



VULCAN COUNTY

Vulcan - Alberta

BYLAW 2021-022

Being a bylaw of Vulcan County in the Province of Alberta to enhance the welfare of residents and animals within the County by enforcing a standard for animal behavior and living conditions.

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, the council of a municipality may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; wild and domestic animals and activities in relation to them; and the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

AND WHEREAS the Council of Vulcan County deems it to be in the public interest to pass a bylaw to establish and enforce minimum standards relating to the care of animals and to regulate, control, and to abate potential nuisances and dangers presented by animals in Vulcan County;

NOW THEREFORE the Council of Vulcan County, in the Province of Alberta, duly assembled enacts as follows:

1. This Bylaw may be cited as the "Animal Control Bylaw".

2. Definitions

2.1. In this Bylaw, unless the context otherwise requires:

- a. "Animal Health Act" means the *Animal Health Act* (AHA), SA 2007, c. A-40.2 including regulations under the statute;
- b. "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;

- c. "*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;
- d. "*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;
- e. "*Coop*" means a fully enclosed, weatherproof structure and attached outdoor chicken run utilized for the keeping of chickens;
- f. "*County*" means Vulcan County;
- g. "*County Commissioner*" means the Chief Administrative Officer of Vulcan County;
- h. "*Fowl*" means a bird of any kind including domestic and exotic birds;
- i. "*Hen Box*" means a box within a coop for the nesting of Hens;
- j. "*Hen Keeper*" means a person having any right of custody, control, or possession of an Urban Hen(s);
- k. "*Land Use Bylaw*" means Vulcan County's Land Use Bylaw as amended or replaced from time to time;
- l. "*Livestock*" means those animals listed in Section 7 of this bylaw;

- m. "*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:
 - i. accumulated animal waste;
 - ii. accumulation of material contaminated by animal waste;
 - iii. disposal of animal waste;
 - iv. disposal of material contaminated by animal waste;
 - v. threat to public safety;
- n. "*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;
- o. "*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.
- p. "*Owner*" means any person, partnership, association, or corporation:
 - i. owning, possessing, or having charge or control over any animal; or
 - ii. harboring any animal; or
 - iii. suffering or permitting any animal to remain about the Owner's house, premises or lands;
- q. "*Permitted Parcel*" means a parcel of land permitted to have chicken(s) on it in accordance with this bylaw;
- r. "*Poultry*" means domestic birds kept in captivity for the production of eggs meat and other by-products;

- s. "*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;
- t. "*Registered Veterinarian*" has the same meaning as defined in the *Veterinary Profession Act*, R.S.A. 2000, Chapter V-2, as amended or repealed and replaced from time to time;
- u. "*Remedial Order*" means an order written pursuant to Section 545 or 546, of the *Municipal Government Act*; RSA 2000, c. M-26, as amended or repealed and replaced from time to time; requiring the person responsible for the contravention to remedy it if the circumstances so require;
- v. "*Rooster*" means a male chicken;
- w. "*Urban Hen*" means a female chicken;
- x. "*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;
- y. "*Wildlife*" means big game, birds of prey, fur-bearing animals, migratory game birds, non-game animals, non-license 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:

- a. Property located within the municipal boundaries of the County districted by the Land Use Bylaw as:
 - i. RG – Rural General; Only parcels exceeding 10 acres;
 - ii. RI- Rural Industrial;
 - iii. RC – Rural Commercial;
 - iv. UF – Urban Fringe;

- v. VIP – Vulcan Industrial Park;
- vi. DC – Direct Control

3.2. Ownership of domestic dogs.

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.
- 4.4. No Person shall cause an Animal to be Running at Large in the County by:
 - a. Untying, loosening or otherwise freeing an Animal which has been tied or otherwise restrained, or
 - b. Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined.
- 4.5. No Person whether or not he/she is the Owner of an Animal which is being or has been pursued or captured by an Officer shall:
 - a. Induce the Animal to enter a house or other place where the Animal may be safe from capture or otherwise assist the Animal to escape capture,

- b. Falsely represent himself/herself as being in charge or control of an Animal so as to establish that the Animal is not Running at Large, or
- c. Unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said Animal so as to allow or attempt to allow any Animal to escape therefrom.

5. Urban Hens

- 5.1. Hen Keepers must keep a minimum of three (3) hens and shall not exceed six (6) hens per residence;
- 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 for commercial sale of eggs is not permitted.
- 5.9. Residents keeping urban hens are required to advise Vulcan County, 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 Vulcan County Protective Services, Animal Control.

6. Property Animal Restrictions

6.1. It is prohibited to have Livestock, 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 0.28 ha (0.7 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 Un-serviced;
- 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 0.28 ha (0.7 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
0.28 – 1.2 ha (>0.7 – 2.97 ac)	1
>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 Vulcan 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.
- 10.2. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and a maximum fine of Ten Thousand Dollars (\$10,000.00).
- 10.3. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 10.4. Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.

10.5. Notwithstanding specified penalties set out in Schedule "B" to this Bylaw:

- a. If a Person is convicted twice under the same provision of this Bylaw within a twenty-four (24) month period, the specified penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and
- b. If a Person is convicted three or more times under the same provision of this Bylaw within a twenty-four (24) month period, the penalty for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.

10.6. The minimum fine for a contravention of any provision of this Bylaw not listed in Schedule "B" shall be \$250.00.

10.7. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each Day, or part of a Day, on which that offence continues.

10.8. This section does not prevent any Bylaw Enforcement Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of a violation ticket.

10.9. The levying and payment of any fine shall not relieve a Person from the necessity of paying any fees, charges or costs for which the Person is liable pursuant to the provisions of this Bylaw

10.10. A Justice, after convicting an Owner of an offence under this Bylaw, may, if the Justice considers the offence sufficiently serious, direct, order or declare any one or more of the following:

- a. That the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;

- b. That the Owner pay restitution for any expenses or costs incurred by any Person including but not limited to the County as a result of the Owner's offence;
- c. That the Animal be destroyed; or
- d. That the Owner be prohibited from owning any Animal for a specified period of time.

11. Violation Tickets

11.1. An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person whom the Officer has reasonable and probable grounds to believe a Person has contravened any provision of this Bylaw.

- a. A Violation Ticket may be served on such Person who is an individual, either:
 - i. By delivering it personally to such Person, or
 - ii. By leaving a copy for such Person at his/her last known Premises with an individual at the Premises who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.
- b. A Violation Ticket may be served on a Person which is a corporation, either:
 - i. by sending it by registered mail to the registered office of the corporation, or
 - ii. By delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate for the purposes of this Bylaw.

11.2. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect

of each Day, or part of a Day, on which that offence continues.

12. Officer Authority

12.1. An Officer is a designated officer for the purposes of Section 542 of the Municipal Government Act.

12.2. Where an Officer has reasonable grounds to believe that any provision of this Bylaw has been contravened, an Officer is authorized to:

- a. enter upon any Premises between the hours of 8 am – 8 pm Monday-Friday, in accordance with Section 542 of the Municipal Government Act for the purpose of inspecting, remedying, or enforcing the provisions of this Bylaw including but not limited to enforcing the terms of a Remedial Order and carrying out the actions authorized within this Section after providing not less than 48 hours' prior notice to the owner or occupant of the Premises;
- b. notwithstanding Section 12.2(a), in the event of an Emergency, the Officer is not required to give notice to the owner or occupant of the Premises prior to entering upon the Premises and is not required to enter the Premises at a reasonable time;
- c. capture, seize, impound any Animal which is Running At Large, or which has caused or is alleged to have caused a Severe Injury or exhibited a Threat to Public Safety;
- d. to take reasonable measures as necessary to subdue and control the Animal without injuring or causing undue distress to the Animal in the process of capturing, seizing and impounding the Animal including but not limited to the use of tranquilizer equipment and other capture devices;
- e. where an Animal is injured or ill, deliver the Animal to a Registered Veterinarian for treatment prior to impounding the Animal,

- f. issue a Remedial Order to an Owner of any Animal which has exhibited a Threat to Public Safety, caused or is alleged to have caused a Severe Injury, or has otherwise contravened any section of this Bylaw. The Remedial Order may:
 - i. direct the Owner to stop doing something or to change the way in which the Owner is doing it,
 - ii. direct the Owner to take any action or measures necessary to remedy the contravention of this Bylaw
 - iii. state a time within which the Owner must comply with the Officer's directions and provide proof of compliance to the Officer, and
 - iv. state that if the Owner does not comply with the directions within a specified time, the County may take the action or measure at the expense of the Owner.

12.3. Any Person who receives a Remedial Order may request a review of the Remedial Order by Council in accordance with Section 547 of the Municipal Government Act by filing a written request for review of the Remedial Order together with the Remedial Order Review Fee as set out in Schedule "B" to this Bylaw with the Chief Administrative Officer within 14 days of receipt of the Remedial Order. The request for review shall set out the grounds for the request.

12.4. Within thirty (30) days after receipt of the request for review, Council shall review the Remedial Order and may confirm, vary, substitute or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.

12.5. Any Person affected by the decision of Council may appeal the decision to the Court of Queen's Bench in accordance with Section 548 of the Municipal Government Act.

13. MISCELLANEOUS

13.1. It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.

13.2. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

13.3. Nothing in this Bylaw relieves a Person from complying with any federal, provincial law or other regulation or County bylaw or any requirements of any lawful permit, order, consent or other direction.

13.4. A copy of a record of the County, certified as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

13.5. Nothing in this Bylaw limits the right of any Person to prosecute a claim for damage by reason of injuries to a Person or property resulting from any action of an Owner or any Animal.

Received first reading this 14th day of July, 2021

[original signed]

Jason Schneider, Reeve

[original signed]

Nels Petersen, CAO

Received second reading this 14th day of July, 2021

[original signed]

Jason Schneider, Reeve

[original signed]

Nels Petersen, CAO

Presented for unanimous consent of Council to proceed to third reading

this 14th day of July, 2021

[original signed]

Jason Schneider, Reeve

[original signed]

Nels Petersen, CAO

Received third reading and finally passed this 14th day of July, 2021

[original signed]

Jason Schneider, Reeve

[original signed]

Nels Petersen, CAO

Schedule "A"

Impoundment Fee	Amount Expended
Care and Sustenance Fees	Amount Expended
Veterinary Fees	Amount Expended
Destruction of Animal	Amount Expended

The amounts to be paid to the County by the Owner of an Animal in order to reclaim the Animal shall be the actual amounts incurred by the County in providing care to the Animal including but not limited to the Impoundment Fee, Care and Sustenance Fees calculated on a per day or portion thereof basis, Veterinary Fees, and any costs of destroying the Animal.

Remedial Order Review Fee	\$100.00
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Schedule "B"

Bylaw Section	Offence	Specified Penalty
4.1	Nuisance Animals	\$250.00
4.2	At Large Animal	\$500.00
5.1	Keeping More or Less hens than permitted	\$250.00
5.2	Fail to comply to Provincial Regulations for Keeping of Hens	\$250.00
5.3	Fail to obtain Premise Identification Number	\$250.00
5.4	Have Rooster on Site	\$250.00
5.5	Hen at Large	\$300.00
5.6	Fail to meet conditions of accessory buildings under the Land use Bylaw	\$300.00
5.7	Fail to maintain repair/sanitary conditions	\$300.00
5.8	Commercial Sale of Eggs	\$250.00
5.9	Fail to advise County of address and/or PID number	\$250.00
5.10	Fail to make themselves and coops available for inspection	\$250.00
6	Keeping of Livestock in restricted area	\$300.00
7.2	Exceeding number of permitted units / animals	\$500.00
7.3	Raising and/or possessing Wildlife	\$500.00
8.1	Communicable Disease, allowing animal in public	\$300.00
8.2	Communicable Disease, keeping animal in contact with or proximity to any other animal	\$300.00
8.3	Communicable Disease, failing to keep animal locked or tied up	\$300.00
8.4	Communicable Disease, failing to report	\$300.00
9	Obstruct Bylaw Enforcement Officer	\$1000.00