

## **Urban Chicken By-law BY-LAW NO. 2020-02**

### **A Bylaw to Regulate the Keeping of Chickens in Urban Areas**

**WHEREAS** under Section 172 (1) (a) of the Municipal Government Act (1998), Council may make by-laws, for municipal purposes, respecting the health, wellbeing, safety and protection of persons;

**AND WHEREAS** under Section 174 (f) of the Municipal Government Act (1998), Council may make by-laws respecting wild and domestic animals and activities in relation to them.

**NOW THEREFORE**, the Council of the Municipality of the Town of Digby in open meeting assembled, enacts as follows:

#### **TITLE**

This By-Law may be cited for all purposes as the "Urban Chicken By-law"

#### **1. Definitions:**

In this By-Law:

- a) **"At Large"** means a hen being outside of its chicken coop;
- b) **"Chicken License"** means a license issued by the Chief Administrative Officer pursuant to this Bylaw authorizing the license holder to keep Urban Chickens on a specific property within an Urban Area;
- c) **"Chief Administrative Officer"** means the Chief Administrative Officer of the Town appointed by Council, or designate.
- d) **"Clerk"** means the clerk of the Town designated by the Chief Administrative Officer;
- e) **"Coop"** means a fully enclosed weather proof structure and attached Outdoor Enclosure used for the keeping of Urban Chickens, that is no larger than 10 m<sup>2</sup> in floor area, and no more than 2.4 metres in height;
- f) **"Council"** means the Council of the Town of Digby.
- g) **"Hen"** means a domesticated female chicken;

## URBAN CHICKEN BY-LAW # 2020-02

- h) **"Municipal Government Act"** means the Municipal Government Act of Nova Scotia (1998) as amended.
- i) **"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;
- j) **"Peace Officer"** means a member of the Royal Canadian Mounted Police; a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town.
- k) **"Rooster"** means a domesticated male chicken;
- l) **"Sell"** means to exchange or deliver for money or its equivalent.
- m) **"Town"** means the Town of Digby, a municipal corporation in the Province of Nova Scotia, and where the context so requires, means the area of land within the corporate boundaries thereof.
- n) **"Urban Chicken"** means a Hen that is at least 16 weeks of age;
- o) **"Urban Area"** means lands located within the Town on which agricultural operations, including but not limited to the keeping of livestock are neither a permitted or discretionary use under the Town's Land Use Bylaw.

### **2. Purpose**

The purpose of this bylaw is to regulate and control the keeping of chickens within the Town of Digby.

### **3. Prohibitions**

In the Town of Digby, 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.

### **4. Chicken Coop License**

- a) A person may apply to keep Urban Chickens by:
  - i. submitting a completed application, on the form approved by the Chief Administrative Officer, (Schedule "B") and
  - ii. paying the required license fee;
  - iii. license fees shall not be reduced or prorated no matter the month of purchase
  - iv. license fees that have been paid shall not be refunded or rebated.
- b) The Chief Administrative Officer or Designate may not issue or renew a Chicken License unless satisfied that:
  - i. 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;

## URBAN CHICKEN BY-LAW # 2020-02

- ii. the applicant resides on the property on which the Urban Chickens will be kept;
  - iii. applicants have advised their neighbours of their intention to obtain a Chicken coop license, prior to submitting the application.
  - iv. the applicable fee has been paid; and
  - v. all required information has been provided.
- c) Only one Chicken Coop License shall be issued for each Property Identification Number (PID)
- d) The Chief Administrative Officer may refuse to grant or renew a Chicken License for the following reasons:
- i. the applicant or license holder does not or no longer meets the requirements of this bylaw for a Chicken License;
  - ii. the applicant or license holder:
    - 1) furnishes false information or misrepresents any fact or circumstance to the Chief Administrative Officer or a Peace Officer;
    - 2) has, in the opinion of the Chief Administrative Officer based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
    - 3) 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;
    - 4) fails to pay any fee required by this or any applicable Bylaw; or
  - iii. in the opinion of the Chief Administrative Officer based on reasonable grounds it is in the public interest to do so.
- e) If the Chief Administrative Officer refuses to grant or renew a Chicken License, the applicant may appeal the refusal to Council within seven days after receiving notice of the refusal, by giving written notice to the clerk who shall notify the Chief Administrative Officer.
- f) A Chicken License is valid only for the period April 1 to March 31 in the year for which it is issued.
- g) A Chicken License is not transferable from one person to another or from one property to another.
- h) A person to whom a Chicken License has been issued shall produce the license at the demand of the Chief Administrative Officer or a Peace Officer.

## URBAN CHICKEN BY-LAW # 2020-02

### 5. Urban Chicken Regulations

- a) A person who keeps Urban Chickens shall:
  - i. Keep no more than six (6) hens on any residential property.
  - ii. All hens must be at least 16 weeks old;
  - iii. provide each Hen with at least 0.37 m<sup>2</sup> of interior floor area, and at least 0.92 m<sup>2</sup> of Outdoor Enclosure, within the Coop;
  - iv. obtain a development permit for the construction of the coop and ensure that each Coop is:
    - 1) located within the rear yard of the lot behind a dwelling;
    - 2) coops are not permitted in any front yard or side yard;
    - 3) a minimum 3.0 m from a dwelling;
    - 4) a minimum 1 metre from any lot line;
    - 5) a minimum 3.6 metres from any street adjacent to the property;
    - and
    - 6) at grade level, no more than 2 metres in height;
    - 7) located at least 15 metres from any school;
    - 8) located at least 7.5 metres from any church or business;
    - 9) minimum distance of 3 metres from all windows and doors of dwellings that are located on abutting properties;
  - v. provide and maintain, in the Coop, at least one nest box per coop and one perch per Hen, that is at least 15 cm long;
  - vi. keep each Hen in the Coop at all times;
  - vii. ensure hens are not to be running “at large”
  - viii. 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;
  - ix. maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
  - x. 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;
  - xi. keep a food container and water container in the Coop;
  - xii. keep the Coop secured from sunset to sunrise;
  - xiii. remove leftover feed, trash, and manure in a timely manner;
  - xiv. store feed within a fully enclosed container, and
  - xv. manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
  - xvi. remove all other manure not used for composting or fertilizing and dispose of same in accordance with Town bylaws;
  - xvii. follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
  - xviii. keep Hens for personal use only.

## URBAN CHICKEN BY-LAW # 2020-02

- b) No person who keeps Urban Chickens shall:
  - i. sell eggs, manure, meat, or other products derived from Hens;
  - ii. slaughter a Hen on the property;
  - iii. dispose of a Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens; and
  - iv. keep a Hen in a cage, kennel, or any shelter other than a Coop.

### **6. License Fees**

- a) The Town Council may set, from time to time, the amount of the annual Chicken Coop License Fee by resolution (Schedule "A")

### **7. Offence and Penalties**

- a) A person who contravenes any provision of this Bylaw is guilty of an offence.
- b) Any person who contravenes any section of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than [\$150] and not more than [\$1,000] and to imprisonment of not more than [3 months] in default of payment thereof.
- c) Each day that a person commits an offence under this By-law constitutes a separate offence.
- d) Any person who contravenes this By-Law and who is given notice of the contravention may pay to the Town, at the place specified in the notice, the sum of [\$250.00] pursuant to Payment In lieu of Prosecution within 14 days of the date of the notice and shall there-by avoid prosecution for that contravention.
- e) A Peace Officer is authorized and empowered to issue a Summary Offense Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

### **8. Obstruction**

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

### **9. Powers of Chief Administrative Officer**

- g) Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:
  - i. carry out any inspections to determine compliance with this Bylaw;
  - ii. take any steps or carry out any actions required to enforce this Bylaw;
  - iii. take any steps or carry out any actions required to remedy a contravention of this Bylaw;
  - iv. establish forms for the purposes of this Bylaw; and
  - v. delegate any powers, duties or functions under this Bylaw to a Town employee.

**URBAN CHICKEN BY-LAW # 2020-02**

**10. General**

- h) Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Town Bylaw, or any requirement of any lawful permit, order or license.

**11. Severability**

- i) 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.

**Clerk's Annotation for Official By-Law Book**

**Date of first reading: August 4, 2020**

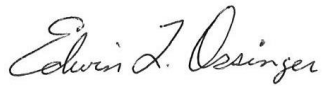
**Date of advertisement of Notice of Intent to Consider: August 21, 2020**

**Date of second reading: September 8, 2020**

**\*Date of advertisement of Passage of By-Law: September 11, 2020**

**Date of mailing to Minister a certified copy of By-Law: September 14, 2020**

**I certify that this TOWN OF DIGBY Urban Chicken By-law was adopted by Council and published as indicated above.**



**CAO**

\_\_\_\_\_  
**E. Thomas Ossinger**

**September 8, 2020**

**Date**

**\* Effective Date of the By-Law unless otherwise specified in the text of the By-Law**

**URBAN CHICKEN BY-LAW # 2020-02**

**Schedule "A"**

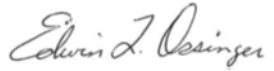
**Chicken Coop License Fees**

Whereas the Council of the Town of Digby has enacted the Town of Digby Urban Chicken By-law # 2020-02;

And Whereas the Council may set, from time to time, the amount of the annual Chicken Coop License Fee by resolution;

Therefore be it resolved that the annual Chicken Coop License Fee be set at \$30.00.

I certify this is a true copy of the resolution of Council on \_\_\_\_\_.



E. Thomas Ossinger, CAO

**URBAN CHICKEN BY-LAW # 2020-02**

**SCHEDULE "B"**  
**Town of Digby**  
**Urban Chicken Coop License Application**  
**License Fee \$30.00 (must accompany application)**

**PROPERTY OWNER INFORMATION:**

|                   |                   |              |
|-------------------|-------------------|--------------|
| NAME:             |                   |              |
| MAIL ADDRESS:     |                   | POSTAL CODE: |
| TELEPHONE: (    ) | FACSIMILE: (    ) | EMAIL:       |

**APPLICANT INFORMATION: (IF DIFFERENT FROM OWNER)**

|                   |                   |              |
|-------------------|-------------------|--------------|
| NAME:             |                   |              |
| MAIL ADDRESS:     |                   | POSTAL CODE: |
| TELEPHONE: (    ) | FACSIMILE: (    ) | E-MAIL:      |

**PROJECT INFORMATION:**

|                           |                |
|---------------------------|----------------|
| PROPERTY PID:             | CIVIC ADDRESS: |
| # OF HENS ( MAXIMUM OF 6) |                |
|                           |                |
|                           |                |

I, \_\_\_\_\_, have been informed that my tenant, \_\_\_\_\_, is making an application to the Town of Digby for an Urban Chicken Coop License and give my consent for this application.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

**I HEREBY DECLARE:**

1. THAT I AM THE OWNER / TENANT OF THE PROPERTY LISTED IN THIS LICENSE APPLICATION.
2. THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND MADE WITH FULL KNOWLEDGE OF ALL CIRCUMSTANCES ASSOCIATED WITH THIS APPLICATION.



**URBAN CHICKEN BY-LAW # 2020-02**

3. I HAVE ADVISED MY NEIGHBOURS OF MY INTENTION TO OBTAIN A URBAN CHICKEN COOP LICENSE AND HAVE ENCLOSED THE EXECUTED NEIGHBOUR NOTIFICATION LETTERS
4. I HAVE ENCLOSED THE APPLICABLE FEE
5. THAT I AGREE TO COMPLY WITH THE BY-LAWS OF THE TOWN OF DIGBY AS THEY RELATE TO URBAN CHICKENS

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NEIGHBOUR NOTIFICATION LETTER**

[DATE]

Attention: [NEIGHBOUR FIRST AND LAST NAME]  
[NEIGHBOUR ADDRESS]

Hello, I am applying to the Town of Digby for a license to keep [#] Urban Chickens on my property. A requirement of the application is to demonstrate that I have notified my neighbours of my intention to keep Urban Chickens. In addition to the notification there are a number of requirements that will be on my license and are as follows:

- The site and coop must be properly maintained to prevent (but not limited to) attracting nuisance animals, the spread of food over the property, and excessive smells or noise
- Manure must be removed, discarded, and /or properly composted to prevent nuisance orders
- An initial inspection of the coop, hens, and site will be conducted prior to final site approval and license being granted from the Town of Digby.

Please kindly sign this letter below and return to me as proof that you have been notified of my application for an Urban Chicken Coop License. This is not indicating you approve of this license but merely that you have been informed. If you have any concerns that I am not able to address, please feel free to contact the Chief Administrative Officer of Bylaw Enforcement officer for the Town of Digby at 902-245-4769.

Thank you.

Sincerely,

[YOUR NAME]  
[YOUR ADDRESS]

I, \_\_\_\_\_, have been informed that my neighbour, \_\_\_\_\_, is making an application to the Town of Digby for a Urban Chicken

**URBAN CHICKEN BY-LAW # 2020-02**

Coop License.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature