

BYLAW 18-2011

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING ANIMALS WITHIN THE MUNICIPAL BOUNDARIES OF STRATHCONA COUNTY.

WHEREAS It is deemed advisable to regulate animals within the municipal boundaries of Strathcona County;

NOW THEREFORE, THE COUNCIL OF STRATHCONA COUNTY, in the Province of Alberta, duly assembled enacts as follows:

SECTION 1 - SHORT TITLE

- 1.1 This Bylaw may be cited as Strathcona County "Animal Control Bylaw".

SECTION 2 - DEFINITIONS

- 2.1 "Act" means the Wildlife Act, RSA 2000, c. W-10 and regulations made thereunder, as amended or replaced from time to time.
- 2.2 "Adjacent" means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right of way, power line, railway or similar feature.
- 2.3 "Animal" means any live creature, both domestic and wild, and includes fowl, fish and reptiles, but does not include humans or dogs.
- 2.4 "Animal Unit" means
 - 2.4.1 one bison, horse, cattle, swine, donkey, mule, oxen or Large Controlled Animal and Wildlife; or
 - 2.4.2 two sheep, goats, or Medium Controlled Animals and Wildlife.
 - 2.4.3 Twenty (20) Poultry or Small Controlled Animal and Wildlife
- 2.5 "County" means Strathcona County.
- 2.6 "County Bylaw Enforcement Officer" means a Bylaw Enforcement officer appointed by the County pursuant to the Municipal Government Act, RSA 2000, c. M-26, as amended, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Peace Officer.
- 2.7 "Director" means the Director of the County Transportation and Agriculture Services Department or his designate.

- 2.8 "Dog" means either the male or female of any domesticated canine species.
- 2.9 "Dog Control Bylaw" means the County's Dog Control Bylaw 45-2002, as amended or replaced from time to time.
- 2.10 "Fowl" means a bird of any kind except wild birds and poultry, and which, without limiting the generality of the foregoing shall include domestic and exotic birds.
- 2.11 "Hamlet" means and includes all lands located within the Hamlets in the County: Antler Lake, Ardrossan, Collingwood Cove, Half Moon Lake, Hastings Lake, Josephburg, North Cooking Lake, South Cooking Lake and Sherwood Park.
- 2.12 "Land Use Bylaw" means the County's Land Use Bylaw 8-2001, as amended or replaced from time to time.
- 2.13 "Large Controlled Animals and Wildlife" means Controlled Animals and Wildlife as defined pursuant to the Act and exceeding 18.14 kilograms (40 pounds) in weight.
- 2.14 "Livestock" means bison, horses, cattle, swine, donkeys, mules, oxen, Large Controlled Animals and Wildlife, sheep, goats, Medium Controlled Animals and Wildlife.
- 2.15 "Medium Controlled Animals and Wildlife" means Controlled Animals and Wildlife as defined pursuant to the Act and exceeding 9.07 kilograms (20 pounds) but equal to or less than 18.14 kilograms (40 pounds) in weight.
- 2.16 "Nuisance" means any Fowl, Poultry, Livestock or Other Animals, which by reason of:
 - 2.16.1 accumulation of animal waste;
 - 2.16.2 accumulation of material contaminated by animal waste;
 - 2.16.3 disposal of animal waste;
 - 2.16.4 disposal of material contaminated by animal waste;
 - 2.16.5 trespass upon property;
 - 2.16.6 threat to public safety, or
 - 2.16.7 noise

is, in the opinion of a County Bylaw Enforcement Officer and having regard for all circumstances, injurious or obnoxious or likely to unreasonably to injure, endanger or detract from the comfort, repose, health, peace or safety of persons or property within the boundary of the County.

- 2.17 "Offspring" means the progeny of any Livestock while dependent upon its parents for the necessities of life, and which, without limiting the generality of the foregoing shall mean progeny under the age of six months.
- 2.18 "Other Animals" means animals commonly known as domestic pets and Small Controlled Animals and Wildlife as defined pursuant to the Act but shall not include Livestock as defined in Section 2.8 herein or dogs.
- 2.19 "Over-limit Permit" means a permit, and is issued to an Owner pursuant to Section 5 of this Bylaw permitting the keeping or harbouring on land or premises by an Owner of Livestock in excess of the number permitted pursuant to Section 4 of this Bylaw.
- 2.20 "Owner" means any person, partnership, association or corporation owning, possession or having charge of or control over any Animal.
- 2.21 "Poultry" means domestic or wild birds raised for the production of eggs, meat and/or other by-products.
- 2.22 "Small Controlled Animals and Wildlife" means Controlled Animals and Wildlife as defined pursuant to the Act and weighing 9.07 kilograms (20 pounds) or less.
- 2.23 "Violation Tag" means a tag or similar document issued by the County pursuant to the Municipal Government Act, RSA 2000, c. M-26, as amended.
- 2.24 "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.

SECTION 3 – APPLICABILITY OF BYLAW

- 3.1 Nothing in this Bylaw shall be construed to apply to dogs within Strathcona County or to supercede the provisions of the Strathcona County Dog Control Bylaw 45-2002, as amended or replaced from time to time.
- 3.2 The provisions of Section 4 and 6 of this Bylaw shall not apply to property located within the municipal boundaries of the County which are classified by the Land Use Bylaw as follows:

- 3.2.1 Agriculture: Future Development (AD) where a parcel of land is not within the boundary of a Hamlet
- 3.2.2 Agriculture: Future Development (AD) where a parcel of land is within the boundary of a Hamlet and the parcel is greater than or equal to 10 hectares (24.7 ac.) in area
- 3.2.3 Agriculture: General (AG)
- 3.2.4 Agriculture: River Valley (AR)
- 3.2.5 Agri-business (IA)
- 3.2.6 Heavy Industrial (IH)
- 3.2.7 Medium Industrial (IM)
- 3.2.8 Rural Residential/Agriculture (RA) where a parcel of land is greater than or equal to 8 hectares (20 ac.) in area

SECTION 4 - ANIMAL REGULATION

- 4.1 Subject to any non-conforming land use presently allowed by the Land Use Bylaw or an Over-Limit Permit issued pursuant to Section 5 of this Bylaw, any person who keeps or harbours any Livestock or Poultry to which this Bylaw applies in contravention to the provisions of Schedule "A" herein, is guilty of an offence.
- 4.2 Section 4.1 shall not apply to:
 - 4.2.1 Offspring, and
 - 4.2.2 Holders of a valid development permit, issued pursuant to the Land Use Bylaw, authorizing operation of a Veterinary Service or similar facility.

SECTION 5 - OVER-LIMIT PERMITS

- 5.1 Notwithstanding Section 4, the Director may issue to an Owner an Over-limit Permit.
- 5.2 Any person wishing to obtain an Over-Limit Permit must complete an Over-Limit Permit Application Form as set out on the attached Schedule "B" and submit the completed Application Form, together with the fee identified, to the Director.

- 5.3 Upon receipt of a completed Over-Limit Permit Application Form the Director shall consider the Over-Limit Permit Application, and may, in his sole and absolute discretion:
- 5.3.1 refuse to grant an Over-Limit Permit;
 - 5.3.2 grant an Over-Limit Permit;
 - 5.3.3 grant an Over-Limit Permit upon such additional terms and conditions as the Director deems appropriate.
- 5.4 An Over-Limit Permit shall not be transferable.
- 5.5 The Director may revoke an Over-limit Permit if:
- 5.5.1 the Director receives bona fide complaints from two or more residents living Adjacent to the Over-limit Permit holder's residence, or
 - 5.5.2 the Permit holder harbours Livestock or Poultry in excess of the number permitted by the Over-limit Permit; or
 - 5.5.3 the Permit holder is guilty of an offence pursuant to Section 6 of this Bylaw.
- 5.6 If the Director revokes an Over-limit Permit, no refund of the Over-limit Permit fee shall be made.

SECTION 6 - NUISANCE

- 6.1 Any person who keeps or harbours Livestock, Poultry, Other Animals or Fowl within the municipal boundaries of the County which Livestock, Poultry, Other Animals or Fowl constitute a Nuisance is guilty of an offence.
- 6.2 Notwithstanding the provisions of Section 6.1, herein, nothing in this Bylaw shall preclude the operation of the Stray Animals Act, RSA 2000, c. S-20 as amended from time to time, or the operation of any applicable Alberta legislation.

SECTION 7 - PENALTIES

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

SECTION 8 - VIOLATION TAGS

- 8.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A Violation Tag may be issued to such person:
 - 8.2.1 either personally; or
 - 8.2.2 by mailing a copy to such person at his last known post office address.
- 8.3 The Violation Tag shall be in a form approved by the Bylaw Coordinator and shall state:
 - 8.3.1 the name of the person;
 - 8.3.2 the offence;
 - 8.3.3 the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - 8.3.5 any other information as may be required by the Bylaw Coordinator.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the County Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 8.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.
- 8.6 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.

SECTION 9 - VIOLATION TICKET

9.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then 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, RSA 2000, c. P-34.

SECTION 10 - EXISTING RIGHTS AFFECTED

10.1 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.

SECTION 11 - SEVERABILITY PROVISION

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

SECTION 12 - REPEAL AND EFFECTIVE DATE


12.1 This Bylaw repeals Bylaw 44-2002.

12.2 This Bylaw shall come into force after third reading and upon being signed.

Read a first time this 11 day of October, 2011.

Read a second time this 11 day of October, 2011.

Read a third time this 11 day of October, 2011.


MAYOR


DIRECTOR, LEGISLATIVE & LEGAL SERVICES

Date Signed: Oct. 14 / 2011

NUMBER OF LIVESTOCK

1. No person shall keep or harbour any Livestock or Poultry on any parcel of land that is classified as one of the following Land Use Districts by the Land Use Bylaw:

- (a) Airport (A)
- (b) Community Commercial (C1)
- (c) Arterial Commercial (C2)
- (d) Highway Commercial (C3)
- (e) Major Commercial (C4)
- (f) Service Commercial (C5)
- (g) Recreation Commercial (C6)
- (h) Local Commercial (C7)
- (i) Direct Control (DC)
- (j) Eco-business (IE)
- (k) Local Industrial (IL)
- (l) Conservation (PC)
- (m) Recreation (PR)
- (n) Services (PS)
- (o) Utilities (PU) – (Urban Service Area only)
- (p) Estate Residential (RE)
- (q) Hamlet (RH)
- (r) Manufactured Home (RM)
- (s) Single Detached Residential A (R1A)
- (t) Single Detached Residential B (R1B)
- (u) Single Detached Residential C (R1C)
- (v) Semi-detached Residential (R2A)
- (w) Low Density Site Residential (R2B)
- (x) Low Density Multiple Residential (R3)
- (y) Medium Density Multiple Residential (R4)
- (z) High Density Multiple Residential (R5)

2. Unless the holder of a valid and subsisting Over-limit Permit issued under this Bylaw, no person shall keep or harbour any Livestock or Poultry:
 - (a) on any parcel of land that is classified as Agriculture: Future Development (AD) where the parcel is within the boundary of a Hamlet and the parcel is smaller than 10 hectares (24.7 ac.) in area.
 - (b) in excess of one Animal Unit per .4 hectares (1 acre) on a parcel of land that is classified by the Land Use Bylaw as
 - (i) Country Residential (RC)
 - (ii) Rural Residential/Agriculture (RA) where the parcel is smaller than 8 hectares (20 ac.) in area.

PENALTIES

OFFENCE	SECTION	PENALTY
Keeping or harbouring any Livestock or Poultry where prohibited in Schedule "A", herein.	4.1	\$ 100.00
Keeping or harbouring any Livestock or Poultry in numbers in excess of those described in Schedule "A" herein without a valid Over-limit Permit.	4.1	\$ 100.00
Keeping or harbouring any Livestock, Poultry, Other Animals or Fowl which constitutes a Nuisance.	6.1	\$ 150.00 minimum