

VILLAGE OF ROSEMARY  
In the Province of Alberta



Bylaw No. 485-20  
**Urban Chicken Bylaw**

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**BEING A BYLAW OF THE VILLAGE OF ROSEMARY, IN THE PROVINCE OF ALBERTA, TO REGULATE THE KEEPING OF CHICKENS WITHIN THE VILLAGE OF ROSEMARY**

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; and

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

WHEREAS, Council has determined that they wish to authorize keeping Urban Chickens within specified areas,

NOW THEREFORE, COUNCIL OF THE VILLAGE OF ROSEMARY, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

1. This bylaw may be called the **“Urban Chicken Bylaw.”**
  
2. For the purposes of this bylaw:
  - (a) **“CAO”** means the person appointed by the Village of Rosemary Council as the Chief Administrative Officer or a designate;
  - (b) **“Chicken License”** means a license issued by the CAO pursuant to this Bylaw authorizing the license holder to keep Urban Chickens on a specific property within an Urban Area;
  - (c) **“Coop”** means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of Urban Chickens and located in the rear yard of a property;
  - (d) **“Hen”** means a domesticated female chicken or a male chicken that will not live past the age of 6 months;
  - (e) **“Municipal Tag”** means a document alleging an offence issued pursuant to the authority of a Bylaw of the Village;
  - (f) **“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;
  - (g) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;

- (h) **“Rooster”** means a domesticated male chicken over the age of 6 months;
- (i) **“Specified Area(s)”** means residential developments or other permitted areas;
- (j) **“Urban Chicken”** means a Hen of any age;
- (k) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (l) **“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 Village’s Land Use Bylaw.

### **Purpose**

- 3. The purpose of this bylaw is to regulate and control the keeping of chickens within Urban Areas.

### **Prohibitions**

- 4. In an Urban Area, no person shall:
  - (a) keep a Rooster;
  - (b) keep a Hen, other than an Urban Chicken for which a valid Chicken License has been issued.

### **Chicken License**

- 5. A person may apply to keep no more than (4) Urban Chickens by:
  - (a) submitting a completed application, on the form approved by the CAO, and
  - (b) paying a license fee of \$30.00. License fees shall not be prorated or reduced regardless of the month during which they are purchased.
- 6. The Rosemary School may keep no more than (20) Urban Chickens for Agricultural programming purposes by:
  - (a) submitting a completed application, on the form approved by the CAO, and
  - (b) paying a license fee of \$50.00. License fees shall not be prorated or reduced regardless of the month during which they are purchased.
- 7. The CAO may not issue a Chicken License unless satisfied that:
  - (a) the applicant is the owner of the property on which the Urban Chickens will be kept, or that the owner of the property has provided written consent to the application;
  - (b) the land use district of the property on which the Urban Chickens will be kept allows the

- placement of an accessory building that may serve as a Coop for the keeping of Urban Chickens;
- (c) the applicant resides on the property on which the Urban Chickens will be kept;
  - (d) the applicable fee has been paid; and
  - (e) all required information has been provided.
8. The maximum number of Chicken Licenses that may be issued within the Village shall be limited to twenty-five (25).
9. The CAO may refuse to grant or may choose to revoke a Chicken License for the following reasons:
- (a) the applicant or license holder no longer meets the requirements of this bylaw for a Chicken License;
  - (b) the applicant or license holder:
    - i. furnishes false information or misrepresents any fact or circumstance to the CAO or a Peace Officer;
    - ii. has, in the opinion of the CAO based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
    - 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 Chickens;
    - iv. fails to pay any fee required by this or any applicable Bylaw; or
  - (c) in the opinion of the CAO based on reasonable grounds it is in the public interest to do so.
10. If the CAO refuses to grant or decides to revoke a Chicken License, the applicant may appeal the decision to Village Council.
11. A Chicken License is not transferable from one person to another or from one property to another.
12. A person to whom a Chicken License has been issued shall produce the license at the demand of the CAO or a Peace Officer.

### **Keeping of Urban Chickens**

13. A person who keeps Urban Chickens must:
- (a) provide and maintain a Coop, providing each Hen with at least 0.37 m<sup>2</sup> (3.5 sq ft) of interior floor area, and at least 0.92 m<sup>2</sup> (9 sq ft) of outdoor enclosure, within the Coop, that is no larger than 10 m<sup>2</sup> in total floor area or, and no more than 2.4m (8') in height;
  - (b) provide and maintain, in the Coop, at least one nest box for every two Hens, and one perch that is at least 15 cm (12") long per Hen;

- (c) provide and maintain a double enclosure structure, or a fenced rear yard, around the Coop that is at a minimum 1.5m (5 ft) high to a maximum of 2.0m (6.6 Ft) high.
- (d) keep each Hen in the Coop at all times;
- (e) provide each 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 Hen in good health;
- (f) maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- (g) 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;
- (h) keep a food container and water container in the Coop;
- (i) keep the Coop secured from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store feed within a fully enclosed container;
- (l) place manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
- (m) remove all other manure not used for composting or fertilizing and dispose of same in accordance with Village bylaws;
- (n) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
- (o) keep Hens for personal use only.
- (p) Shall comply with all federal and provincial government laws and regulations that pertain to raising chickens and the use of chicken related products.

**14.** No person who keeps Urban Chickens shall:

- (a) sell eggs, manure, meat, or other products derived from Hens;
- (b) dispose of a Hen except by an appropriate manner, such as by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens; and
- (c) keep a Hen in a cage, kennel, or any shelter other than a Coop.

## Offence and Penalties

15. A person who contravenes any provision of this Bylaw is guilty of an offence.
16. A person who is guilty of an offence is liable to a fine in an amount not less than \$100.00.
17. Without restricting the generality of section 16, the fine amount established for use on Municipal Tags and for Violation Tickets if a voluntary payment option is offered is \$150.00.

## Municipal Tag

18. A Peace Officer is authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
19. A Municipal 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 post office address.
20. The Municipal Tag shall be in a form approved by the CAO and shall state:
  - (a) the name of the Person;
  - (b) the offence;
  - (c) the specified penalty established by this Bylaw for the offence;
  - (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
  - (e) any other information as may be required by the CAO.

## Payment in Lieu of Prosecution

21. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified within the time period indicated on the Municipal Tag.

## Violation Ticket

22. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
23. Despite section 22, a Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any

provision of this Bylaw.

24. 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
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

### **Voluntary Payment**

25. A person who commits an offence may
- (a) if a Violation Ticket is issued in respect of the offence; and
  - (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

### **Obstruction**

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

### **Powers of CAO**

27. 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; and
  - (e) delegate any powers, duties or functions under this Bylaw to a Village employee.

### **General**

28. Nothing in this Bylaw relieves 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.

**Severability**

- 29. 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.

**Enactment**

- 30. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a first time this 17<sup>th</sup> day of June 2020.

READ a second time this 21<sup>st</sup> day of July 2020.

READ a third time and passed this 21<sup>st</sup> day of July 2020.

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Bill Marshall, Mayor

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Sharon Zacharias, CAO

# Urban Chicken License Application

Date Completed: \_\_\_\_\_ Applicants Name: \_\_\_\_\_

Applicants Mailing Address: \_\_\_\_\_

Physical Street Address: \_\_\_\_\_

Applicant is: (circle one) OWNER or TENANT or ROSEGLEN RURAL ESTATES RESIDENT

## Acknowledgement by Applicant:

- 1) I confirm that I have reviewed Bylaw #485-20 and am aware of the responsibilities that the Bylaw places on applicants to comply.
- 2) I am aware that a Development Permit **may** be necessary to construct the Coop needed to house the chickens and I will ensure required approvals are obtained.
- 3) I confirm that if this Chicken License application is approved, the chickens kept on my property will be limited to no more than four (4) Hens, and that keeping Roosters is not allowed unless they are under 6 months old.
- 4) I acknowledge that Federal and Provincial Regulations may also restrict activities pertaining to the raising, use, or consumption of chicken related products.
- 5) I acknowledge that if I fail to comply with the Bylaw, an approved license can be revoked and I would be required to remove chickens from my property.

Applicants Signature \_\_\_\_\_

## *If applying as a Tenant of the Property or a Roseglen Rural Estates Resident, please complete:*

Owner Name & Contact Information (Mailing Address and Phone Number) required.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner consent (required): As the registered owner of the property (Roseglen Condo Assoc) I hereby grant consent for the submission of this Chicken License Application by the above noted tenant of the property.

Owner Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

## *Adjacent Neighbor's Acknowledgement of Application:*

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

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**Internal Office Use Only:** Date application received: \_\_\_\_\_ Date reviewed: \_\_\_\_\_

This license application has been reviewed and: Approved \_\_\_\_\_ (Chicken License Number)

Or Rejected (reasons for rejection) \_\_\_\_\_