



**TZEACHTEN FIRST NATION
BACKYARD HENS REGULATION, 2021**



Enacted under the *Dog Licensing and Animal Management Law, 2014*

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Enacted on March 3, 2021

PART 1. NAME

1.1 This Regulation may be cited as the Tzeachten First Nation *Backyard Hens Regulation, 2021*.

PART 2. AUTHORITY

2.1 This Regulation is made pursuant to the *Tzeachten Dog Licensing and Animal Management Law, 2014*.

PART 3. PURPOSE

3.1 The purpose of this Regulation is for the humane and sanitary treatment of hens, and to allow reasonable access to hen keeping for Members of Tzeachten First Nation for sustainable, locally-grown, food and fertilizer in balance with the rights and interests of their neighbours and the surrounding community.

PART 4. WHERE THIS REGULATION APPLIES

4.1 The provisions of this Regulation apply to the whole area of the Reserve and Tzeachten Lands as defined in the *Tzeachten Land Code*.

PART 5. DEFINITIONS

5.1 Unless specifically provided otherwise in this Regulation, the terms used have the same meaning as in the *Tzeachten Land Code* and *Dog Licensing and Animal Management Law, 2014*;

5.2 For the purposes of this Regulation, the following definitions apply:

“Applicant” means a Member who applies, or is applying for, a Tzeachten backyard hen permit;

“Enclosure” means a chicken coop, structure or other building used to keep hens;

“Hen” means a domesticated female chicken that is at least four months old;

“Owner” means any person who owns, is in possession of, or has the care or control of hens; and

"Premises" means a store, office, shop, building, home, warehouse, factory, structure, temporary or permanent stand, yard or other definite area occupied or capable of being occupied by a person, but does not include an Enclosure.

PART 6. PROHIBITIONS AND REQUIREMENTS

6.1 No person shall keep or allow to be kept on any real property or in any Dwelling Unit, Premises or Public Place any Poultry, except as permitted under this Regulation and Tzeachten's *Dog Licencing and Animal Management Law, 2014*, Tzeachten's *Zoning Law*, or any other Law or Regulation, in force from time to time.

6.2 Despite subsection 6.1, any Member who, on the date this Regulation comes into effect is the owner of up to fifteen (15) hens, subject to the rest of this Regulation, is entitled to keep each of these hens until the hen passes away or is no longer in the possession of the Member.

6.3 No person shall keep or allow to be kept on any real property or in any Dwelling Unit, Premises or Public Place any roosters.

6.4 A Member of the Tzeachten First Nation may apply for a backyard hen permit for personal and family needs by submitting an application in the form set out in **Schedule 'A'** of this Regulation to the Tzeachten Lands Office.

6.5 Subject to the discretion of the Lands Manager as set out in a backyard hen permit, based on any reasonable factors including yard size, proposed Enclosure, proximity of neighbours, degree of noise or potential noise, suitability of the zone, etc., individuals with a valid backyard hen permit may keep a maximum number of fifteen (15) hens.

(a) For greater certainty, it is intended that individuals living in a multi-plex unit, townhome or area with little or no private yard space may be limited to zero or a small number of hens.

Hen Keeping Requirements

6.6 A Member who keeps one or more hens must maintain the hens in an Enclosure.

6.7 An Enclosure for keeping one or more hens must be:

- (a) no more than 2 m in height;
- (b) no more than 9.2 m² (100 ft²) floor area;
- (c) located at grade level;
- (d) entirely covered by a roof;
- (e) no less than 3 m from any door or window of any dwelling or Premise of a neighbour;
- (f) situated only in a rear yard or side yard;
- (g) no less than the setback set out in the *Zoning Law*;
- (h) kept in good repair and sanitary condition, free of obnoxious smells and substances; and
- (i) constructed to prevent access by other animals including rodents and other vermin.

6.8 A Member who keeps one or more hens must:

- (a) provide each hen with at least 0.37 m² (approximately 4 square feet) of coop floor area, and at least 0.92 m² (approximately 10 square feet) of roofed Enclosure;
- (b) provide and maintain a floor of any combination of vegetated or bare earth in each outdoor Enclosure;
- (c) provide and maintain, in each Enclosure, per each hen, at least one perch, that is at least 15 cm long, and one nest box;
- (d) keep each hen in the enclosed area at all times;
- (e) 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;
- (f) maintain each hen Enclosure in good repair and sanitary condition, and free animals, including rodents and other vermin and obnoxious smells and substances;
- (g) construct and maintain each hen Enclosure to prevent any animal, including rodents and other vermin 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 each coop;
- (i) keep each coop locked from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
- (l) remove all other manure not used for composting or fertilizing;
- (m) follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- (n) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- (o) not slaughter, or attempt to euthanize, a hen on the property;
- (p) not dispose of any hen except in a humane, safe and healthy manner; and
- (q) not keep a hen in a small cage.

Backyard Hen Permit

6.9 An application for a backyard hen permit under **Schedule 'A'** of this Regulation must contain the information required by the Lands Manager including the following:

- (a) the full name of the Applicant making the application, the site address, a mailing address and a

- telephone number where the Applicant may be contacted;
- (b) where available, the electronic mail (email) address of the Applicant;
 - (c) a sketch or site plan showing the proposed location of the Enclosure in relation to buildings and neighbours;
 - (d) a sketch or plan for the proposed coop or Enclosure;
 - (e) the planned use for the personal and family hen keeping which may include use for food security, sustainability, consumption of locally grown food, or other reasonable use;
 - (f) confirmation that the Applicant will follow all applicable Laws, Regulations and health and safety requirements;
 - (g) without limiting the generality of subsection (e), confirmation that the Applicant will not in any way commercially sell or market eggs, chicken products or manure under the permit, but may sell a small number of eggs from their allowable number of hens;
 - (h) confirmation that the Applicant agrees to own no roosters and no more than the number of hens set out in their permit; and
 - (i) waiver of liability against the Tzeachten First Nation and its employees and representatives for any potential injury, accident, death or damage that may occur in relation to activities under the permit.

6.10 An application for a backyard hen permit must include the required fee which unless otherwise stated or prescribed is \$20 for the permit (not the number of chickens).

Term of permit

6.11 Unless suspended, shortened or cancelled under this Regulation, a backyard hen permit shall be for a term of two (2) years.

6.12 A backyard hen permit may be renewed at the discretion of the Lands Manager, upon written request by the Applicant.

PART 7. ENFORCEMENT

Offences and Penalties

- 7.1 Every person who violates any provision of this Regulation, or who allows or permits any act or thing to be done in violation of any provision of this Regulation, or who neglects to or refrains from doing anything required to be done by any provision of this Regulation, is guilty of an offence against this Regulation and each day that a violation continues to exist is deemed to be a separate offence against the Regulation.
- 7.2 Every person who commits an offence against this Law shall be liable upon summary conviction to a fine of not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00).

Tickets

- 7.3 An Animal Control Officer has the authority to issue tickets under the *Tzeachten First Nation Enforcement and Ticketing Law, 2012* to any person who has contravened this Regulation and:
- (a) unless otherwise stated, the ticket fine is \$200, and

- (b) any such ticket is separate from and in addition to any other fees or penalties set out in this Regulation.

Orders

- 7.4 Council, the General Manager, or the Lands Manager may make any order necessary to ensure fulfillment of the purposes of this Regulation and compliance with this Regulation including, but not limited to:
- (a) an order to suspend, shorten or terminate a permit;
 - (b) a compliance order;
 - (c) an order to remove Poultry from within any one property or Premises;
 - (d) an order to reduce the number of hens within any one property or Premises;
 - (e) an order to repair damage; and
 - (f) any related order

PART 8. LEGAL

Severability

- 8.1 If a Court of competent jurisdiction holds any portion of this Regulation invalid, such invalidity shall not affect the remaining portions of the Regulation.

PART 9. COMING INTO FORCE

Date Regulation Comes into Force

- 9.1 This Regulation shall come into force and effect on the date it is enacted.

BE IT KNOWN that this Regulation entitled the *Tzeachten First Nation Backyard Hens Regulation, 2021* is hereby enacted on March 3, 2021.



Chief Derek Epp



Councillor Loren Muth

Councillor Anthony Malloway

Councillor Melvin Williams, Jr.



Councillor Sandra Pederson

A quorum consists of 3 Council Members

SCHEDULE "A"
APPLICATION FOR BACKYARD HEN PERMIT

1. Contact Information

Last name: _____	First name: _____
Member #: _____	
Mailing Address: _____	
Location of proposed enclosure (if different from mailing address): _____	
Telephone #: _____	Email: _____

2. Yard size: _____

3. Proposed enclosure size: _____

4. A sketch or site plan of the proposed enclosure/ coop is required as part of the application for a permit.
Sketch/ site plan attached? ___ yes, ___ no.

5. Number of hens requested to be kept: _____.

6. Planned use for personal and family hen keeping including (check all that apply):
 food security
 sustainability
 consumption of locally grown food
 other reasonable use: _____

I confirm that by signing this application that I agree to follow the Tzeachten Land Code and all Tzeachten laws and regulations, and I have read, and understand and agree to the following:

Confirmation of Responsibilities and Waiver of Liability

If I am issued a backyard hen permit:

- (a) I will follow all applicable Laws, Regulations and health and safety requirements for the use of personal and family hen keeping;
- (b) I will not in any way commercially sell or market eggs, chicken products or manure under the permit, but I may sell a small number of eggs from my allowable number of hens; and
- (c) I agree that I will not own roosters and I will own no more than the number of hens set out in my backyard hen permit.

I waive all liability against the Tzeachten First Nation and its employees and representatives for any potential injury, accident, death or damage that may occur in relation to activities under the backyard hen permit.

_____, 2021
Date

Signature of Applicant