

Zoning Bylaw 2012-20

Consolidated to Bylaw 2016-46

Definitions

“**COOP**” means a structure intended for the keeping of hens.

“**HEN**” means a female domesticated chick or chicken.

6.5 Coops

6.5.1 A coop must include both a walled, roofed structure and an outdoor pen. Any coop must:

- a) be securely enclosed to prevent the escape of hens and the entrance of any other animal;
- b) be no more than 10 m² in floor area;
- c) be no more than 2 m high;
- d) be no less than 1.5 m from any property line
- e) provide at least 0.37 m² of interior floor area per hen
- f) provide at least 0.92 m² of outdoor pen area per hen
- g) provide a floor of any combination of vegetated or bare earth in the outdoor pen area;
- h) provide at least one nest box and perch per hen. Each perch must be at least 15 cm long; and
- i) conform to all other accessory structure regulations.

6.5.2 Coops are only permitted in single detached or duplex housing in the zones specified in Schedule ‘B’ of the Animal Control Bylaw.

6.5.3 Coop regulations in this bylaw do not apply to the RC1 (Country Residential 1) and AG (Agriculture) zones.

Animal Control Bylaw 2001-01

Consolidated to Bylaw 2012-29

DEFINITIONS

“**ANIMAL**” means traditionally domesticated animals including, but not limited to, asses, cattle, cats, dogs, horses, mules, sheep and swine, and for the purposes of the nuisance provisions of this bylaw, shall include hens and roosters.

“**COOP**” means a structure intended for the keeping of hens, the specifications and requirements of which are set out in the Zoning Bylaw.

“**HEN**” means a female domesticated chick or chicken, and for the purposes of this bylaw shall not include ducks, geese, turkeys, pheasants, quail or other poultry or fowl.

“**HEN PERMIT**” means a permit issued under this bylaw which authorizes the keeping of not more than six hens on an urban residential property.

“**POULTRY**” means any bird normally raised for food or egg production and, without limiting the generality of the foregoing, includes chickens, ducks, geese, turkeys, domestically reared grouse, partridge, pheasant or quail.

“**ROOSTER**” means a male domesticated chick or chicken.

APPLICATION FOR A PERMIT TO KEEP HENS

36. A person shall not keep hens in urban residential areas of the City unless that person:

- 1) is the owner of, and resides on, property included in Schedule “B” attached hereto and forming part of this bylaw or, if such person resides on property not owned by him, has written permission from the owner to keep hens on the property;
- 2) makes an application to the City in a format as determined by the Designated Officer and agrees, by providing their written authorization, to the City circulating the application to property owners within three metres on all sides of the applicant’s property;
- 3) acknowledges by written declaration that he has read, understands, and will follow the rules respecting the keeping of hens in the City which shall be included in an information hand-out provided by the Designated Officer; and
- 4) agrees in writing to update the City with any changes to the information included in the application within 72 hours of such change.

REVIEW OF APPLICATION FOR HEN PERMIT AND DECISION

37. Within seven days of receipt of an application for a hen permit, the Designated Officer shall:

- 1) ensure that such application is complete and meets all requirements of the bylaw;
- 2) if such application is not complete, or it contravenes a provision of the bylaw, return the application to the applicant after which the applicant may address such deficiencies and resubmit;
- 3) if such application is complete, and meets all requirements of the bylaw, photocopy such application and provide it to property owners within three metres on all sides of the property;
- 4) include with such application a request for the property owner's consent or refusal to consent to the application, which shall be completed by the property owner and returned to the Designated Officer by mail or in person within 14 calendar days, the failure of which shall deem such property owner to have consented to the application;
- 5) review the application and responses within 14 additional calendar days;
- 6) if all other requirements of the bylaw have been met and at least 60% of the canvassed property owners have consented to the application, approve the application and issue a permit to the applicant; and
- 7) if less than 60% of such property owners have consented to the application, reject the application.

38. Despite any other provision of this bylaw, the decision of the Designated Officer respecting the application for a hen permit is final and binding and shall not be subject to appeal.

39. Despite any other provision of this bylaw, the Designated Officer may refuse to approve an application and issue a permit, or may revoke an existing permit for the keeping of hens, if an applicant or a permit holder has been convicted of, or has outstanding fines for more than one breach of this bylaw relating to the keeping of hens.

KEEPING OF HENS AND COOPS

40. Once a person has obtained a hen permit under this bylaw, such person shall not keep any more than six hens on a property.

- 1) A permit holder may not at any time keep a rooster.

41. A person who keeps one or more hens shall:

- 1) provide a coop which shall be constructed according to the requirements and specifications of the Zoning Bylaw;
- 2) keep each hen in the coop at all times;

- 3) provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
- 4) maintain each coop in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- 5) construct and maintain each coop to prevent any rodent from harbouring underneath or within it, or within its walls, and to prevent entrance by any other animal;
- 6) keep a food container and water container in each coop;
- 7) keep each coop securely closed at all times;
- 8) remove leftover feed, trash, and manure in a timely manner;
- 9) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time unless directed to remove and dispose of such manure sooner by the Designated Officer;
- 10) remove and dispose of all other manure in accordance with the Waste Management Bylaw;
- 11) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- 12) not slaughter, or attempt to euthanize, a hen on the property;
- 13) not dispose of a hen except by delivering it to the pound keeper, or to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; and
- 14) not keep a hen in a cage except when actively transporting the hen off of the property.

POWERS OF DESIGNATED OFFICER REGARDING THE KEEPING OF HENS

42. All provisions of this bylaw relating to the powers of a Designated Officer shall apply to the enforcement of the provisions respecting the keeping of hens including, but not limited to, the power to demand information, the power to enter and inspect property which shall include a coop, and the power to seize and impound an animal which shall include a hen.

SPECIAL PERMITS

49. Save and except for hens, no person shall own any poultry or pigeons in the City except in designated country residential subdivisions as indicated in the City of Whitehorse Zoning Bylaw.

IMPOUNDMENT

71. For the purposes of the impoundment provisions of this bylaw, (1) All provisions of this bylaw relating to impoundment shall apply to the impoundment of hens.

CRUELTY TO ANIMALS

125. With the exception of the destruction of an animal pursuant to this bylaw by a Designated Officer, abattoir or by a licensed veterinarian, no person shall kill, maim, wound, poison, or injure an animal or hen.

126. No person shall place poison in such a position that it may easily be consumed by animals or hens.

127. No person shall cause or permit to be caused, either directly or by neglect, unnecessary pain, suffering or injury to an animal or hen.

128. Notwithstanding any other provision of this bylaw, where a Designated Officer considers it to be in the interest of public safety to do so, he may, with the consent of the owner if the animal or hen is on the owner's property, or without consent if the animal or hen is running at large, forthwith destroy any animal or hen that is in contravention of this bylaw, whether or not such animal or hen is deemed to have an aggressive or vicious temperament.

SCHEDULE "A"

VOLUNTARY FINES

Authority Ticket Description of Offence Penalty

Section 36	Fail to make application to keep hens++	\$75.00
Section 40	Keep more than six hens++	\$75.00
Section 40(1)	Keep a rooster in an urban residential area++	\$75.00
Section 41	Keep hens contrary to Animal Control Bylaw++	\$75.00

SCHEDULE "B"

LIST OF ZONES IN WHICH URBAN HENS ARE PERMITTED

Pursuant to the City of Whitehorse Zoning Bylaw, only single family or duplex housing within the following urban zones shall be permitted to have hens.

1. CM1 – Mixed Use Commercial
2. RD – Residential Downtown
3. RC2 – Country Residential 2
4. RCS – Comprehensive Residential Single Family
5. RCS2 – Comprehensive Residential Single Family 2
6. RCS3 – Comprehensive Residential Single Family 3
7. RS – Residential Single Detached