

BYLAW # 2015-07

A BYLAW OF THE VILLAGE OF EMPRESS TO CONTROL THE KEEPING OF DOMESTIC ANIMALS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF EMPRESS, ALBERTA

WHEREAS, the Council wishes to control domestic animals, and

WHEREAS, under Section 180 to Section 190 inclusive, of the Municipal Government Act the council has the authority to pass such a bylaw.

NOW THEREFORE, the Council of the Village of Empress, in the Province of Alberta, duly assembled enacts as follows:

PART 1

1. This Bylaw may be cited as the Empress Domestic Animal Control Bylaw.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires, the work, term, or expressions
 - a) “Chicken” shall mean a domesticated hen that is at least 16 weeks of age
 - b) “Coop” shall mean enclosed weather proof structure used in keeping of Chickens, Pigeons or rabbits, that is no larger than 4.9 m² in floor area, and no more than 2.4 m in height
 - c) “Hen” shall mean a domesticated female chicken
 - d) “dead animal” shall mean all or part of an animal that has died from a cause other than having been slaughtered or killed for human or animal consumption, and/or, inedible offal, condemned material or waste material from an animal that was slaughtered or killed for human or animal consumption
 - e) “Neighbor” shall mean the property owner or occupant of the properties immediately to the right, left and rear of the proposed Coop
 - f) “Outdoor Enclosure” means a securely enclosed, roofed outdoor area attached and forming part of a Coop having bare earth or vegetated floor for Urban Chickens or rabbits to roam, that is no larger than 11.1 m² in floor area and no more than 2.4 m in height
 - g) “Rooster” shall mean a domesticated male chicken
 - h) “Village” shall mean the Municipal Corporation of the Village of Empress
 - i) “Village Council” or “Council” shall mean the Village Council for the Municipal Corporation of the Village of Empress.

PURPOSE:

3. The purpose of this Bylaw is to regulate domestic animals within Village boundaries.

PART 2

REGULATIONS

4. No person shall keep or cause to suffer to be kept any bovine, equine, porcine, hoofed, or ruminant animal within the limits of the Village of Empress.

A. Notwithstanding Part (2) Section (4) the grazing of livestock on the SW13-23-1-W4 is allowed in accordance with the following:

- i) proper range management and conservation practices are maintained
- ii) carrying capacity not in excess of 50 acres per animal unit per year, or as determined by the Council.
- iii) quality fences are to be built and maintained.
- iv) wintering of livestock shall not exceed the numbers as outlined in carrying capacity.
- v) any contravention of Part (2) Section (1) Subsection (A),(i), (ii), (iii), (iv) will result in the revoking of grazing privileges.

5. No person shall keep or cause or suffer to be kept as hereinafter specified any chicken, turkey, goose, guinea, fowl, or poultry of any kind within the limits of the Village of Empress.

A. Notwithstanding Part (2) Section (5) the keeping of hens shall be allowed on property Zoned as Residential in accordance with Land Use Bylaw 7-2013, or any amendments thereto, and in accordance with the following:

- i. A person must apply for a license at the town office- Appendix A attached and forming part of this Bylaw
- ii. No more than twelve (12) chickens per residence
- iii. No roosters
- iv. Applicant must provide letter(s) from neighbor(s) stating they do not object to the keeping of chickens -Appendix B attached and forming part of this Bylaw
- v. Renters must provide an additional letter from owner stating they have no objection
- vi. Proper coop and outdoor enclosure are provided,
- vii. Development permit is applied for and Land Use Bylaw accessory building guidelines are followed – Site plan must be included with application.
- viii. Any contravention to Part (2) Section 5 Subsection (A) (i through vii) will result in the revoking of licenses and/or privileges

6. The keeping of pigeons and rabbits in the Village of Empress is not permitted in numbers greater than four (4) on residential property and provided that the coops are kept in a clean and sanitary condition. In the event that damage is proven on another's property by pigeons or rabbits, then in such event, Council may direct the person keeping said pigeons or rabbits to restrain or destroy same.

KEEPING OF HENS, PIGEONS OR RABBITS:

7. A person who keeps Hens, Pigeons or Rabbits must:
 - A. provide each Hen, pigeon or rabbit at least 0.37 m² of interior floor area within the Coop, and at least 0.92 m² of Outdoor Enclosure;
 - B. provide and maintain in the Coop, at least one nest box per every 3 chickens/pigeons and one perch per hen/pigeon;
 - C. keep chickens, pigeons or rabbits as the case may be in the Coop or Outdoor Enclosure at all times;
 - D. provide each hen, rabbit or pigeon as the case may be with food, shelter, light, ventilation, care, and opportunities for essential behaviors such as scratching, dust bathing, roosting, water bathing;
 - E. maintain the Coop and Outdoor Enclosure in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
 - F. construct and maintain the Coop and Outdoor Enclosure to prevent any rodent from harbouring underneath or within the walls and to prevent entrance by any other animal;
 - G. keep a food container and water container in the Coop;
 - H. keep the hens inside the Coop and the Coop secured from sunset to sunrise;
 - I. remove leftover feed, trash, and manure in a timely manner;
 - J. store feed with a fully enclosed container;
 - K. store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
 - L. remove all other manure not used for composting or fertilizer and dispose of same in accordance with Village Bylaws;
 - M. follow biosecurity procedures by the Canadian Food Inspection Agency to reduce potential for disease outbreak, including obtaining a [Premises Identification \(PID\)](#) number; and
 - N. keep hens, pigeons or rabbits for personal use only
8. No person who keeps Hens, Pigeons or rabbits shall:
 - A. Sell eggs, manure, meat or other products derived from these animals
 - B. Keep a hen, pigeon or rabbit in a cage, kennel or any shelter other than a Coop.
9. Disposal of any “dead animal” including any parts of a dead animal must be in compliance with all federal and provincial regulations, as well as the Big Country Waste Management regulations for Transfer stations.
10. Animals in the Village of Empress for parades or exhibitions, under care and supervision of competent persons are not subject to the provisions of this bylaw.
11. Noncompliance of regulations for urban chickens may result in loss of license.

PENALTIES

12. Any person who contravenes any provision of this Bylaw is guilty of an offence liable on summary conviction to a fine of not more than Five Hundred Dollars(\$500.00).

Bylaw 4-2007 and any amendments thereto, and any previous Bylaws for the Control of Domestic Animals within the limits of the Village of Empress shall be repealed upon passing of this bylaw.

THIS BYLAW WILL BECOME EFFECTIVE ON THE FINAL DATE OF PASSING THEREOF.

Read a first time June 18, 2015.

Read a second time August 20, 2015.

Read a third time and finally passed in Council this_15th day of October, 2015

Chad Van Dam
MAYOR, Village of Empress

Debbie Ross
C.A.O., Village of Empress

Bylaw 2015-07
Appendix "A" page 1

Village of Empress Application for Hen Coop Permit

Applicant Name: _____
(Please Print Name)

Phone Number: (____)-____-_____

Cell Number: (____)-____-_____

Permit Address (where backyard hens will be housed):

_____ Postal Code: _____

Number of backyard hens to be kept at the permit address _____

(12maximum):

☐

The total area of all coops and runs are less than 15 square meters:

The hen coop and hen run is one story high and less than 2.4 meters high:

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Please include a site plan illustrating where the hen coop and run will be located on your property.

**Bylaw 2015-07
Appendix "A" page 2**

**DECLARATION
IN THE MATTER OF AN
APPLICATION FOR THE GRANT OF
A MUNICIPAL PERMIT**

TO WIT:

I, _____ of the Village of Empress
in the Province of Alberta do solemnly declare:

1. That I am the applicant for the grant of a permit authorizing me to keep backyard hens pursuant to By-Law 7-2015 within the Village of Empress now and hereafter in force. I undertake to conform to the terms, conditions and regulations set out in By-Law 7-2014 and understand that I must comply with all applicable regulations and requirements of: 1) every by-law of the Village of Empress; and 2) every Provincial and Federal Act and regulation made under such an Act.
2. That I understand that any permit issued pursuant to the said application is subject to revocation.
3. I have served written notice to the abutting property owner(s) that I have made application for a hen coop and a hen run permit. These notices are attached to this application.
4. That the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME at the Village of Empress,

this _____ day of _____
Day Month Year Applicant

CAO _____

(FOR OFFICE USE ONLY)

PERMIT NO. ISSUED:

PERMIT APPLICATION

ISSUED BY:

NOTICE OF COLLECTION: Personal Information collected is pursuant to the Freedom of Information and Protection of Privacy Act (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this application may be used to assist in reporting information when requested. If you have any questions about the collection, use and protection of this information please contact the Village Office at (403) 565-3938, 6 3rd Avenue West Empress, Alberta.

**Bylaw 2015-07
Appendix "B"**

**NEIGHBOUR
NOTIFICATION
Backyard Hen Coop**

Applicant Name:

Name of Abutting Neighbour:

Address of Abutting Neighbour:

No permit shall be issued to a person, by the Village of Empress, and no hens shall be allowed to be kept unless the owner(s) of all residentially zoned abutting properties are made aware of the application for the permit in writing.

I, am the abutting property owner of the applicant and I, am aware of the application for a permit to keep backyard hens, and have no objections.

Date: _____

Signature: _____