) **“Subject Property”** means a lot or parcel of land in respect of which an Urban Hen License is sought or has been issued.
- (o) **“Temporary Caregiver”** means a person who has been authorized by the Owner to provide care to their Hens in the event the Owner is temporarily unable to do so.
- (p) **“Town”** means the Town of Blackfalds.
- (q) **“Urban Area”** means lands located within the Town’s municipal jurisdiction on which agricultural operations, including but not limited to the keeping of livestock are neither a permitted nor discretionary use under the Town’s Land Use Bylaw.
- (r) **“Urban Hen License”** means a license issued by the CAO or designate pursuant to this Bylaw authorizing the license holder to keep Urban Hens on a Subject Property.
- (s) **“Violation Ticket”** means the ticket issued by the Town to a person who has committed an offence under this Bylaw.

PART 3 – PROHIBITIONS

3.1 In the Urban Area, no person shall:

- 3.1.1 Keep a Rooster; or
- 3.1.2 Keep a hen other than an Urban Hen for which a valid Urban Hen License has been issued.

PART 5 – LICENSING PROVISIONS

5.1 A person may apply to keep a maximum of four (4) Urban Hens by:

- 5.1.1 Submitting a completed application, on the form approved by the Chief Administrative Officer;
- 5.1.2 Paying the annual Urban Hen License fee of \$70.00, which shall not be prorated;
- 5.1.3 Providing a site plan including a drawing that shows the proposed location and dimensions of the Coop and Outdoor Enclosure and the proposed setbacks from the Coop and Outdoor Enclosure to the side and rear property lines;
- 5.1.4 Providing a copy of the Premises Identification (PID) Number applicable to the Subject Property; and
- 5.1.5 Any other information reasonably required by the CAO, or designate, including but not limited to:
 - 5.1.5.1 The name, address and contact information of the Owner and any person(s) who may act as a Temporary Caregiver;
 - 5.1.5.2 A copy of the Certificate of Title for the Subject Property dated within thirty (30) days of the date of application; and
 - 5.1.5.3 Written consent to keep Hens on the Subject Property, from the registered landowners of the Subject Property as shown on the Certificate of Title, if the Owner is not the registered landowner.

- 5.2 The CAO, or designate, may issue or renew an Urban Hen License if they are satisfied:
- 5.2.1 The applicant is the Owner of the Subject Property on which the Urban Hens will be kept, or that the Owner of the Subject Property has provided written consent to the application;
 - 5.2.2 The applicant resides on the Subject Property on which the Urban Hens will be kept;
 - 5.2.3 The land use district of the Subject Property allows the placement of a Coop for the keeping of Urban Hen(s);
 - 5.2.4 The applicable fee has been paid; and
 - 5.2.5 All required information has been provided.
- 5.3 The CAO, or designate, may refuse to grant or renew an Urban Hen License for any of the following reasons:
- 5.3.1 The applicant or Owner:
 - 5.3.1.1 Does not or no longer meets the requirements of this Bylaw;
 - 5.3.1.2 Provides false information or misrepresents any fact or circumstance to the CAO, or designate, or an Officer;
 - 5.3.1.3 Has, in the opinion of the CAO, or designate, based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
 - 5.3.1.4 Has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals;
 - 5.3.1.5 Has previously been the holder of an Urban 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*;
 - 5.3.1.6 Has not complied with all other Provincial or Federal regulations for the keeping of livestock;
 - 5.3.1.7 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;
 - 5.3.1.8 Fails to pay any fee required by this or any applicable Bylaw; or
 - 5.3.2 In the opinion of the CAO, or designate, based on reasonable grounds, it is in the best interests of the public to do so.
- 5.4 An Urban Hen License is valid only for the period July 11th to July 10th in the year for which it is issued.
- 5.5 An Urban Hen License is not transferable from one person to another person nor from one property to another.
- 5.6 A person to whom an Urban Hen License has been issued shall produce the license at the demand of the CAO, or designate, or an Officer.

PART 6 – APPEALS

- 6.1 An appeal lies from a decision of the CAO, or designate, to:
- 6.1.1 Impose conditions on an Urban Hen License, if the appellant is the applicant who applied for the Urban Hen License;
 - 6.1.2 Refuse an Urban Hen License, if the appellant is the applicant for the Urban Hen License; or
 - 6.1.3 Revoke an Urban Hen License, if the appellant is the holder of the Urban Hen License that was revoked.
- 6.2 An appeal under Section 6.1 shall be in writing, addressed to the Chief Administrative Officer, and must be received not later than fourteen (14) days after the decision subject to the appeal is issued.
- 6.3 As soon as reasonably practicable, and in any event not more than fourteen (14) after receiving a notice of appeal the Chief Administrative Officer shall 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 Chief Administrative Officer shall not be involved in the appeal process.
- 6.4 The Appeal Committee shall consist of three (3) members, none of whom is an employee or Council Member of the Town and the Chief Administrative Officer may appoint members as deemed appropriate.
- 6.5 The Appeal Committee shall schedule the appeal hearing within thirty (30) days after the notice of appeal.
- 6.6 The Appeal Committee shall provide its decision in writing, with reasons, within seven (7) days of the appeal hearing. The Appeal Committee may:
- 6.6.1 Uphold the decision of the CAO, or designate;
 - 6.6.2 Vary the decision of the CAO, or designate, including imposing conditions on an Urban Hen License that differ from any conditions imposed by the CAO, or designate; or
 - 6.6.3 Overturn the decision of the CAO, or designate.
- 6.7 The decision of the Appeal Committee is final and binding and is not subject to appeal to a Court.

PART 7 – KEEPING OF URBAN HENS

- 7.1 An Owner shall:
- 7.1.1 Have a valid Urban Hen License;
 - 7.1.2 Provide each Urban Hen with at least 0.37 m² (4.0 ft²) of interior floor area within the Coop to a maximum Coop size of 10.0 m² in floor area, and at least 0.92 m² (9.9 ft²) of Outdoor Enclosure. If a larger Coop is desired, the Owner is required to apply for a Development Permit;
 - 7.1.3 Locate the Coop and Outdoor Enclosure fully within the Side Yard or the Rear Yard of the Subject Property, in accordance with the residential accessory building setbacks prescribed in the Land Use Bylaw;
 - 7.1.4 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;
 - 7.1.5 Keep each Urban Hen in the Coop or Outdoor Enclosure at all times;
 - 7.1.6 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;

- 7.1.7 Maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - 7.1.8 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;
 - 7.1.9 Keep a food container and a water container in the Coop;
 - 7.1.10 Keep the Coop secured from sunset to sunrise;
 - 7.1.11 Remove left over feed, trash, and manure in a timely manner;
 - 7.1.12 Store feed within a fully enclosed container;
 - 7.1.13 Store manure within the fully enclosed container, and store no more than 3 cubic feet of manure at a time;
 - 7.1.14 Remove all other manure not used for composting or fertilizing and dispose of manure in accordance with Town bylaws;
 - 7.1.15 Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak;
 - 7.1.16 Register all Urban Hens with the Province through the Premise Identification (PID) Program and/or any other registration system required by Provincial or Federal regulation or legislation; and
 - 7.1.17 Keep Urban Hens for personal use only.
- 7.2 An Owner shall not:
- 7.2.1 Sell eggs, manure, meat or other products derived from Urban Hens;
 - 7.2.2 Slaughter an Urban Hen on the Subject Property;
 - 7.2.3 Dispose of an Urban Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Urban Hens; and
 - 7.2.4 Keep an Urban Hen in a cage, kennel, or any shelter other than a Coop.

PART 8 – MUNICIPAL TICKETS AND VIOLATION TICKETS

- 8.1 Where an Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw:
- 8.1.1 They may serve upon the person a Municipal Ticket allowing payment of the specified fine as set out in Schedule 'A' of this Bylaw, which payment will be accepted by the Town or the Contractor on behalf of the Town in lieu of prosecution for the offence if paid within 21 days of the date of service; or
 - 8.1.2 They may issue and serve a Violation Ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, c. P-34 and amendments thereto, allowing a voluntary payment or requiring a person to appear in court, without the alternative of making a voluntary payment.
- 8.2 An Officer may, but is not required to, issue a Municipal Ticket before issuing a Violation Ticket under the Provincial Offences Procedure Act.
- 8.3 A Municipal Ticket shall be deemed to be sufficiently served if:
- 8.3.1 Served personally on the Owner, or left at the Owner's residence; or
 - 8.3.2 Mailed to the address of the Owner.
- 8.4 Penalties for a second, third or subsequent offences will be applicable, where those offense occur within 1 year of the first offence.

PART 9 – OBSTRUCTION

9.1 No Owner or person shall obstruct or hinder any person in the exercise or performance of the person’s powers pursuant to this Bylaw.

PART 10 - REPEAL

10.1 That Bylaw 1286.23 is hereby repealed upon this Bylaw coming into effect.

PART 11 – DATE OF FORCE

11.1 That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the first time this 28th day of January, A.D. 2025.

(RES. 018/25)

-Original Signed-

MAYOR JAMIE HOOVER

-Original Signed-

CAO KIM ISAAK

READ for the second time this 28th day of January, A.D. 2025.

(RES. 019/25)

-Original Signed-

MAYOR JAMIE HOOVER

-Original Signed-

CAO KIM ISAAK

READ for the third time this 28th day of January, A.D. 2025.

(RES. 021/25)

-Original Signed-

MAYOR JAMIE HOOVER

-Original Signed-

CAO KIM ISAAK

SCHEDULE 'A'

General Penalties				
Description	Section	Fine Amount		
		1st Offence	2nd Offence	3rd Offence and subsequent offences
Keeping of an Urban Hen without a valid Urban Hen License	3.1.2	\$100	\$250	\$500
Keeping of a Rooster	3.1.1	\$250	\$500	\$1000
Failing to construct, maintain, or keep coops in accordance with bylaw requirements	Part 7	\$100	\$250	\$500
Improper disposal or storage of manure	7.1.13, and 7.1.14	\$250	\$500	\$1000
Failure to follow Canadian Food Inspection Agency procedures to reduce potential for disease outbreak	7.1.15	\$100	\$250	\$500
Failure to register flock with the province through PID and/or any other registration required by provincial or federal legislation	7.1.16	\$100	\$250	\$500
Failing to keep Urban Hens for personal use only	7.1.17	\$250	\$500	\$1000
Slaughter of an Urban Hen on the Subject Property	7.2.2	\$250	\$500	\$1000