

BYLAW 1508/20
ANIMAL CONTROL BYLAW
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF CONTROLLING ANIMALS IN STURGEON COUNTY

WHEREAS, the Council of Sturgeon County (Council) may, pursuant to the *Municipal Government Act* (MGA), RSA 2000 c. M-26 and amendments thereto, establish a bylaw respecting wild and domestic animals and activities in relation to them and the enforcement of bylaws made under this or any other enactment; and

WHEREAS, Council has deemed it desirable to put into effect a process whereby the control of domestic and wild animals can be enforced to ensure the safety, health, and welfare of people and animals;

NOW THEREFORE, the Council of Sturgeon County, hereby enacts as follows:

1. Short Title

1.1 This bylaw may be cited as the “Animal Control Bylaw”.

2. Definitions

2.1 “*Animal Health Act*” means the *Animal Health Act* (AHA), SA 2007, c. A-40.2 including regulations under the statute;

2.2 “*At Large*” means any animal herein defined that is on any place other than the property of the animal owner and while on such place is not restrained and or under effective control;

2.3 “*Bylaw Enforcement Officer*” means a Bylaw Enforcement Officer or a Peace Officer appointed by the County pursuant to the *Municipal Government Act* (MGA), RSA 2000 c. M-26, and amendments thereto, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police;

2.4 “*Communicable Diseases*” means an illness due to a specific infectious (biological) agent or its toxic products capable of being directly or indirectly transmitted from man to man, from animal to man, from animal to animal, or from the environment (through air, water, food, etc..) to man;

2.5 “*Coop*” means a fully enclosed, weatherproof structure and attached outdoor chicken run utilized for the keeping of chickens;

2.6 “*County*” means Sturgeon County;

2.7 “*County Commissioner*” means the Chief Administrative Officer of Sturgeon County;

2.8 “*Fowl*” means a bird of any kind including domestic and exotic birds;

2.9 “*Hen Box*” means a box within a coop for the nesting of Hens;

-
- 2.10 “*Hen Keeper*” means a person having any right of custody, control, or possession of an Urban Hen(s);
- 2.11 “*Land Use Bylaw*” means Sturgeon County Bylaw 1385/17 as amended or replaced from time to time;
- 2.12 “*Livestock*” means those animals listed in Section 7 of this bylaw;
- 2.13 “*Nuisance*” mean any Fowl, Poultry, or Livestock, that poses a health and or safety threat to an individual, property, or to the community at large by reason of:
- 2.13.1 accumulated animal waste;
 - 2.13.2 accumulation of material contaminated by animal waste;
 - 2.13.3 disposal of animal waste;
 - 2.13.4 disposal of material contaminated by animal waste;
 - 2.13.5 threat to public safety;
- 2.14 “*Obstruction*” means the hindrance of any person or persons appointed to enforce the provisions of this bylaw, in the performance of any duty authorized by this bylaw;
- 2.15 “*Offspring*” means the progeny of any Livestock while depending on its parents for the necessities of life, which, without limiting the generality of the foregoing, shall mean the progeny under the age of 6 months of any Livestock.
- 2.16 “*Owner*” means any person, partnership, association, or corporation:
- a) owning, possessing, or having charge or control over any animal; or
 - b) harboring any animal; or
 - c) suffering or permitting any animal to remain about the Owner’s house, premises or lands;
- 2.17 “*Permitted Parcel*” means a parcel of land permitted to have chicken(s) on it in accordance with this bylaw;
- 2.18 “*Poultry*” means domestic birds kept in captivity for the production of eggs meat and other by-products;
- 2.19 “*Premises Identification Number*” (PID) means a nine-character combination of numbers and letters issued by the Province of Alberta to the provisions of the *Animal Health Act*, as amended or replaced from time to time, to owners of livestock;
- 2.20 “*Rooster*” means a male chicken;
- 2.21 “*Urban Hen*” means a female chicken;
- 2.22 “*Violation Ticket*” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000 c. P-34, as amended, and regulations thereunder;
- 2.23 “*Wildlife*” means big game, birds of prey, fur-bearing animals, migratory game birds non-game animals, non-licence animals and upland game birds, and includes any hybrid offspring resulting from the crossing of two (2) wildlife animals.

3. Exemptions

3.1 This bylaw shall not apply to the following:

3.1.1 Property located within the municipal boundaries of the County districted by the County Land Use Bylaw as:

- a) AG- Agriculture;
- b) RE- Resource Extraction;
- c) I5- Heavy Industrial – Heavy District;
- d) I3- Medium Industrial – Unserviced District;
- e) I2- Local Industrial;
- f) I1- Rural Industrial;
- g) I4- Medium Industrial Serviced District;
- h) PUL-Public Utility Lot; or
- i) AJ- Alternative Jurisdiction.

3.1.2 Ownership of domestic dogs and cats.

4. Nuisance and Running at Large

4.1 Subject to the provisions of section 2 of the *Agricultural Operation Practices Act*, RSA 2000, c. A-7, as amended, any person who keeps or harbors any Livestock, Poultry or Fowl, herein defined, within the municipal boundaries of the County in such a manner that a Nuisance, as defined in this bylaw, is created, is guilty of an offence.

4.2 Any person who is the owner of any Livestock, Poultry or Fowl herein defined, is guilty of an offence if his/her animal is At Large within the municipal boundaries of the County.

4.3 Nothing in this bylaw shall preclude the operation of the *Alberta Stray Animals Act*, RSA 2000, S-20, as amended from time to time, or the operation of any applicable Alberta legislation.

5. Urban Hens

5.1 Hen Keepers must keep a minimum of three (3) hens and shall not exceed six (6) hens per site;

5.2 Hen Keepers must comply with all Provincial regulations around the keeping of Urban Hens;

5.3 Hen Keepers must register their flocks into the Provincial database and obtain a Premise Identification (PID) number;

5.4 No Owner or Hen Keeper shall keep a Rooster;

5.5 Each Urban Hen must always be kept in the coop; hens are not permitted to be At Large;

5.6 Coops must be built to Provincial standards and meet all requirements for accessory buildings under the Land Use Bylaw;

5.7 Coops must be maintained in good repair and sanitary condition, free from vermin and noxious or offensive smells and substance; and

5.8 Egg production is for self-consumption. No sale of eggs is permitted.

- 5.9 Residents keeping urban hens are required to advise Sturgeon County Protective Services, Animal Control, and shall provide the address, location of the coop, and their assigned Premises Identification (PID) Number.
- 5.10 Hen Keepers shall make themselves available and their coops available for inspection on a reasonable request from provincial authorities and/or Sturgeon County Protective Services, Animal Control.

6. Property Animal Restrictions

- 6.1 It is prohibited to have Livestock, Poultry, Fowl or Urban Hens on property districted by the County Land Use Bylaw as:
- a) R5 – Multi Family;
 - b) R6 – Modular Dwellings;
 - c) AP – Airport;
 - d) RVS – Recreational Vehicle Storage;
 - e) C1 – Highway Commercial;
 - f) C2 – Local Commercial; or
 - g) C3 – Neighbourhood Commercial.
- 6.2 Persons residing on a parcel or property districted as one of the following:
- a) R1 – Country Residential;
 - b) R3 – Hamlet Unserviced;
 - c) R4 – Hamlet Serviced;
 - d) HR – Hamlet Reserve;
 - e) POS – Public Open Space;
 - f) REC – Recreational;
 - g) INS – Institutional; or
 - h) DC – Direct Control

and having a titled area **less than 1.0 ha (2.47) acres**, or parcels or property districted R2 – Country Residential Estate are not permitted to have Livestock, Poultry or Fowl, except for Urban Hens.

7. Animal Livestock Allowance

- 7.1 Persons residing on a parcel or property districted as one of the following:
- a) R1 – Country Residential;
 - b) R3 – Hamlet Unserviced;
 - c) R4 – Hamlet Serviced;
 - d) HR – Hamlet Reserve;
 - e) POS – Public Open Space;
 - f) REC – Recreational;
 - g) INS – Institutional; or
 - h) DC – Direct Control Districts

and having a titled area **greater than 1.0 ha (2.47) acres**, are permitted to have Livestock, Poultry or Fowl in accordance with numbers permitted in 7.2.

7.2 The number of Livestock, Poultry or Fowl permitted on a parcel or property in section 7.1 are not to exceed the following numbers:

Parcel Size		Maximum Number of Animals or Bird Unit
• 1.0 – 1.2 ha	(>2.47 – 2.97 ac)	3
• >1.2 – 1.6 ha	(>2.97 – 3.95 ac)	3
• >1.6 – 2.0 ha	(>3.95 – 4.94 ac)	4
• >2.0 – 2.4 ha	(>4.94 – 5.93 ac)	4
• >2.4 ha	(10 ac plus)	10

For the purpose of this bylaw, “one animal or bird unit” means:

- 1 horse/colt, donkey, mule, or ass = 1 unit, or
- 2 colts up to one year old, or
- 1 cow/steer, oxen = 1 unit, or
- 2 calves up to one year old, or
- 10 ducks, turkeys, chickens, pheasants, geese or other similar fowl = 1 unit, or
- 2 sheep, goats, or ewes = 1 unit, or
- 5 llama, or 5 alpaca = 1 unit, or
- 10 rabbits or chinchillas = 1 unit, or
- 5 ostrich, or 5 emus = 1 unit, or
- 1 pig = 1 unit, and
- 2 piglet (s), up to one year old = 1 unit.

7.3 It is prohibited to raise and or possess any Wildlife on private property unless permitted to do so through the Provincial Fish and Wildlife Department.

7.4 Other types of animals not listed above or animal operations of a size in excess of those listed above may be considered on a discretionary use basis upon the issuance of a development permit.

7.5 Section 7.2 herein shall not apply to the Offspring of Livestock.

8. Communicable Diseases Related to Animals

8.1 An owner of an animal which is suffering from a communicable disease:

- a) Shall not permit the animal to be in a public place;
- b) Shall not keep the animal in contact with or in proximity to any other animal free of such disease;
- c) Shall keep the animal locked or tied up;
- d) Shall immediately report the matter to the Veterinarian Inspector of Health of Animal Branch of the local office of the federal Department of Agriculture, and Sturgeon County Protective Services.

9. Obstruction of Bylaw Enforcement Officer

9.1 No person shall obstruct a Bylaw Enforcement Officer appointed to enforce the provisions of this bylaw, in the performance of any duty authorized by this bylaw.

10. Penalties

10.1 Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A", herein.

11. Violation Tickets

11.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000 c. P-34 to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

11.2 A Violation Ticket may be issued to such person:

11.2.1 Either personally; or,

11.2.2 By mailing a copy to such person at their last known postal address.

11.3 The Violation Ticket shall state:

11.3.1 The name of the person committing the offence;

11.3.2 The offence;

11.3.3 The appropriate penalty for the offence as specified in Schedule "A" of this bylaw; and,

11.3.4 Any other information, as may be required.

11.4 Where a contravention of this bylaw is of a continuing nature, further Violation Tickets may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Ticket shall be issued for each day that the contravention continues.

11.5 Nothing in this bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this bylaw.

12. Existing Rights Affected

12.1 The terms and provisions of this bylaw shall apply with respect to any and all rights, interests, and property, both real and personal, existing both prior and subsequent to the date of the enactment of this bylaw.

13. Repeal and Replacement

13.1 Bylaw 952/02 and any amendments thereto are hereby repealed.

14. Effective Date

14.1 This bylaw shall come into force upon being passed.

Read a first time this 30th day of June, 2020.

Read a second time this 8th day of September, 2020.

Read a third time this 27th day of October, 2020.

"Original Signed"

Alanna Hnatiw
MAYOR

"Original Signed"

Reegan McCullough
COUNTY COMMISSIONER

October 28, 2020

DATE SIGNED

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

Schedule "A"
OFFENCES AND PENALTIES

OFFENCE	FIRST OFFENCE PENALTY	SECOND AND SUBSEQUENT OFFENCE PENALTY
4. Nuisance Animals	\$200.00	\$400.00
5.1 Keeping more or less hens than permitted	\$150.00	\$300.00
5.2 Fail to comply to Provincial Regulations	\$150.00	\$300.00
5.3 Fail to obtain Premise Identification Number	\$150.00	\$300.00
5.4 Have Rooster on site	\$150.00	\$300.00
5.5 Hens at large	\$200.00	\$400.00
5.6 Fail to meet conditions of accessory buildings under the Land Use Bylaw	\$200.00	\$400.00
5.7 Fail to maintain repair/sanitary conditions	\$200.00	\$400.00
5.8 Selling Eggs	\$150.00	\$300.00
5.9 Fail to advise County of address, location and PID Number	\$150.00	\$300.00
5.10 Fail to make themselves and coops available for inspection	\$150.00	\$300.00
6. Keeping of Livestock in restricted area	\$200.00	\$400.00
7.2 Exceeding number of permitted units / animals	\$200.00	\$400.00
7.3 Raising and or Possessing Wildlife	\$200.00	\$400.00
8.1 Communicable Disease, allowing animal in public	\$200.00	\$400.00

OFFENCE	FIRST OFFENCE PENALTY	SECOND AND SUBSEQUENT OFFENCE PENALTY
8.2 Communicable Disease, keeping animal in contact with or proximity to any other animal	\$200.00	\$400.00
8.3 Communicable Disease, failing to keep animal locked or tied up	\$200.00	\$400.00
8.4 Communicable Disease, failing to report	\$200.00	\$400.00
9. Obstruct Bylaw Enforcement Officer	\$1,000.00	\$1,500.00

Second and subsequent offence fines shall apply when committed within the twelve (12) month period. The fines charged for the second offence shall also apply for any subsequent offences.