

**TOWN OF HAPPY VALLEY-GOOSE BAY
URBAN CHICKEN REGULATIONS, 2021
PUBLISHED BY AUTHORITY**

Whereas the *Municipalities Act, 1999*, SNL 1999, c M-24, section 414 (2) (g), (h), (i) and (j),
authorizes the councils of municipalities to pass regulations with respect to animals;

AND whereas the Town Council considers it advisable to pass such regulations for the purposes
of controlling chickens in the urban area of the community;

Therefore, the Town Council of the Town of Happy Valley-Goose Bay enacts as follows:

SECTION 1: DEFINITIONS

1.1 In these Regulations, unless the context otherwise requires:

- 1.1.1 “Animal Control Officer” means a person appointed by Council to seize and impound chickens and to enforce these Regulations as a Municipal Enforcement Officer pursuant to the *Municipalities Act, 1999*, SNL 1999, c M-24, as amended;
- 1.1.2 “At Large” means a Chicken being outside a Coop between 9 p.m. and 7 a.m. or outside the property boundaries of the owner;
- 1.1.3 “Coop” means a fully enclosed weatherproof building where Chickens are kept and which the interior includes nest boxes for egg laying, perches for the Chickens to sleep on, and food and water containers;
- 1.1.4 “Council” means the Town Council of Happy Valley – Goose Bay;
- 1.1.5 “Impounded” means to seize and hold in custody;
- 1.1.6 “Peace Officer” means a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police, an Animal Control Officer, or a Municipal Enforcement Officer;
- 1.1.7 “Regulations” means these Urban Chicken Regulations;
- 1.1.8 “Run” means a secure enclosure that allows Chickens to access the outdoors; and,
- 1.1.9 “Town” means the Town of Happy Valley – Goose Bay.

SECTION 2: APPLICATION

- 2.1 These Regulations apply to all urban chickens as outlined in 2.3 and to the owners of such animals. These Regulations do not apply to legally-conforming commercial poultry operations as set out in the Town Municipal Plan and Development Regulations.
- 2.2 No person shall keep Chickens anywhere where these Urban Chicken Regulations apply within the Town unless he or she has first obtained an Urban Chicken permit.

- 2.3 Within the urban area of the Town, in the residential, commercial, and mixed zones, the keeping of urban chickens may be permitted as an accessory use, at the discretion of Council, subject to notification of adjacent property owners of such an application. The area of the chicken coop and run(s) shall be calculated as part of the lot coverage.

SECTION 3: ADMINISTRATION

- 3.1 Every application for an Urban Chicken permit, or for the renewal of such a permit, shall be submitted to the Town in the form provided by the Town, together with the permit fee.
- 3.2 A fee will be charged for each Urban Chicken permit in accordance with the Town's Schedule of Fees, as amended.
- 3.3 If, at any time, the Town determines that the operation of a Coop does not conform to the requirements of these Regulations, or the applicable Urban Chicken permit, it may suspend or revoke the permit.
- 3.4 Without derogating from any requirement imposed by a regulation regulating the application and permit process for the construction of buildings or other structures, an application for an Urban Chicken permit shall, with respect to the Coop and Run in which the Chickens are proposed to be kept, housed or confined, include:
- 3.4.1 a scaled and dimensional site plan showing the proposed location of the proposed Chicken coop and associated chicken runs and the distances from the boundaries of the subject property, location of the doorway(s) including Run door, and location of the window(s) of the Coop and/or Run.
- 3.5 On application, but subject to the Town's *Development Regulations*, as amended, which shall prevail in the event of conflict, the Town may issue an Urban Chicken permit where the application complies with the following conditions:
- 3.5.1 the applicant is the owner or tenant in occupation of the subject property on which the Chickens are proposed to be kept;
- 3.5.2 Tenants must obtain permission from the property owner to keep Chickens on the owner's property;
- 3.5.3 The comments of the neighbouring property owners shall be taken into consideration in the review of the application.
- 3.5.4 Coops and Runs shall be of a distance of at least 1 metre from the rear lot line and at least 1 metre from any side lot line of the property on which the Chickens are kept;
- 3.5.5 Coops and Runs shall be a minimum distance of 3 metres from all windows and doors of dwellings that are located on the property on which the Chickens are kept;
- 3.5.6 Coops and Runs are not permitted on any front or side yard, they must be located in the rear yard only;
- 3.5.7 Each Chicken shall have a minimum of 0.37 square metres of Coop floor space and 0.92 square metres of Run space; and,

SECTION 4: OPERATION OF CHICKEN COOP

- 4.1 Every person who holds an Urban Chicken permit shall allow, at any reasonable time, an Animal Control Officer or other authorized employee or agent of the Town, to inspect the property, to determine whether all requirements of these Regulations and any Urban Chicken permit are being complied with.
- 4.2 The following standards apply to determine the number of chickens on a property:
 - 4.2.1 For every 0.4 hectare (with a minimum of 0.4 hectares), 12 chickens are allowed; no roosters shall be allowed); and,
 - 4.2.2 On lots smaller than 0.4 hectares, but greater than 669 m² = 4 chickens, no roosters shall be allowed.
- 4.3 Every person who holds an Urban Chicken permit shall provide consistent, humane care to the Chickens, including, without limitation, care in full accordance with the *Recommended Code of Practice for the Care and Handling of Farm Animals – Chicken, Turkeys and Breeders from Hatchery to Processing Plant*, published by the Canadian Agri-Food Research Council, as amended.
- 4.4 The Town, through its discretion, may attach conditions to an Urban Chicken permit. For greater certainty, an Urban Chicken permit shall be subject to the following conditions:
 - 4.4.1 An Urban Chicken permit shall be clearly displayed in a window of the Chicken Coop;
 - 4.4.2 Chickens shall be kept in their Coops between 9:00pm and 7:00am;
 - 4.4.3 Chickens must be contained at all times in either the Coop or Run or an enclosed backyard;
 - 4.4.4 The sale of eggs, chickens, chicks, manure and other products associated with the keeping of Chickens must comply with Provincial Government regulations and as a home business, the owner shall obtain a Business Licence from the Town;
 - 4.4.5 Coops and Runs shall be maintained in a clean condition and shall be kept free of obnoxious odors, substances, and vermin;
 - 4.4.6 No person shall keep a Chicken that, in the opinion of the Animal Control Officer or Peace Officer, is exhibiting behavior or symptoms of illness that threaten the health and/or safety of persons or animals;
 - 4.4.7 Chickens shall be either destroyed or provided veterinary care when ill;
 - 4.4.8 Any deceased Chickens shall be disposed of either at a veterinarian clinic or a landfill in a sealed bag as per the *Town of Happy Valley-Goose Bay Anti Litter Regulations* and the *Town of Happy Valley-Goose Bay Waste Disposal Regulations*;
 - 4.4.9 Stored manure shall be kept in an enclosed structure, such as a compost bin, and removed according to Provincial Government regulations regarding manure management;

4.4.10 No owner shall cause or permit his or her Chicken to become a public nuisance, including by way of persistently crowing or clucking; and,

4.4.11 Chickens on properties in the zones set out in 2.3 are to be kept for personal use only.

SECTION 5: BEING AT LARGE OR TRESPASSING

5.1 A Chicken may be seized or impounded by a Peace Officer or Animal Control Officer if it is;

5.1.1 at large;

5.1.2 found damaging or destroying private property; or

5.1.3 held in contravention of an Urban Chicken permit, or without a valid Urban Chicken permit.

5.2 Where an owner of a Chicken is not found within five days after the Chicken is Impounded, the Town may, in its discretion, euthanize the Chicken in accordance with the *Animal Protection Regulations*, NLR 35/12, as amended.

5.3 Prior to euthanizing any Chicken, the Town shall make reasonable efforts to find and notify the owner.

5.4 The carcass of any Chicken euthanized pursuant to these Regulations shall be disposed of by burning, burying or the procedure set out in 4.5.8.

SECTION 6: ENFORCEMENT

6.1 Any person who contravenes any of the provisions of these Regulations is guilty of an offence, and is liable on summary conviction to those sentences as available under application legislation.

6.2 It is deemed to be an Offence under the Regulations where:

6.2.1 A Chicken causes damage to any lawn, grass plot, garden, or flower bed or flower, shrub or plant owned by someone other than the owner of the Chicken;

6.2.2 A Chicken crows or clucks persistently in such a manner as to disturb the peace or to constitute an annoyance or nuisance to residents in the neighborhood;

6.2.3 A person interferes with or attempts to interfere with a Peace Officer or Animal Control officer in the exercise of its duties; or,

6.2.4 A person releases a Chicken that has been Impounded without the authority of an Animal Control Officer.

6.3 For the purposes of subsections 6.2.1 and 6.2.2, the owner of the Chicken will be deemed to have committed the offence.

6.4 Every person requested by a Peace Officer or Animal Control Officer shall, on request, forthwith give his/her proper name and address.

EFFECTIVE DATE

These Regulations have been adopted and came into effect on 27 day of April, 2021 through resolution of Council # 7avii

In witness whereof the Seal of the Town of Happy Valley-Goose Bay has been affixed hereto and these Regulations have been signed by the Mayor and the Town Clerk on behalf of Council on the 30 day of April, 2021.

Wally Anderson
Mayor

Nadine MacAuley
Town Clerk