BYLAW 549-22 VILLAGE OF HUSSAR

A BYLAW OF THE VILLAGE OF HUSSAR, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF CHICKENS AND QUAIL IN URBAN AREAS

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;

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 licenses, permits and approvals.

NOW THEREFORE

the Council of the Village of Hussar, in the Province of Alberta, hereby enacts as follows:

1. SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the Village of Hussar "Urban Hen & Quail Bylaw".

SECTION 2 – PURPOSE

2.1 The purpose of this bylaw is to regulate and control the keeping of chickens and quail within Urban Areas

3. SECTION 3 – DEFINITIONS

- 3.1 Abattoir means a facility where animals are slaughtered for consumption as food for humans.
- 3.2 Act means the Municipal Government Act, Revised Statures of Alberta 2000, Chapter M-26 and amendments thereto.
- 3.3 Adjoining Neighbour means an owner or occupant of a property that is contiguous to a Subject Property along a common property line. This includes properties across a rearlane, but not across a street.
- 3.4 Animal Health Act means Statutes of Alberta 2007, Chapter A-40.2.
- 3.5 Chief Administrative Officer means the person holding the office of Chief Administrative Officer of the Village of Hussar.
- 3.6 Coop means a fully enclosed weatherproof structure with an attached outdoor enclosure.
- 3.7 Council means the Council of the Village of Hussar.
- 3.8 Enforcement Officer means a Bylaw Officer appointed by the Village of Hussar pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended to enforce the bylaws of the Village of Hussar and includes Peace Officers and the members of the Royal Canadian Mounted Police (RCMP).
- 3.9 Hen means a domesticated female chicken that is at least four (4) months old. This can include bantam chickens.

- 3.10 Hen & Quail Keeper means a person having any right of custody, control or possession of a Hen or quail.
- 3.11 Hen & Quall License means a license issued under this bylaw that authorizes the keeping of hens and qualls on a specific property within an Urban area within the Village.
- 3.12 **Licensing Authority** means the Chief Administrative Officer, or a person appointed by the Chief Administrative Officer to issue Hen & Quail Licenses.
- 3.13 Nest Box means a box within a Coop for the nesting of Hens and Quail.
- 3.14 Outdoor Enclosure means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earthed or vegetated floor for Urban Chickens and Quail to roam.
- 3.15 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.
- 3.16 Quall means a small, short-tailed Old World game bird resembling a small partridge, typically having brown camouflaged plumage.
- 3.17 Rooster means a domesticated male chicken.
- 3.18 Self means to exchange or deliver for money or its equivalent.
- 3.19 **Subject Property** means a lot or parcel of land in respect of which a Hen & Quail License is sought or has been issued.
- 3.20 **Temporary Caregiver** means a person who has been authorized by the Hen & Quail Keeper to provide care to their Hens and Quail in the event the Hen & Quail Keeper is temporarily unable to do so.
- 3.21 **Urban Area** means lands located within the Village 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 Village.
- 3.22 Urban Hen means a hen that is at least 16 weeks of age.
- 3.23 Village means the Village of Hussar, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof.
- 3.24 **Violation Tag** means a notice that alleges a bylaw offence and provides a person the opportunity to pay an amount to the Village in lieu of prosecution for the offence.
- 3.25 **Violation Ticket** means a violation ticket as defined in the *Provincial Procedures Act*, R.S.A. 2000, c. P-34.

4. SECTION 4 - PROHIBITIONS

- 4.1 In the Village of Hussar, no person shall:
 - a) Keep a Rooster;
 - Keep a Hen or Quail, other than an Urban Hen or Quail for which a valid Hen & Quail License has been issued.

5. SECTION 5 – URBAN HEN & QUAIL LICENSE

- 5.1 A person may apply to keep a combined minimum of 2 and a maximum of 8 urban hens & quail by:
 - a) Submitting a completed Urban Hen & Quall License Application Form (Appendix A)
 - b) Paying a Hen & Quail License fee prescribed in Schedule A of this bylaw which is due payable at the time of the approval, prior to approval and annually thereafter;

- Any other information reasonably required by the Licensing Authority, including but not limited to:
 - A copy of a Certificate of Title for the Subject Property issued by the Land Titles;
 - ii. Written permission to keep hens and quail on the Subject Property, from the registered owner of the Property as shown on the Certificate of Title, if the Hen & Quail 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 & Quail Keeper has experience or training from a source approved by the Licensing Authority. At a minimum, read the Training Manual and watched all 9 educational videos (Appendix B), on the safe handling of hens and eggs provided by the Village.
- f) A copy of the Premises Identification (PID) Number applicable to Subject Property.
- 5.2 The applicant must reside on the property on which the Urban Hens and Quail will be kept;
- 5.3 A Hen & Quail License does not take effect until:
 - The Licensing Authority is satisfied all provisions in Section 5.1 have been met;
 and
 - b) The appeal period referenced in Section 6.2 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 & Quail License, with or without conditions.
- 5.4 A Hen & Quail 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 & Quail License fees shall not be reduced or prorated no matter the month of purchase or total number of urban hens and quails.
- 5.6 A Hen & Quail License is not transferable from one person to another or from one property to another.
- 5.7 A person to whom a Hen & Quail License has been issued shall produce the license at the demand of the Licensing Authority or an Enforcement Officer.
- 5.8 The Licensing Authority may refuse to grant or renew a Hen & Quail 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 Enforcement 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 and Quail;
 - An applicant for or holder of a Hen & Quail License has been convicted of any offence involving abuse, mistreatment or negligent treatment of keeping of animals;

- v. An applicant has previously been the holder of a Hen & Quail 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.
- d) If the Licensing Authority refuses to grant or renew a Hen & Quail License, the applicant may appeal the decision to the Appeal Committee, in accordance with the procedures set out in this Bylaw.

6. SECTION 6 - APPEAL

- 6.1 An appeal lies from a decision of the Licensing Authority to:
 - a) Issue a Hen & Quail License,
 - b) Impose conditions on a Hen & Quail License, if the appellant is the person who applied for the Hen & Quail License
 - c) Refuse a Hen & Quail License, if the appellant is the person who applied for the Hen & Quail License; or
 - d) Revoke a Hen & Quail License, if the appellant is the holder of the Hen & Quail License that was revoked.
- 6.2 An appeal under section 6.1 must be in writing, addressed to the Chief Administrative Officer, and must be received no later than fourteen (14) days after the decision appealed from is issued.
- As soon as reasonably practicable and in any event not more than fourteen (14) days after receiving a notice of appeal the Chief Administrative Officer 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 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 Village and that the Chief Administrative Officer may appoint members as deemed appropriate. In the case of an appeal alleging the likelihood of a material adverse health effect, the Chief Administrative Officer must also make reasonable efforts to appoint the appeal committee including someone conversant with poultry operations i.e.) 4H experience or knowledge.
- 6.5 The Appeal Committee shall schedule the hearing of the appeal within thirty (30) days after notice of appeal.
- 6.6 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.
- 6.7 The Appeal Committee shall provide its decision in writing, with reasons, within seven (7) business days of the hearing of the appeal. The Appeal Committee may:
 - a) Uphold the decision of the Licensing Authority;
 - Vary the decisions of the Licensing Authority, including imposing conditions on a Hen & Quail License that differ from any conditions imposed by the Licensing Authority; or
 - c) Overturn the decision of the Licensing Authority.
- 6.8 The decision of the Appeal Committee is final and binding and is not subject to appeal to a Court.

6.9 An appeal of the Coop, accessory building, must follow the procedures for an appeal set out in the Village of Hussar Land Use Bylaw.

7. SECTION 7 – RESPONSIBILITIES OF A HEN & QUAIL KEEPER

- 7.1 A Hen & Quail Keeper must:
 - a) Obtain a Premises Identification (PID) under the Premises Identification Regulation in the Animal Health Act and submit a copy to the Village.
 - b) Follow biosecurity procedures recommended by the Canadian Food Inspection Agency for small flocks and pet birds to reduce potential for disease outbreak.
- 7.2 Hen & Quail Keepers, owners of a Subject Property, and Temporary Caregivers must:
 - a) Provide each urban hen and quail 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 and Quail in a secured area at all times;
 - c) Keep the Coop secured from sunset on any given day to sunrise the following day;
 - d) Ensure that Hens and Quails are kept in the Coop with all openings, such as doors and windows, secured in such a manner that will not allow predators to enter;
 - e) Provide suitable warmth to the Hens and Quails through radiant heaters, wall insulation, poly-sheeting, seedling heat mat, or other means (no heat lamps permitted);
 - f) Construct and maintain the Coop to prevent a rodent from harbouring underneath or within it or within in its walls, and to prevent access to the coop by any other animal.
 - g) Maintain the Coop in good repair and sanitary conditions and free from verminand 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 run during daytime hours;
 - Remove leftover feed, trash and manure in a timely manner, or disclose plan of bedding method;
 - k) Store manure not for composting within a fully enclosed container, and store no more than three (3) cubic feet of manure at any time;
 - Remove all other manure not used for composting or fertilizing and dispose of such in accordance with Village Bylaws;
 - m) Ensure Hens and Quail are slaughtered or euthanized at an appropriate location or facility, not on the Subject Property;
 - Dispose of the carcass of a Hen or Quail 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 and Quails;
 - Take Hens and Quails to a veterinarian, farm, abattoir, or other operation if Hens or Quails are no longer wanted;
 - Keep Hens and Quails in a cage only when actively transporting the Hen or Quail;
 and
 - q) Keep Hens and Quails for personal use only, and not sell eggs, manure, meat, or any other products derived from Hens or Quails.

8. SECTION 8 – COOP REQUIREMENTS

- 8.1 A Hen & Quail Keeper must:
 - a) Provide each Hen with at least 0.37 square meters of interior floor area enclosed with a minimum height of .92 meters within the Coop, and at least 0.92 square meters of Coop Run outdoor area with a minimum height of 1.22 meters, within the Coop run;
 - b) Provide each Quail with at least one (1) square foot of space to a maximum height requirement of 18" for hutches within the Coop or a minimum of 6 feet high for external runs/aviaries.;
 - c) Provide a minimum of one (1) nest box per every 3 Hens and one (1) perch per Hen, that is at least 15 cm long;
 - d) 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 Coops must be kept in the rear of the property.
- 8.6 The maximum lot coverage of all structures on a property, including a Coop, must comply with the Land Use Bylaw.
- 8.7 The Licensing Authority and Development Authority have the authority to impose additional site-specific conditions.

9. SECTION 9 – GENERAL REGULATIONS FOR HEN & QUAIL KEEPERS

- 9.1 Hen and Quail keeping is permitted under and in accordance with this bylaw.
- 9.2 This bylaw applies to the activity of Hen & Quail Keeping for personal use only. The commercial sale of Hens or Quail or Hen or Quail products is not permitted.
- 9.3 This Bylaw enables the keeping of Hens and Quails within the confines of a fenced property that does not permit Hens and Quails to be sheltered within a residential dwelling unit.
- 9.4 Each Hen or Quail must be a minimum of 4 months (16 weeks) old when acquired for keeping under a Hen & Quail License.
- 9.5 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.

10. SECTION 10 - ENFORCEMENT

- 10.1 The Licensing Authority or an Enforcement Officer has the right to access any Subject Property to inspect for compliance with this bylaw.
- 10.2 Where an Enforcement Officer has reasonable grounds to believe that a Hen & Quail Keeper has contravened any provision of this Bylaw the Enforcement Officer may serve the Hen & Quail Keeper a Municipal Violation Tag allowing payment of the specified penalty as set out in Schedule "B" of this Bylaw.
- 10.3 Should a hen and quail keeping site, Coop, or Hen & Quail 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 & Quail License or issuance of a Stop Order under Section 645 of the Municipal Government Act.

- 10.4 Should Hens and Quails and/or 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 & Quail License, the Licensee will be given fourteen (30) days to rehome the Hens and Quails.
- 10.6 No person shall hinder, interrupt, or causes to be hindered any employee of the Village or its contractors, servants, agents, or workers, in the exercise of the powers or duties as authorized or required in this Bylaw.

11. SECTION 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 \$150.00 as set out in Schedule "B" of this Bylaw.
- 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 found guilty of such an offence is liable to a fine in an amount not less than that set our in Schedule "B" for each such separate offence.

12. SECTION 12 - MUNICIPAL VIOLATION TAG.

- 12.1 An Enforcement Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the amount established by this Bylaw.
- 12.2 A Municipal Violation Tag may be issued to such person:
 - a) Either personally; or
 - b) By mailing a copy to such person at his or her last known address.
- 12,3 The Municipal Violation Tag shall state:
 - a) The name of the Person;
 - b) The offence;
 - c) The penalty established by this Bylaw for the offence;
 - d) That the penalty shall be paid within 14 days of the issuance of the Municipal Violation Tag; and
 - e) Any other information as may be required.

13. SECTION 13 – VIOLATION TICKET

- 13.1 An Enforcement Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket specifying the fine amount established by this Bylaw.
- 13.2 Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed on the Violation Ticket.
- 13.3 If a Municipal Violation Tag has been issued and if the penalty has not been paid within the prescribed time, then an Enforcement Officer is authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.
- 13.4 Despite section 13.3, an Enforcement Officer is authorized and empowered to issue a Violation Ticket to any person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 13.5 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - a) Specify the fine amount established by this Bylaw for the offence; or

VILLAGE OF HUSSAR SCHEDULE A FEES

Fee Description	Fee
Hen & Quail License Fee, includes Coop development permi	t \$50.00
(accessory building)	
Annual Hen & Quail License Fee (Jan 1 – Dec 31)	\$25.00
PRINTED Complete information package	\$10.00

VILLAGE OF HUSSAR SCHEDULE B PENALTIES FOR VIOLATIONS

Section	Offence	Minimum Penalty (1 st Offence)	Penalty (2 nd & Subsequent)
4.1 (a)	Keep a rooster within Village boundaries	\$150.00	\$300.00
4.1 (b)	Keep an unlicensed urban hen or quail	\$150.00	\$300.00
5.1	Keeping more than 8 hens and/or quail	\$150.00	\$300.00
5.5	Fail to renew urban Hen & Quail license	\$150.00	\$300.00
5.7	Transfer an Urban Hen & Quail License	\$150.00	\$300.00
7.1 (a)	Fail to obtain a Premises Identification Number	\$150.00	\$300.00
7.1 (b)	Fail to follow biosecurity procedures	\$150.00	\$300.00
7.2 (a)	Fail to provide essentials to each urban hen and quail	\$150.00	\$300.00
7.2 (b)	Fail to keep hens and quail secured	\$150.00	\$300.00
7.2 (c), (d)	Fail to keep coop secured	\$150.00	\$300.00
7.2 (e)	Fail to provide adequate warmth	\$150.00	\$300.00
7.2 (f)	Fail to prevent rodents/ animals from entering coop	\$150.00	\$300.00
7.2 (g)	Fail to maintain coop in a sanitary condition/ good repair	\$150.00	\$300.00
7.2 (h)	Fail to properly store feed	\$150.00	\$300.00
7.2 (i)	Fail to keep food and water in coop	\$150.00	\$300.00
7.2 (j)	Fail to remove waste in a timely manner	\$150.00	\$300.00
7.2 (k)	Fail to properly store manure	\$150.00	\$300.00
7.2 (I)	Fail to properly dispose of manure	\$150.00	\$300.00
7.2(m)	Slaughter of hens or quail on property	\$150.00	\$300.00
7.2 (n)	Unlawful disposal of deceased hens or qualls	\$150.00	\$300.00
7.2 (q)	Selling products derived form urban hens or quail (eggs, manure, meat, etc.)	\$150.00	\$300.00
8.1(a)	Coop fails to meet size/ enclosure requirements	\$150.00	\$300.00
8.1 (b)	Fail to provide nest box or perch	\$150.00	\$300.00
8.1 (c)	Coop not located properly on subject property	\$150.00	\$300.00
8.2	Coop fails to meet setback requirements	\$150.00	\$300.00

Appendix A VILLAGE OF HUSSAR **Urban Hen & Quall License Application**

Please print and complete the <u>entire</u> f	form	
Applicant Name:		Phone:
Email Address:		
Number of Hens being kept		(Max 8 combined)
Premises Identification Number (PID):		
Circle One:		
Owner Tenant**	**if tenant, a letter of author registered property owner, a	rization is required from the long with this application form
the Village of Hussar or other P I certify that I have read the receducational videos. I have attact training requirement. I certify that I will abide by all return the Village of Hussar Urban Hell Urban Hen & Quail License being I understand that my coop may codes permits that must be cor	y require a development permit, bui mpleted as per the Land Use Bylaw F se or misleading information will res	ulations in force, y and watched the 9 nitials beside each completed hens and quail pursuant to e to comply may result in my Iding permits and safety Regulations.
Applicant's Signature:	D	ate:
Any personal information on this form is collected uno FOIP) Act for the purpose of issuing urban hen and quibout the collection, use and protection of this inform Avenue E, Hussar, AB TOJ 150 FOR OFFICE USE ONLY Application Fee:	uail licenses, and for monitoring and animal contr	ol purposes. If you have any questions

Appendix B

Training Manual and Education Videos

READ	INITIAL (beside each once completed)
Urban Chickens Community Package (2 pg)	
A Compre'hen'sive 'Chick'list (1 pg)	
Fowl: Your Feathered Friends (39 pg)	
WATCH	
Are you Ready (1:22 min)	
Do you have what it takes? (5 min)	
Hen Handling (2:16 min)	
Everyday Care (5:31 min)	
Coop Design (9:05 min)	
Biosecurity (6:06 min)	
Enrichments (3 min)	
Are your hens healthy (12:25 min)	
Preparing for Euthanasia (7:26 min)	
QUAIL	
https://www.thehappychickencoop.com/the-ultimate- guide-to-raising-quail/	
https://www.thehappychickencoop.com/how-to-raise- chicken-and-quail-together/	

Other Resources:

Raising Chickens in Alberta, A Guide for Small Flock Owners https://open.alberta.ca/publications/9780773261174

 Require a person to appear in court without the alternative of making a voluntary payment

14. SECTION 14 - POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

- 14.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer 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; and
 - e) Delegate any powers, duties or functions under this Bylaw

15. SECTION 15 - OBSTRUCTION

15.1 No person shall obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this Bylaw.

16. SECTION 16 - SEVERABILITY

16.1 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.

17. SECTION 17 - EFFECTIVE DATE

17.1 This Bylaw shall come into force and effect upon receiving third and final reading and being signed.

READ a first time on this 31 day of August, 2022

READ a second time on this 29 day of September, 2022

READ a third and final time on this 9 day of March, 2023

Signed this 27 day of July 2033

Mayor

Chief Administrative Officer