

LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA

Bylaw No. 22-020

Whereas, the Municipal Government Act, R.S.A. 2000, c. M-26 as amended authorizes Council to pass Bylaws regulating and controlling wild and domestic animals and activities relating to them; and

Whereas the *Municipal Government Act*, R.S.A. 2000, c. M -26 and amendments thereto, allows a municipality to impose fines and penalties for infractions of the Bylaw; and

Whereas it is desirable and in the best interest of the public to pass a Bylaw to regulate and provide the controls for Animals within the municipal boundaries of Lethbridge County by way of an Animal Control Bylaw. This Bylaw does not include Dogs, as they are covered in Bylaw 1405 *Dog Regulation and Control Bylaw*. Cats are not controlled within Lethbridge County.

1. Title

This Bylaw 22-020 may be cited as the "Animal Control Bylaw".

2. Definitions

For the purpose of this Bylaw 22-020 the following terms shall have the corresponding meaning:

- a. "Animal" means any live non-human vertebrate or invertebrate, including bird or reptile, without limiting the generality of the foregoing, includes domestic animals, an animal raised for commercial purposes, an animal kept as a working animal, a pet or for hobby purposes such as breeding, showing, or sporting, fowl, an exotic animal, livestock, pigeons, reptiles and wild animals.
- b. "County" means the municipal corporation of Lethbridge County or the area within the boundaries of Lethbridge County as the context requires.
- c. "Damage to Public or Private Property" shall include any harm done to public or private property
- d. "Domestic Animal" shall mean any domestic male or female dog or cat.
- e. "Enforcement Officer" means any person appointed by Lethbridge County to carry out the provisions of this Bylaw; Animal Control Officer, Bylaw Enforcement Officer or Community Peace Officer.
- f. "Hamlet" means any land designated hamlet within Lethbridge County's jurisdiction (Monarch, Kipp, Diamond City, Shaughnessy, Iron Springs, Turin, Chin, Fairview)
- g. "Nuisance" means any Animal, which by reason of:
 - i. Accumulation of waste;
 - ii. Accumulation of material contaminated by waste;
 - iii. Disposal of waste;
 - iv. Disposal of material contaminated by waste;
 - v. Trespass upon property;
 - vi. Threat to public safety; or
 - vii. Noise,

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

- h. "Multi-parcel Subdivision" means a subdivision greater than three (3) adjacent or contiguous parcels and the size of each parcel is predominantly 4.05 hectares (10 acres) or less in area and any parcels/grouping of parcels that are designated Grouped Country Residential (GCR) in accordance with the Lethbridge County Land Use Bylaw.
- i. "Owner" means any person, partnership, association or corporation owning, harbouring, possessing or consent, having charge of control over any animals.
- j. "Parcel" includes a single lot or two or more contiguous lots owned by one owner.
- k. "Residential Parcel" for the purpose of this Bylaw shall be defined as a parcel less than 10 hectares (24.7 acres) where the main use is residential in nature.
- l. "Violation Tag" means a Municipal violation notice or tag, allowing for a voluntary payment of a specified penalty to be paid out of court to the County in lieu of appearing in answer to a summons.
- m. "Violation Ticket" means a ticket issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34 and regulations thereunder, as amended or replaced and repealed from time to time.

3. Animal /Bird Regulations

- a. in any subdivision, as defined in this Bylaw between 0.40 hectares (1 acre) and 10.0 hectares (24.7 acres) in size, the following animal units are permitted in Lethbridge County:

Residential Parcel Size in Hectares	Residential Parcel Size in Acres	Allowable Number of Animal Units
0.0 - 0.39 hectares	0.0-.99 acres	0
0.4-0.6 hectares	1.0-1.99 acres	1
0.81-1.21 hectares	2.0-2.99 acres	2
1.22-1.61 hectares	3.0-3.99 acres	3
1.62-2.02 hectares	4.0-4.99 acres	5
2.03-2.42 hectares	5.0-5.99 acres	6
2.43-2.83 hectares	6.0-6.99 acres	7
2.83 hectares or greater	7 acres or greater	8*

*Plus the number of animal units permitted for that portion of the parcel in excess of 7 acres. Example 5.26 hectares (12.99 acres) 8+6=14 total animal units.

Parcels larger than 10 hectares (24.7 acres) have no restriction on the number animal units permitted. Registration or permits will be required from the Natural Resources Conservation Board (NRCB) if the number of animal units exceeds the NRCB thresholds.

- b. on a parcel of land in any hamlet that is 0.40 hectares (1 acre) or greater in size, the following number of animal units are permitted, but in no circumstance shall any parcel in a hamlet, regardless of size, be permitted to keep more than 5 animal units on the parcel:

Residential Parcel Size in Hectares	Residential Parcel Size in Acres	Allowable Number of Animal Units
0.0 - 0.39 hectares	0.0-.99 acres	0.25
0.4-0.6 hectares	1.0-1.99 acres	1
0.81-1.21 hectares	2.0-2.99 acres	2
1.22-1.61 hectares	3.0-3.99 acres	3
1.62 hectares-or larger	4.0 acres or larger	5

For the purpose of section 3 "one animal unit" equals the following:

- i. One horse, donkey, or mule over a year old
 - ii. Two colts up to one year old
 - iii. One llama/alpaca
 - iv. Two ostrich, emu, or other ratite
 - v. One cow or steer over one year old
 - vi. Two calves up to one year old
 - vii. One elk or bison/buffalo
 - viii. Fifty (50) broiler chickens
 - ix. Fifteen (15) chickens (layers)
 - x. Ten (10) ducks, turkeys, pheasants, geese or other similar fowl or in combination thereof
 - xi. Three sheep or goats over a year old
 - xii. Two swine over a year old
 - xiii. Twenty (20) rabbits or other similar rodents
- c. No owner shall keep or harbour more than the permitted number of animal units on a parcel in a subdivision or hamlet.
4. Land owners are responsible for ensuring the following are complied with:
- a. feces or manure must not be stockpiled, must be properly managed and contained on the premises, and regularly disposed of in a healthy, safe manner and shall not run-off, contaminate or cause a nuisance to other lands or water sources;
 - b. dead animals must be promptly and properly removed or disposed of immediately after death to minimize odours, flies, and transmission of disease to other animals or humans.
 - c. No animal bedding, feed, feathers, or fur shall be permitted to blow onto other properties or create a nuisance in any way.
5. Prohibitions and Exemptions
- a. No wild boars shall be permitted.
 - b. Facilities or developments involving the keeping of animals (e.g. riding academies, equestrian centre/facilities) that have an approved development permit from Lethbridge County authorizing such use, are exempt from the provisions of this Bylaw provided they are acting in compliance with their permit approval conditions.
 - c. Multi-unit subdivisions with development controls or architectural controls (approved by Lethbridge County), which specifically speak to the keeping of livestock shall be exempt from this bylaw and those development controls or architectural controls shall apply.
6. Orders
- a. Every Order written with respect to this Bylaw must:
 - i. Indicate the person to whom it is directed;
 - ii. Identify the person to whom the Order relates by municipal address or legal description;
 - iii. Identify the date it was issued;
 - iv. Identify how the property fails to comply with this or other Bylaws;
 - v. Identify the specific provisions of the Bylaw the person contravenes;
 - vi. Identify the nature of the action required to be taken to be compliant;
 - vii. Identify the time within which the action must be completed;
 - viii. Indicate that if the required action is not completed within the time specified, the County may take whatever action or measures necessary to remedy the contravention; and

- ix. Indicate expenses and costs of any action or measures taken by the County under this Section are an amount owing to the County by the person to whom the Order is directed.
- b. Every Order written in respect to provisions of another Bylaw must contain the same information as set out in Section 6a, modified as necessary in the context of that Bylaw.
- c. An Order pursuant to this Bylaw will be deemed to have been sufficiently served if:
 - i. Served to the accused directly, or
 - ii. Mailed to the address of the registered Owner or person occupying a property, or
 - iii. Posted in an obvious place on the property referred to on the Order, when the Enforcement Officer has reason to believe:
 - 1. That the Owner or Occupant to whom the Order is addressed is evading service; or
 - 2. No other means of service is available.
- d. If an Order is sent via registered mail as referred to in Section 6a then is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.

7. Offences and Penalties

- a. A person who contravenes any Section of this Bylaw is guilty of an offence and liable on summary conviction before a Provincial Court Judge, to fines as listed in Schedule "A" of this Bylaw.
- b. A Provincial Judge, in addition to the penalties provided in the Bylaw, may direct or order the Owner of an animal:
 - i. To prevent such animal from doing mischief, or causing a disturbance, or a nuisance complained of; or
 - ii. To comply with any other relevant sections of this Bylaw, or in any other manner deemed appropriate
- c. An Enforcement Officer may issue a Violation Tag to a person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw:
 - i. Identifying a voluntary payment as described in Schedule "A" of this Bylaw, and
 - ii. The person to who the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to Lethbridge County the penalty specified in the time period indicated on the Violation Tag.
- d. A Violation Tag shall be deemed to have been sufficiently served if:
 - i. Served to the accused directly, or
 - ii. Mailed to the address of the registered Owner occupying a property, or
 - iii. Secured to the property in respect of which the offence is alleged to have been committed.
- e. Where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, then an Enforcement Officer may issue a Violation Ticket specifying that a voluntary payment be made as described in Schedule "A" of this Bylaw.
- f. Alternatively, an Enforcement Officer may immediately issue a Violation Ticket to any person who the Officer has reasonable grounds to believe has contravened any provisions of the Bylaw, specifying that:
 - i. A voluntary payment be made as described in Schedule "A" of this Bylaw; or
 - ii. If it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offence for

which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.

- g. The levying and payment of any fines shall not relieve a person from the necessity of:
 - i. Immediately remedying the situation that created the violation; or
 - ii. Paying any fees, charges, or costs for which he/she is liable under the provisions of this Bylaw.

8. Exercise of Discretion

Lethbridge County has the discretion to enforce this Bylaw and is not liable for any outcomes should an Enforcement Officer decide not to enforce this Bylaw if acting in good faith.

9. Severability Provisions

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

10. Application

The provisions of this Bylaw shall apply to all lands within the municipal boundaries of Lethbridge County.

11. Effective Date

This Bylaw 22-020 shall come into effect on the date of third reading and repeals Bylaw 17-008 in its entirety.

GIVEN first reading this 15 day of December, 2022.



Reeve



Chief Administrative Officer

GIVEN second reading this 2 day of March, 2023.



Reeve



Chief Administrative Officer

GIVEN third reading this 2 day of March, 2023.



Reeve



Chief Administrative Officer

Schedule "A"
Offences and Penalties

Bylaw Section	Offence	Penalties	Subsequent Offence (within 12 months)
3(c)	Failure to comply with maximum allowable Animal Units per parcel size	\$250.00	\$500.00
4(a)	Failure to properly manage feces or manure	\$250.00	\$500.00
4(b)	Failure to promptly and properly dispose of dead animal(s)	\$250.00	\$500.00
4(c)	Failure to properly control bedding, feed, feathers or fur	\$250.00	\$500.00
5(a)	Failure to observe prohibition against the keeping of wild boars	\$250.00	\$500.00
6	Failure to comply with an Order	\$250.00	\$500.00