

**BYLAW 862-R-01-23
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**A BYLAW OF THE TOWN OF COALDALE
TO REGULATE THE KEEPING OF DOMESTIC ANIMALS
IN THE TOWN OF COALDALE.**

WHEREAS by virtue of the powers conferred upon it by the Municipal Government Act Revised statutes of Alberta 2000, Chapter M-26, the Council of the Municipality of the Town of Coaldale may pass a Bylaw with respect to domestic animals and activities in relation to them;

AND WHEREAS the Council of the Municipality of the Town of Coaldale, in the Province of Alberta, deems it expedient to pass such a Bylaw;

AND WHEREAS Town of Coaldale Bylaw 539-R-02-05 and amendments thereto currently govern the Domestic Animals within the Town of Coaldale

AND WHEREAS by virtue of adopting this Bylaw, Bylaw 539-R-02-05 and amendments thereto are hereby rescinded

NOW THEREFORE, THE COUNCIL OF THE TOWN OF COALDALE DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

1) Title

- a) This Bylaw may be cited as the "Domestic Animal Bylaw".

2) Definitions

- a) In this Bylaw, unless the context otherwise requires:
 - i) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of Vehicles and includes:
 - (1) a sidewalk (including a boulevard portion thereof);
 - (2) where a ditch lies a
 - (3) adjacent to and parallel with a roadway, the ditch; and
 - (4) where a Highway right of way is contained within fences or between a fence and one side of a roadway all the land between the fences or all the land between the fence and edge of the roadway.
 - ii) "Inspector" means
 - (1) A Public Health Inspector
 - (2) A Peace Officer
 - (3) A Bylaw Enforcement Officer as appointed under the Municipal Government Act, or
 - (4) A Special Constable as appointed under the Police Act.

- iii) "Livestock" means horses, cattle, emus, sheep, alpacas, ostriches, llamas, swine, mules, donkeys, goats, rabbits, and other fur-bearing animals raised in captivity excepting dogs and cats.
- iv) "Ornamental, Exotic and Game Birds" means including but not exclusively limited to Partridge, Quail, Pheasants, Peafowl, Doves, Swans, Cranes, and other species of aquatic and wildfowl, and any related species deemed inappropriate by an inspector.
- v) "Owner" means:
 - (1) A person who has legal control of Livestock, Poultry, Ornamental, Exotic and Game Birds, and includes any person who has possession or custody of Livestock, Poultry, Ornamental, Exotic and Game Birds either temporarily or permanently, or harbours a Livestock, Poultry, Ornamental, Exotic and Game Birds; or
 - (2) The owner or occupant of land upon which Livestock, Poultry, Ornamental, Exotic and Game Birds are kept.
- vi) "Peace Officer" means:
 - (1) A Special Constable as appointed under the Police Act;
 - (2) A Police Officer as appointed under the Police Act;
 - (3) A member of the Royal Canadian Mounted Police.
- vii) "Poultry" means chickens, turkeys, geese, and ducks.
- viii) "Town" means the Municipal Corporation of the Town of Coaldale, in the Province of Alberta or, where the context requires, a duly authorized official of the Municipal Corporation of the Town of Coaldale or, where the context requires, the area that is contained in the boundaries of the Town of Coaldale.

3) Prohibitions

- a) No person shall keep Livestock, Poultry, Ornamental, Exotic and Game Birds or bees unless such Livestock, Poultry or bees are kept within the following locations:
 - i) lands classified as "Urban Reserve" in compliance with the Land Use Bylaw;
 - ii) lands in which an existing use does not conform to the Land Use Bylaw continues legally where the permitted or legal non-conforming use involves a farm, an intensive livestock or poultry operation, a packing plant, a livestock auction market, a livestock brokerage facility, a feed lot or a similar operation;
 - iii) pet shops;
 - iv) slaughter houses;
 - v) exhibition grounds;
 - vi) auction markets;
 - vii) veterinary clinics or veterinary hospitals;
 - viii) sportsplex; and
 - ix) outdoor sports facilities.
- b) Notwithstanding Section 3.a;
 - i) two pet rabbits may be kept per household

- ii) two goats may be kept on a property larger than 1 acre in size where the property owner has received permission to do so in writing from the Town, which may be revoked at the sole discretion of the Town.
- c) Lands that were annexed as a part of the April 1, 2018, annexation where a landowner can provide evidence that livestock was kept on their property immediately prior to the annexation (as in livestock were kept on the property within the calendar year leading up to the 2018 annexation), and the livestock that was kept on the property was kept in accordance with all applicable Lethbridge County bylaws. Evidence considered suitable includes physical evidence on the property as noted by the inspection of orthographic imagery and/or the inspection of the property and the property file. Whether or not evidence is considered suitable is to the discretion of the Town.
- d) An Owner shall not create, establish or maintain;
 - i) a stable or other building in which Livestock, Poultry, Ornamental, Exotic and Game Birds are kept in such a manner or in such numbers as to be injurious or dangerous to health or which may hinder in any manner the prevention or suppression of disease;
 - ii) any accumulation or deposit of offensive matter, refuse, offal or manure, wherever situated excepting a Highway, which
 - (1) is injurious or dangerous to health,
 - (2) may hinder in any manner the prevention or suppression of disease; or
 - (3) may provide a breeding place for flies or creation of odours;
 - (4) any accumulation or deposit of offensive matter, refuse, offal, or manure on a Highway.

4) Control of Livestock, Poultry, and/or Ornamental, Exotic and Game Birds

- a) All Livestock, Poultry, Ornamental, Exotic and Game Birds not under the direct control of a person shall be placed in a fenced or other secure area which will prevent the free roaming of such Livestock, Poultry, Ornamental, Exotic and Game Birds.
- b) An inspector may capture and confine such Livestock, Poultry, Ornamental, Exotic, or Gamed birds when they are on:
 - i) Public land owned by the Town of Coaldale including Highways;
 - ii) Public land owned by the Crown; or
 - iii) Privately owned land without the consent of the owner of those lands;

5) Inspector

- a) Upon receiving a complaint of a violation of this Bylaw, an Inspector shall inquire into the facts, visit the place complained of, and if necessary, hear the statement of any person in connection therewith and for such purposes may enter upon, inspect, and examine the place.
- b) An Inspector has authority to order immediate compliance to this Bylaw when violations of this Bylaw are occurring on public lands or Highways or where violations on private land are deemed to be so severe that they pose an imminent hazard to the public.
- c) An Inspector has authority to order the removal of Livestock, Poultry, Ornamental, Exotic and Game Birds from any land and store same at an

appropriate holding facility with the cost of housing, feeding and storage of said Livestock, Poultry, Ornamental, Exotic and Game Birds charged against property of the Owner as taxes due and owing and collectible in the same manner as taxes.

- d) Upon capturing Livestock, Poultry, Ornamental, Exotic and Game Birds pursuant to Section 4.2 of this Bylaw, an Inspector shall:
 - i) report the capture to the Regional Livestock Investigator and the Department of Agriculture of the Province of Alberta; and
 - ii) within forty-eight (48) hours of the capture complete a statement of capture and expenses incurred in connection with the capture and confinement to the Regional Livestock Investigator.

6) Violations of Bylaw

- a) If an Inspector believes that a person has violated any provision of this Bylaw, the Inspector may serve upon such person a written notice requiring such person to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.
- b) Service of a notice shall be sufficient if it is:
 - i) Personally served;
 - ii) Served by mail; or
 - iii) Left with a competent person residing with the person alleged to have violated a provision of this Bylaw.
- c) Such notice shall be deemed to have been received five days from the date of mailing.
- d) Each notice shall:
 - i) describe the location at which a violation of any provision of this Bylaw occurs by its municipal address and legal description;
 - ii) state the contravention of this Bylaw;
 - iii) give reasonable particulars of the actions required to be made;
 - iv) state the time within which the actions are to be done;
 - v) state that if the required actions are not done within the time specified, the Town may:
 - (1) carry out the actions required and charge the cost thereof against the Owner; or
 - (2) cause a violation ticket to be served upon the Owner pursuant to Part 2 of the Provincial Offences Procedure Act.
- e) If a person served with a notice fails to comply with the notice within the time fixed by the notice the Town may:
 - i) Cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act; or
 - ii) Carry out the actions required in a notice at the expense of the person served with the notice. If the expense and cost incurred by the Town is not paid by the person responsible, the Town may:
 - (1) Recover the expense and cost by action in a court of competent jurisdiction; or

- (2) Charge the expense and cost against the property of the person served with a notice as taxes due and owing and collectible in the same manner as taxes.

7) Penalties

- a) A person who contravenes this Bylaw is guilty of an offence and liable for a fine as prescribed under the *Provincial Offences Procedure Act*.
- b) A Violation Ticket issued pursuant to Section 6.5 of this Bylaw shall impose penalties as follows:
 - i) \$250.00 for a first violation; and
 - ii) \$500.00 for any subsequent violation.

8) Exemptions

- a) **The Alberta Birds of Prey property** located at Plan 9012294 Block 8 Lot 8 (2124 16 Avenue) is exempt from the provisions of this Bylaw.
- b) The property located at Plan 534EW. Block B (1501 20 Street) will be exempt from the provisions of this Bylaw until there has been a change in the land use on said property. Once there have been no horses on this property for a term of 6 months, this provision will no longer be in effect. *Once said property is sold, the new owners will not be exempt from this bylaw and the terms.*

9) Council Intent

- a) It is the intention of the Town that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

10) Effective Date

- a) This Bylaw shall come into force and effect when this Bylaw has achieved third reading and is duly signed.

11) Repeal of Bylaw

- a) Bylaws 539-R-02-05 and all amendments hereto are hereby repealed in their entirety.

READ a FIRST time this ___ day of _____, 2023, for Domestic Animal Bylaw 862-R-01-23.

Mayor – Jack Van Rijn
Motion #:

CAO – Kalen Hastings

READ a SECOND time this ___ day of _____, 2023, for Domestic Animal Bylaw 862-R-01-23.

Mayor – Jack Van Rijn
Motion #:

CAO – Kalen Hastings

UNANIMOUS CONSENT to hold all THREE readings in one meeting, for Domestic Animal Bylaw 862-R-01-23.

Mayor – Jack Van Rijn
Motion #:

CAO – Kalen Hastings

READ a THIRD and FINAL time this ___ day of _____, 2023, for Domestic Animal Bylaw 862-R-01-23.

Mayor – Jack Van Rijn
Motion #:

CAO – Kalen Hastings