

BYLAW NO. 1020/17

A BYLAW for the purpose of licensing and regulating chicken(s) on identified residential parcels in Clearwater County.

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 to provide for a system of licences, permits and approvals.

NOW, THEREFORE, the Council of Clearwater County in the Province of Alberta duly assembled enacts as follows:

1.1 Title

This Bylaw may be cited as "Clearwater County Chicken Bylaw" and will be referred to herein as "this Bylaw".

1.2 Definitions

In this Bylaw, unless the context otherwise requires, the term:

"BYLAW ENFORCEMENT OFFICER" although primarily the Agricultural Services Department Staff of Clearwater County, it shall also include anyone else employed by or contracted through Clearwater County.

"CHICKEN" means one female chicken of any age.

"CHICKENS" means more than one female chicken of any age.

"CHICKEN LICENCE" means a license issued by Clearwater County pursuant to this bylaw authorizing the license holder to keep a minimum of one (1) chicken and up to a maximum of six (6) chickens on a residential property.

"COOP" means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of chicken(s).

"COUNCIL" means the Municipal Council of Clearwater County.

"COUNTRY RESIDENCE" or "CR" Land Use District specifically for residential use, found within several of Clearwater County's multi lot residential subdivisions.

"HAMLET RESIDENTIAL" or "HR" Land Use District specifically for residential use, found within the following Clearwater County Hamlets: Alhambra, Condor, Leslieville & Withrow.

"JUDGE" has the meaning as defined in the *Provincial Offences Procedures Act (RSA 2000)* and amendments thereto.

"MUNICIPALITY" means Clearwater County.

"OWNER" means a natural person or body corporate that has legal title to the chicken(s), and includes any person who has possession or custody of the chicken(s), either temporarily or permanently, or harbours the chicken(s), or allows the chicken(s) to remain on his premises.

“PROVINCIAL COURT” means the Provincial Court of the Province of Alberta.

“RESIDENTIAL PROPERTY” means a private property that is located in the Hamlet Residential “HR” & Country Residence “CR”, Land Use Districts of Clearwater County.

“ROOSTER” means a male chicken(s).

“RUN” means an area attached to a coop that chicken(s) range in and that is fully enclosed with chicken wire.

“UNCONFINED” means any chicken(s) on the property of the owner that is not confined to the coop or Bylaw Enforcement portion of the property set out in the regulation of the municipality.

“VIOLATION TICKET” has the same meaning as in the Provincial Offences Procedure Act.

1.3 Purpose

The purpose of this bylaw is to regulate and control the keeping of up to six (6) chicken(s) on a residential property in four (4) of Clearwater County’s hamlets; namely (those being) Alhambra, Condor, Leslieville, Withrow and multi lot residential subdivisions excepting:

- Multi-lot residential subdivisions that have a restrictive covenant, restricting chickens or livestock from being raised on a property.
- Any multi-lot residential subdivision located within Range 9 and west.

2.0 Prohibitions

On a residential property, no person shall:

- a) Keep a rooster;
- b) Keep one or more chickens, unless a valid chicken license has been issued.
- c) Allow chickens outside a coop on the license owners property.
- d) Keep any chicken(s) if the residential property is located in or west of Range 9.
- e) Keep any chicken(s) if there is a restrictive covenant in place that restricts a property owner from having chicken(s) or livestock on a property.

3.0 Residential Chicken(s) Provisions

- 3.1 A person is guilty of an offence if that person keeps or harbours chicken(s) on any residential property located within Clearwater County, except as provided for in this bylaw.
- 3.2 Any Bylaw Enforcement Officer may seize and impound any chicken(s) within any portion of a residential property located within Clearwater County, if the chicken(s) are being kept without a license.
- 3.3 A Bylaw Enforcement Officer is hereby authorized to enter any land or premises (excluding dwelling houses) at any reasonable time within a residential property located in Clearwater County to inspect for compliance with the provisions of this bylaw.
- 3.4 Any person is guilty of an offence, if they;

- a. Interfere with, or attempt to obstruct, a Bylaw Enforcement Officer who is attempting to capture, or who has captured, any chicken(s).
- b. Remove, or attempt to remove, any chicken(s) from the possession of a Bylaw Enforcement Officer.
- c. Refuse to provide identification (name, address, and date of birth) and proof thereof to a Bylaw Enforcement Officer upon request.
- d. Provide false or misleading information to a Bylaw Enforcement Officer.
- e. Fail to renew their license on or before the last day in the month that their license expires, shall be guilty of an offence and subject to the penalties provided for in this bylaw.
- f. Harbour rooster(s) on a residential property within Clearwater County.
- g. Slaughter any chicken(s) on a residential property.
- h. Harbour more than six (6) chickens per residential property, as defined by the Land Use Bylaw.
- i. Bury dead chicken(s) on a residential property. Dead chicken(s) shall be disposed by delivery to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of chicken(s) lawfully.
- j. Fail to locate a coop in accordance to the ancillary building regulations of the Land Use Bylaw (6.3).
- k. At the discretion of a Bylaw Enforcement Officer, fail to keep a coop in good repair, maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances limited so as not to create a nuisance or disturbance to neighboring residents due to noise, odor, damage or threats to public health.
- l. At the discretion of a Bylaw Enforcement Officer their, chicken waste (manure) is not stored in a fully enclosed structure or container. A Bylaw Enforcement Officer is hereby authorized to enter onto private property to remove chicken waste at the expense of the landowner. The chicken waste should be disposed of in an environmentally friendly manner.
- m. Have unconfined chicken(s).
- n. Have a coop, not including the run, that is larger than 4.6 square meters (50 square feet). Or if they have a coop that is smaller than what is provincially required for a maximum of six (6) chickens. The coop shall be no more than 2.0 m (6.56 feet) in height and must be a fully enclosed structure with securable access to the outside run area.
- o. Have a run area not including the coop that is larger than 9.2 square meters (100 square feet). Or if they have a run that is smaller than what is provincially required for a maximum of six (6) chickens. The run shall be fully enclosed by chicken wire with access into the chicken coop.

- 3.5 A Bylaw Enforcement Officer is hereby authorized to use live traps, nets or any other similar means to effect capture of chicken(s). A Bylaw Enforcement Officer shall not be held liable for the death or injury of any chicken(s).

4.0 Keeping of Chicken(s)

- 4.1 Every owner who wishes to participate in the "keeping of chicken(s)" on a residential property shall submit a license application and pay to Clearwater County a license fee as set out in Schedule "A".
- 4.2 Clearwater County has the right, at its sole and unfettered discretion, to rescind a license if offences continue to be committed by the owner.
- 4.3 Upon receiving any chicken(s) for impound, a Bylaw Enforcement Officer shall make reasonable efforts to identify and contact the owner of the chicken(s).
- 4.4 The Bylaw Enforcement Officer shall not immediately euthanize chicken(s) unless on a vet recommendation. Chicken(s) may be euthanized or otherwise dispose of any impounded chicken(s) after the chicken(s) are kept in the Bylaw Enforcement impound facility for 72 hours, not including the day of impounding, Sundays or Statutory Holidays. The chicken(s) may be retained for a longer period if in the opinion of a bylaw enforcement officer circumstances warrant the expense.
- 4.5 Any healthy chicken(s) may be returned to the owner during the 72-hour period of impoundment upon payment of a fine set out in Schedule A as well as any costs associated with the impoundment, care or euthanizing of the chicken(s).
- 4.6 Any person claiming impounded chicken(s) shall present government issued identification to the Bylaw Enforcement Officer.

5.0 Violation Tickets and Continuing Offences

- 5.1 Where a Bylaw Enforcement officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw;
- a. The Bylaw Enforcement Officer may serve upon the person a municipal ticket allowing payment of the specified fine as set out in Schedule "A" of this bylaw, in accordance with the Provincial Offences Procedure Act, RSA 2000 cP-34 s27;2009 c52 s7 and amendments thereto, allowing a voluntary payment or requiring a person to appear in court, without the alternative of making a voluntary payment.
- 5.2 A municipal ticket shall be deemed to be sufficiently served if:
- a. Served personally on the owner of any chicken(s), or left at the owner of the parcel upon which the chicken(s) reside; or
 - b. Mailed to the address of the owner of any chicken(s).
 - c. Penalties for a second, third and subsequent offences will be applicable, where those offences occur within one (1) year of the first or most recent offence.

- d. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in the amount not less than that established by this bylaw for each such day.

GENERAL

Nothing in this Bylaw relieves any person from compliance with any other Bylaw or applicable federal or provincial law, regulation, or enactment.

SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw shall be deemed valid.

EFFECTIVE DATE

This Bylaw comes into force and effect upon third and final reading.

READ A FIRST TIME this 25 day of April A.D., 2017.



REEVE


CHIEF ADMINISTRATIVE OFFICER

PUBLIC HEARING held this 13 day of June A.D., 2017.

READ A SECOND TIME this 13 day of June A.D., 2017.

READ A THIRD AND FINAL TIME this 13 day of June 2017.



REEVE


CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

License Fees	Amount
1. Bi annual chicken license fee	\$25.00

Section	Offence	First	Second	Third & Subsequent
s.3.1	Harbouring chicken(s)	\$200.00	\$400.00	\$800.00
s.3.4(a)	Interfere with a Bylaw Enforcement Officer	\$500.00	\$1000.00	\$1500.00
s.3.4(b)	Remove/attempt to remove chicken(s) from a Bylaw Enforcement Officer	\$500.00	\$1000.00	\$1500.00
s.3.4(c)	Refuse to provide identification to Bylaw Enforcement officer	\$500.00	\$1000.00	\$1500.00
s.3.4(d)	Providing false or misleading information to Bylaw Enforcement Officer	\$500.00	\$1000.00	\$1500.00
s.3.4(e)	Fail to license chicken(s)	\$200.00	\$400.00	\$800.00
s.3.4(f)	Harbouring rooster(s) on a residential property	\$100.00	\$200.00	\$300.00
s.3.4(g)	Slaughter of chicken(s) on a residential property	\$100.00	\$200.00	\$300.00
s.3.4(h)	Harbouring more than six (6) chickens on a residential property	\$100.00	\$200.00	\$300.00
s.3.4(i)	Unlawful disposal of dead chicken(s)	\$100.00	\$200.00	\$300.00
s.3.4(j)	Coop not located properly	\$100.00	\$200.00	\$300.00
s.3.4(k)	Fail to maintain a coop in a sanitary condition/good repair	\$100.00	\$200.00	\$300.00
s.3.4(l)	Waste not stored in an enclosed structure or container	\$100.00	\$200.00	\$300.00
s.3.4(m)	Chicken(s) running at large	\$100.00	\$200.00	\$300.00
s.3.4(n)	Coop fails to meet size requirements	\$100.00	\$200.00	\$300.00
s.3.4(o)	Run fails to meet size requirements	\$100.00	\$200.00	\$300.00