

BYLAW 952/02

ANIMAL CONTROL BYLAW

STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 952/02 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSES OF CONTROLLING ANIMALS IN STURGEON COUNTY.

WHEREAS, Council may, pursuant to the Municipal Government Act, R.S.A. 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, the proposed bylaw shall be advertised in the September 2, 2002 and the September 9, 2002 editions of the Redwater Review and Gibbons Free Press; and

WHEREAS, a Public Hearing shall be held at 10:00 a.m. on September 24, 2002 in the Sturgeon County Centre; and

WHEREAS, the Council of Sturgeon 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 BE IT RESOLVED, that the Council of Sturgeon County, hereby enacts as follows:

1. Short Title

1.1 This bylaw may be cited as “Sturgeon County Animal Control Bylaw 952/02”.

2. Definitions

2.1 “At Large” shall mean any animal herein defined that is on any place other than the property of the animals owner and while on such place is not restrained and or under effective control.

2.2 “Controlled Animal” shall mean an animal of a kind prescribed as such pursuant to the *Wildlife Act*, R.S.A. 2000, c. W-10 and its regulations.

2.3 “County” shall mean Sturgeon County.

2.4 “County Land Use Bylaw” shall mean Sturgeon County Bylaw 819/96 as amended.

2.5 “County Bylaw Enforcement Officer” shall mean a Bylaw Enforcement Officer or a Special Constable appointed by the County pursuant to the Municipal Government Act, R.S.A. 2000, as amended, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police.

2.6 “County Commissioner” means the Commissioner of Sturgeon County.

- 2.7 “Dog” shall mean either the male or female of any domesticated canine species.
- 2.8 “Domestic Pet” shall mean those animals or birds excepting livestock or poultry, which are kept indoors.
- 2.9 “Fowl” shall mean a bird of any kind including domestic and exotic birds.
- 2.10 “Large Controlled Animals and Wildlife” shall mean Controlled Animals and Wildlife (as defined pursuant to the Wildlife Act, S.A. 1984, c. W-9-.1, as amended and Regulations there under, as amended from time to time) exceeding 18.14 kilograms (40 pounds) in weight.
- 2.11 “Livestock” shall mean horses, cattle, swine, donkeys, mules, oxen, Large Controlled Animals and Wildlife, sheep, goats, Medium controlled animals and Wildlife and fur-bearing animals raised in captivity for pelts.
- 2.12 “Medium Controlled Animals and Wildlife” shall mean exotic animals and wildlife (as defined pursuant to the Wildlife Act, S.A. 1984, c. W-9-.1, as amended and Regulations there under, as amended from time to time) exceeding 9.07 kilograms (20 pounds) but equal to or less than 18.14 kilograms (40 pounds) in weight.
- 2.13 “Nuisance” shall mean any Fowl, Poultry, Livestock, or Controlled Wildlife 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” shall mean 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” shall mean the progeny of any Livestock while depending upon its parents for the necessities of life, which, without limiting the generality of the foregoing shall mean the progeny under the age of six months of any Livestock.
- 2.16 “Owner” shall mean any person, partnership, association or corporation:
- a) owning, possessing or having charge or control over any animal; or
 - b) harbouring any animal; or

c) suffering or permitting any animal to remain about the Owner's house, premises or lands.

2.17 "Poultry" shall mean domestic birds kept in captivity for the production of eggs meat and other by-products.

2.18 "Small Controlled Animals and Wildlife" shall mean Controlled Animals and Wildlife (as defined pursuant to the Wildlife Act, S.A. 1984, c. W-9-.1, as amended and Regulations there under, as amended from time to time) weighing 9.07 kilograms (20 pounds) or less in weight.

2.19 "Violation Ticket" shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended, and regulations there under.

2.20 "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 2 wildlife animals.

3. Exemptions

3.1 Except for Section 5 and Section A.1.4 of Schedule A this Bylaw shall not apply to the following:

3.1.1 Property located within the municipal boundaries of the County which are greater than 1.0 Hectare in size and districted by the County Land Use Bylaw as;

- a) AG – Agriculture
- b) A-NC – Agriculture-Nature Conservation
- c) AG-CVA – Calahoo Villeneuve Area
- d) AG-NGE – No Gravel Extaction
- e) G.E. Gravel Extraction
- f) I-H Industrial – Heavy District
- g) I-R Industrial – Rural District
- h) IMF-A – Intermunicipal Fringe District "A"
- i) IMF-B – Intermunicipal Fringe District "B"
- j) UF - Urban Fringe District

4. Animal Regulation

4.1 Subject to Section 4.2 herein, and subject to any non-conforming land use presently allowed by the County Land Use Bylaw, any person who keeps or harbours any Livestock to which this bylaw applies in contravention to the provisions of Schedule "A", herein, is guilty of an offence.

4.2 Section 4.1, herein shall not apply to the Offspring of Livestock.

5. Nuisance and Running at Large

- 5.1 Subject to the provisions of Section 2 of the Agricultural Operation Practices Act, R.S.A. 2000, c. A-7, as amended, any person who keeps or harbours 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
- 5.2 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.
- 5.3 Notwithstanding the provisions of Section 5.2, herein, nothing in this Bylaw shall preclude the operation of the *Alberta Stray Animals Act*, R.S.A. 1980, c. S-23 as amended from time to time, or the operation of any applicable Alberta legislation.

6. Penalties

- 6.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule “B”, herein.
- 6.2 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

7. Violation Tickets

- 7.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1998, c. P-21.5 to any person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.2 A Violation Ticket may be issued to such person:
- 7.2.1 Either personally; or
- 7.2.2 By mailing a copy to such person at their last known postal address.
- 7.3 The Violation Ticket shall state:
- 7.3.1 The name of the person committing the offence;
- 7.3.2 The offence;
- 7.3.3 The appropriate penalty for the offence as specified. In Schedule “B” of this Bylaw;
- 7.3.4 Any other information, as may be required.

- 7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by the County Bylaw Enforcement Officer, provided that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- 7.5 Where a Violation Ticket is issued pursuant to this Bylaw, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Ticket.
- 7.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

8. Existing Rights Affected

- 8.1 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.

9. Severability Provision

- 9.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

10. Effective Date

- 10.1 This Bylaw shall come into force upon third and final reading.

11. Repeal and Amendment

- 11.1 This Bylaw repeals Section 6.21 of Sturgeon County Land Use Bylaw 819/96 as amended.
- 11.2 Schedules “A” and “B” of this Bylaw may be amended from time to time by resolution of Council and any such amendment shall form part of this Bylaw.

Schedule “A”

A.1. Livestock

A.1.1 No person shall keep or harbour any Livestock, Poultry or Fowl on property located within the municipal boundaries of the County which are districted by the County Land Use Bylaw as:

- a) CR-2 Country Residential-Two
- b) HR Hamlet Residential
- c) HC Hamlet Commercial
- d) HWYC Highway Commercial
- e) AP Airport

A.1.2 No person shall keep or harbour any Livestock, Poultry or Fowl on property located within the municipal boundaries of the County which are:

- a) Districted by the County Land Use Bylaw as CR-1 Country Residential-One
- b) Parcels less than 1.0 Hectare and districted by the County’s Land Use Bylaw as AG Agriculture

in excess of the following numbers:

I	Parcel Size	Maximum Number of Animals or Bird Unit
(a)	1.0 – 1.2 ha (>2.47 – 2.97 ac)	1
(b)	>1.2 – 1.6 ha (>2.97 – 3.95 ac)	2
(c)	>1.6 – 2.0 ha (>3.95 – 4.94 ac)	3
(d)	>2.0 – 2.4 ha (>4.94 – 5.93 ac)	4
(e)	>2.4 ha (10 ac plus)	5

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

II

- (a) 1 horse, donkey, mule or ass (over one year old) or
- (b) 2 colts up to one year old, or
- (c) 1 cow or steer (over one year old), or
- (d) 2 calves up to one year old, or
- (e) 1 oxen
- (f) 10 ducks, turkeys, chickens, pheasants, geese or other similar fowl, or
- (g) 2 sheep, goats or ewes, or
- (h) 5 llama, or 5 alpaca, or
- (i) 10 rabbits or chinchillas, or
- (j) 5 ostrich (adults), 10 young birds, or
- (k) 10 emus (adults), 20 young birds, or
- (l) 1 large controlled wildlife, over one year old, or
- (m) 2 large controlled wildlife, up to one year old, or

- (n) 5 medium controlled wildlife, or
- (o) 10 small controlled wildlife

Maximum numbers shall be calculated on the basis that only one animal falling within the category of Livestock shall be counted with respect to a given area of land (calculated in hectares).

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.

A.1.3 In any Hamlet, CR-1 or CR-2 district the total number of Domestic Pets and Dogs per lot shall not exceed a total of 4 of which not more than 3 shall be dogs.

A.1.4 In an Agricultural or Intermunicipal Fringe district, as defined in Sturgeon County Land Use Bylaw, the maximum number of Dogs allowed shall be 3. The keeping of more than 3 dogs will be considered as a discretionary use and shall require a development permit in accordance with Section 6.22 of the Sturgeon County Land Use Bylaw as amended.

Schedule "B"**B.1 Offences and Penalties**

B.1.1 Table of Offences and Penalties

	Offence	1 st Offence	2 nd & Subsequent Offences
A.1.1	Keeping of Livestock in restricted area.	\$50.00	\$100.00
A.1.2	Exceeding number of animals	\$100.00	\$200.00
A.1.3	Exceeding number of dogs in Hamlet, CR-1 and CR-2	\$50.00	\$100.00
A.1.4	Exceeding number of dogs in AG	\$50.00	\$100.00
2.14	Obstruction	\$50.00	\$100.00
5.1	Nuisance	\$100.00	\$200.00
5.2	At Large	\$50.00	\$100.00

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

Moved by Councillor Kolesar, Bylaw 952/02 be given first reading this 27th day of August, 2002.

CARRIED

MAYOR

COUNTY COMMISSIONER

Moved by Councillor Hinteregger, Bylaw 952/02 be given second reading this 22nd day of October, 2002.

CARRIED

Moved by Councillor Oberg, Bylaw 952/02 be given third reading this 22nd day of October, 2002.

CARRIED

MAYOR

COUNTY COMMISSIONER