

BRAZEAU COUNTY

BYLAW NO: 1151-23

BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO REPEAL THE BRAZEAU COUNTY ANIMAL CONTROL BYLAW NO. 1073-21;

WHEREAS, Council of Brazeau County deems it expedient and proper, under the authority of and in accordance with the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, to pass bylaws respecting the safety, health and welfare of people and governing domestic animals and activities in relation to them;

NOW THEREFORE, the Council of Brazeau County, duly assembled, enacts as follows:

1. TITLE

- 1.1. This Bylaw shall be cited as the "Animal Control Bylaw".

2. DEFINITIONS

2.1. In this Bylaw:

- a) "Animal" means Livestock or Canine as defined in this Bylaw.
- b) "Animal Control Officer" means such person or persons as County Council may appoint to do any act or perform any duties under this Bylaw and includes a member of either the Royal Canadian Mounted Police or the Community Peace Officer.
- c) "Animal Service Facility" means a facility housing five (5) Canines or more used primarily for the purposes of breeding, boarding, grooming and/or training of Canines for monetary gain or commercial enterprise and may also include other small animal breeding and boarding. This may also include such uses as animal shelters, veterinary clinics, or impounding and quarantining facilities.
- d) "Applicable Fees" means all incurred costs, i.e. mileage, Animal Control Officer's per diem, Violation Tag fees and fines as outlined in Schedules "A" and "C".
- e) "Canine" means a dog, bitch, spayed bitch, male, or neutered male of the canine family over the age of six (6) months.
- f) "Communicable or Contagious Disease" means an illness which can be passed from Animal to Animal and Animal to person, such as but not limited to: rabies, distemper, hepatitis, parvovirus, and coronavirus.
- g) "Confined Structure" means a structure that significantly reduces excessive noise, including but not limited to: howling or barking dog noise.

- h) "Controlled Confinement" means when an Animal is confined in a pen, cage, building, fenced enclosure, and/or securely tethered in a manner that will not allow the Animal to bite or harm any person or Animal.
- i) "County" means Brazeau County.
- j) "Dangerous Dog" means any Canine that a Peace Officer determines, on reasonable grounds, to be vicious either through personal observation or on the basis of facts determined after an investigation initiated by a complaint.
- k) "Day" means any calendar day but does not include a statutory holiday or the day of impoundment.
- l) "Household Pet" means a fully domesticated Animal belonging to an Owner for the purpose of companionship, such as a dog, a cat, a reptile, a bird, or a rodent. Household Pet does not include any type of Livestock or any Animal commonly kept for work, food, or profit.
- m) "Livestock" means a horse, donkey, mule, ass, foal, llama, alpaca, guanaco, pig, emu, ostrich, cow, steer, heifer, bull, bison, calf, sheep, lamb, goat, kid, chicken, duck, turkey, pheasant, goose or other similar fowl and rabbit or other similar rodent, and includes all variations and sizes of those animals, including but not limited to 'miniature' and 'pygmy' breeds.
- n) "Manufactured Home Park" means any parcel containing four (4) or more manufactured home, regardless of tenure, but does not include industrial or construction camps. A Manufactured Home Park may contain an office for its operation.
- o) "Owner" means a person or body corporate, which has the care, charge, custody, possession, or control of an Animal.
- p) "Peace Officer" means a member of the RCMP, a Bylaw Enforcement Officer, or a Community Peace Officer.
- q) "Permitted Leash" means a leash adequate to control the attached Animal
- r) "Possession" means having physical or effective control of an Animal.
- s) "Pound" means a place for the impoundment of Animals designated by the County to carry out provisions of this Bylaw and includes the owner, management, employees, or other personnel of the organization or business providing the place of impoundment.
- t) "Running at Large" means any Animal which is off the premises of the property or without permission of the Owner or legal occupant, and is not otherwise restrained by a permitted leash, securely holding that Animal or under the immediate, continuous, and effective control of a person.
- u) "Violation Tag" a ticket or similar document issued by the County pursuant to the *Municipal Government Act*, as amended.

3. RESPONSIBILITY OF OWNERS

- 3.1. An Owner whose Animal is Running at Large is guilty of an offence and subject to a penalty as outlined in the attached Schedule "C".
- 3.2. An Owner of an Animal is guilty of an offence and subject to a penalty as outlined in the attached Schedule "C" if such Animal:
- a) makes excessive noise which disturbs the peace, quiet, or repose of any person;
 - b) bites, barks at, or chases any vehicle;
 - c) barks at, chases, bites, attacks, threatens, harasses or injures any person including, but not limited to, when such person is on bicycle, horseback, or while walking or running;
 - d) causes damage to private property or public property; or
 - e) defecates on property other than that of its Owner where the Owner fails to ensure that any defecated material is removed.
- 3.3. An Owner of an Animal is guilty of an offence and subject to a penalty as provided for by this Bylaw, if such Animal enters any area (water body) provided for the use of the public for swimming, wading, or bathing.
- 3.4. An Owner of an Animal is guilty of an offence and subject to a penalty as provided for by this Bylaw if such Animal causes injury or death to another Animal.
- 3.5. An Owner of an Animal which is suffering from a Communicable Disease:
- a) shall not permit the Animal to be on any property other than that of its Owner;
 - b) shall not permit or keep the Animal in contact with or in proximity to any other Animal free of such diseases;
 - c) shall keep the Animal in Controlled Confinement; and
 - d) shall immediately report the matter to a registered veterinarian.
- Failure to comply with these conditions will result in an offence subject to a penalty as outlined in the attached Schedule "C".
- 3.6. No fowl or animal, other than Household Pets, and no more than four (4) Canines, shall be permitted on an individual lot within designated hamlets, or lands zoned for:
- a) condominium development;
 - b) multi-lot subdivisions which permit medium or high density residential development;
 - c) Manufactured Home Park(s); or
 - d) recreation.
- 3.7. Notwithstanding, Section 3.6, Owners may participate in a Keeping of Hens program on individual lots within designated hamlets, or lands zoned for:

- a) condominium development;
- b) multi-lot subdivisions which permit medium or high density residential development;
or
- c) recreation.

4. KEEPING OF CANINES

- 4.1. This section shall apply to parcels in all Land Use Districts as set out in the Brazeau County Land Use Bylaw.
- 4.2. The Owner of a female Canine(s) is guilty of an offence subject to a penalty as outlined in the attached Schedule "C", if the Owner of the Animal does not keep it housed and confined in a building or kennel during the entire period that the female Animal is in estrus, except that the female Animal may be released for a period of 10 minutes (per release) to allow the animal to relieve itself of its bodily functions.
- 4.3. An Owner of a Canine(s) is guilty of an offence and subject to a penalty as outlined in the attached Schedule "C" if such Animal upsets waste receptacles or scatters the contents thereof on or about any private property, public property, or highway.
- 4.4. Canine(s) being kept as part of an Animal Service Facility shall require a permit for the operation of the facility. Such Animal Service Facility must be located a minimum of one hundred (100) meters from a residence on an adjacent parcel.
- 4.5. Canine(s) being kept as companions and not as part of an Animal Service Facility must be allowed in accordance with the following:
 - a) parcels within Hamlet boundaries may keep up to a maximum of four (4) Canines;
 - b) parcels 1 acre or less in size may keep up to a maximum of four (4) Canines;
 - c) Canines less than six (6) months in age are not regulated by this section.
- 4.6. All Canine Owners residing within a Manufactured Home Park must also comply with the following additional conditions:
 - a) all Canines must be secured in a Confined Structure or placed inside the Owner's residence from the hours of 11:01 p.m. to 7:00 a.m. the following day;
 - b) a Canine can be released during this time period (11:01 p.m. to 7:00 a.m.) for a period of 10 minutes (per release) to allow the Animal to relieve itself of its bodily functions. The Canine must still be confined to the Owner's property during the 10 minute time period.

Failure to comply with these conditions will result in an offence subject to a penalty as outlined in the attached Schedule "C".

5. DANGEROUS DOGS

- 5.1. If a Peace Officer determines on reasonable grounds that a Canine is a Dangerous Dog, they may:
- a) give the Owner a written notice that the Canine has been determined to be a Dangerous Dog; and
 - b) require the Owner to keep such Canine in accordance with provisions of Sections 5.4 and 5.5 of this Bylaw upon the Owner's receipt of the notice; and
 - c) inform the Owner that if the Dangerous Dog is not kept in accordance with Sections 5.4 and 5.5 of this Bylaw, the Owner will be fined, or subject to enforcement action under this Bylaw.
- 5.2. The Owner of a Dangerous Dog shall take all necessary steps to ensure that it does not bite, chase, or attack any person or other Animal whether the Canine is on the property of the Owner or not.
- 5.3. If a Dangerous Dog bites, chases, or attacks a person or Animal, the Owner shall be guilty of an offence and be liable to a penalty under this Bylaw, exclusive of any other civil actions or penalties.
- 5.4. When a Canine that has been declared a Dangerous Dog is on the premises of its Owner, it shall be confined in a securely enclosed and locked pen, or their structure, constructed and secured in such a fashion as to prevent the escape of the Dangerous Dog, and to prevent the entry of persons unauthorized by the Owner. Any such pen shall have a secure top and sides and either:
- a) have a secure bottom effectively attached to the sides; or
 - b) the sides shall be embedded in the ground to a minimum of thirty (30) centimetres.
- Any person who contravenes this section is guilty of an offence.
- 5.5. When a Dangerous Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a person or other Animal; this requirement shall not apply when the Dangerous Dog is in a building or enclosure, in attendance at a bona fide dog show, or confined in a pen meeting the requirements of this section. Any person who fails to meet the requirements of this section is guilty of an offence.
- 5.6. The Owner of a Canine, which the Owner knows or ought to know is Dangerous Dog, shall ensure that such Canine is confined and secured in accordance with the provisions of Sections 5.4 and 5.5.
- 5.7. The Owner of a Dangerous Dog Running at Large is guilty of an offence.
- 5.8. Provisions in this Bylaw which apply to Dangerous Dogs shall not apply to Canines owned

by a police service solely by reason of any events or actions which occur while the Canines are engaged in police work.

- 5.9. Nothing in this Section shall prevent a Peace Officer from bringing forward an application to a Provincial Court Judge in relation to a Canine that has injured (or attempted to injure) any person or other Animal pursuant to the *Dangerous Dog Act* or *Animal Protection Act* of the Province of Alberta without first deeming a Dog Dangerous under this Bylaw.
- 5.10. Where the Owner of a Canine that has been determined to be a Dangerous Dog produces information to the County Enforcement Services that may alter a determination made under the foregoing Sections, the County's Chief Administrative Officer or their designate, shall, as soon as reasonably practicable, cause the matter to be reviewed and make a final determination.

6. KEEPING OF HENS

- 6.1. This section shall apply to parcels as identified in Section 3.7; where the parcel size is under 4.0 acres.
- 6.2. Owners on lands identified in Section 6.1 shall be permitted to have no more than 6 hens.
- 6.3. Owners are required to complete a small flock/urban poultry course.
- 6.4. Minimum_coop/enclosures size is 0.37m² of indoor space per bird and 0.92m² of outdoor space per bird. Depending on the size of the structure a Development Permit may be required, but in all cases the structure must meet setback requirements for an accessory structure within the applicable land use district.
- 6.5. Both the coop and enclosure are required to be fully enclosed in a secure fence and structure.
- 6.6. An Owner is guilty of an offence if the Owner harbours roosters on a parcel as identified in Section 6.1.
- 6.7. An Owner is guilty of an offence if the Owner or a person on behalf of the Owner buries a dead hen on a their parcel.
- 6.8. An Owner is guilty of an offence if the Owner fails to keep a coop:
 - a) in good repair;
 - b) maintained in a clean and sanitary condition;
 - c) free of vermin; or
 - d) free of obnoxious smells and substances so as not to create a nuisance or disturbance to neighbouring residents due to noise, odour, damage, or threats to public health.

- 6.9. The Owner is guilty of an offence if all hen waste is not stored in a fully enclosed structure or container.
- 6.10. The Owner of a hen is guilty of an offence if the hen is Running at Large.

7. KEEPING OF LIVESTOCK

- 7.1. For the purpose of this section, one (1) livestock unit shall mean:
- a) Two (2) horse, donkey, mule or asses (over one (1) year of age); or
 - b) Two (2) foals (up to one (1) year of age); or
 - c) Two (2) llama, Three (3) alpaca or Three (3) guanaco; or
 - d) Two (2) cows, steers, heifers, bulls or bison (over one (1) year of age); or
 - e) Two (2) calves (up to one (1) year of age); or
 - f) Fifteen (15) chickens; or
 - g) Ten (10) ducks, turkeys, pheasants, geese, or other similar fowl; or
 - h) Three (3) sheep or goats;
 - i) Twenty (20) rabbits or other similar rodents;
 - j) Two (2) pigs, hogs or boars (over one (1) year of age); or
 - k) Two (2) emus or ostriches (over one (1) year of age).
- 7.2. Livestock units must be allowed in accordance with the following:

MINIMUM PARCEL SIZE	ALLOWABLE NUMBER OF LIVESTOCK UNITS
0.3 – 0.8 ha (0.75 – 1.99 ac)	0.25*
0.8 – 1.2 ha (2.0 – 2.99 ac)	0.33*
1.2 – < 1.6 ha (3.0 – < 3.99 ac)	0.5*
1.6 ha (4.0 – 4.99 ac)	2.0
2.0 ha (5.0 – 5.99ac)	2.5
2.4 ha (6.0 – 6.99ac)	3.0
2.8 ha (7.0 – 7.99ac)	3.5
3.2 ha (8.0 – 8.99ac)	4.0
3.6 ha (9.0 – 9.99ac)	4.5
4.0 – 6.1 ha (10.0 – 14.99 ac)	5.0

* When calculating the livestock units round down to the nearest whole animal.

- 7.3. All Livestock must be confined to the Owner’s parcel and maintained solely for the private use of the residents. All livestock are required to be contained in adequate enclosures to prevent animals from escaping.
- 7.4. This Bylaw does not override any approvals for Confined Feeding Operations.
- 7.5. Animal units will not be regulated under this Bylaw on parcels over 6.1 ha (15 ac).

8. MUNICIPAL PRACTICES

- 8.1. County Council will select a Pound as may be required.

- 8.2. An Animal Control Officer may capture and impound any Animal in respect of which they believe or has reasonable grounds to believe an offence under this Bylaw is being or has been committed.
- 8.3. County Council will authorize an Animal Control Officer to use, operate, or handle a tranquillizer gun in their performance of their duties pursuant to this Bylaw.

9. INTERFERENCE WITH ANIMALS

- 9.1. No person, whether or not they are the Owner of an Animal which is being or has been pursued or captured, shall:
- a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or has captured an Animal pursuant to the provisions of this Bylaw;
 - b) induce the Animal to enter a house or other place where it may be safe from capture or otherwise assist the Animal to escape capture;
 - c) falsely represent themselves as being in charge or control of Animal so as to establish that the Animal is not Running at Large; or
 - d) unlock or unlatch or otherwise open the vehicle in which Animals kept for impoundment have been placed so as to allow or attempt to allow any Animal to escape.

Failure to comply with these conditions will result in an offence subject to a penalty as outlined in the attached Schedule "C".

- 9.2. No person shall:
- a) untie, loosen, or otherwise free an Animal which has been tied or otherwise restrained or;
 - b) open a gate, door, or other opening in a fence or enclosure in which an Animal has been confined allowing an Animal to Run at Large.

Failure to comply with these conditions will result in an offence subject to a penalty as provided for in this Bylaw.

- 9.3. No person shall tease, torment, or annoy an Animal. Failure to comply with this condition will result in an offence subject to a penalty as provided for in this Bylaw.

10. NOTIFICATION OF CAPTURE AND IMPOUNDMENT: CANINES

- 10.1. When an Animal Control Officer or a Peace Officer knows the name of the Owner of an impounded Animal, they will contact the Owner and record the discussion in an effort to contact the Owner and notify them of the impoundment.
- 10.2. The Owner of an impounded animal may reclaim the Animal from the Pound upon

payment to the Animal Control Officer of all Applicable Fees in cash as outlined in the attached Schedule "A" and Schedule "C", if the Owner has contravened any section of this Bylaw.

- 10.3. The Animal Control Officer shall make or cause to be made a monthly report to the County setting forth all monies collected in accordance with this section and shall deliver said monies to the County.
- 10.4. The Animal Control Officer may order euthanized, or offer for adoption, all unclaimed Animals which have been in the Pound:
 - a) at least ten (10) days if the name of the Owner is not known;
 - b) at least ten (10) days if the name of the Owner is known;
 - c) at any time if in the opinion of a registered Veterinarian, or in the absence of a Veterinarian, a Peace Officer, the Animal is suffering;
 - d) has made a reasonable effort to locate the Owner, through animal identification (tattoos, computer chips), advertising through a local website giving notice of a captured Animal, including the apprehension site;
 - e) has made a reasonable effort to get all unclaimed Animals adopted; or
 - f) at any time where the Owner has consented to the sale or destruction of the Animal, the Owner is liable for the Applicable Fees set out in Schedule "A". The Owner is also liable for the specified penalty under Schedule "C", if the Owner has contravened any section of this Bylaw.
- 10.5. The purchaser of an Animal sold pursuant to Section 10.4:
 - a) shall be entitled to a veterinary check of the Animal as outlined in Schedule "B" at the expense of the County; and
 - b) may return the Animal for a refund as outlined in Schedule "B" or exchange it for another Animal if the Animal is found to be unhealthy or unsuitable within 14 days of being purchased.

11. ENFORCEMENT

- 11.1. A Peace Officer will issue a Violation Tag to any person, who the Peace Officer has reasonable and probable grounds to believe has contravened any provision in this Bylaw.
- 11.2. A Violation Tag may be issued to such person:
 - a) either personally;
 - b) by mailing a copy to such person at their last known post office address; or
 - c) upon retrieval of such person's Animal from the Pound.
- 11.3. The Violation Tag shall be in a form approved by County Council and shall state:
 - a) the name of the Owner;

- b) the offence;
 - c) the appropriate penalty for the offence as specified in Schedule "C" of this Bylaw;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - e) any other information as may be required by the County.
- 11.4. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided however, ten (10) days' time has been given for the Owner to comply with this Bylaw.
- 11.5. Where a Violation Tag is issued pursuant to Section 11.1, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 11.6. In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer will issue a Violation Ticket pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A., 2000, c. P-34, as amended.
- 11.7. Despite Section 11.1 or any other provision of this Bylaw, a Peace Officer may immediately issue a Violation Ticket pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw and the Peace Officer need not first issue a Violation Tag for a contravention of any provision of this Bylaw.
- 11.8. In those cases where no specified penalty is provided for an offence pursuant to this Bylaw, a Peace Officer will issue a Violation Ticket pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, and anyone found guilty of such an offence shall be liable to pay a minimum fine of \$200.00 and a maximum fine of \$600.00.
- 11.9. The payment of any fine pursuant to this Bylaw does not relieve the person from paying any fees or costs for which they are liable under the provisions of this Bylaw.
12. This Bylaw shall repeal Bylaw 1073-21 and the said Bylaw is hereby repealed.
13. Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

14. This Bylaw shall come into force after the third and final reading.
Read a first time this 18th day of July 2023.

Read a second time this 19th day of September 2023.

Read a third time and finally passed this 19th day of September 2023



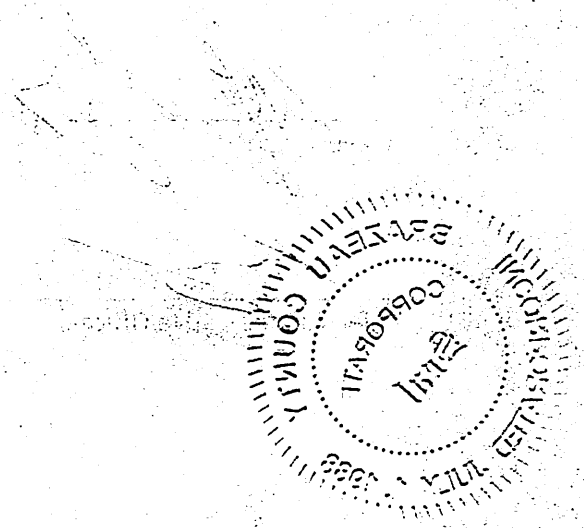
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Chief Administrative Officer



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SCHEDULE "A"

BYLAW 1151-23

Amount payable to Brazeau County by the Owner of an Animal in order to claim or euthanize an Animal at the Pound:

- | | | |
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| a) | Impoundment Fees | \$50.00 per Animal plus boarding costs incurred |
| b) | Euthanize an Animal | Actual costs incurred |
| c) | Veterinary Fees | Actual costs incurred |
| d) | Livestock Impoundment | Actual costs incurred |

SCHEDULE "B"

BYLAW 1151-23

Regulations pertaining to the purchasing of eligible Animals from the Pound:

- a) Amount to be paid to purchase an Animal will be any veterinary fees as incurred.
- b) Services to be provided by the veterinary firm during check-up:
 - i) Provision of the following vaccinations:
Distemper, Parvo, Hepatitis, Parainfluenza, Rabies
 - ii) Complete physical examination including:
Eyes, ears, teeth, coat, heart, lungs, limbs

SCHEDULE "C"

BYLAW 1151-23

The general description of the specified penalties offences provided for by this Bylaw are as follows. In lieu of prosecution, Brazeau County will accept voluntary payments of such specified penalties.

1st Offence	2nd Offence	3rd Offence
\$100.00	\$200.00	\$300.00