

**LETHBRIDGE COUNTY**  
**IN THE PROVINCE OF ALBERTA**

**Bylaw No. 17-008**

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 17-008 may be cited as the "Animal Control Bylaw".

2. Definitions

For the purpose of this Bylaw 17-008 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. "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.
- k. "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.
- l. "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. on 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. For the purpose of this section "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. Land owners are responsible for ensuring the following standards are complied with:

- i. feces or manure 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 nuisance to other lands or water sources;
- ii. dead animals must be promptly and properly removed or disposed of within 48 hours to minimize odours, flies, and transmission of disease to other animals or humans.

#### 4. Prohibitions and Exemptions

- a. No fur bearing animals, fowl, or livestock other than domestic animals shall be permitted within the hamlets.
- b. Horses are permitted in hamlets on parcels 2 acres or greater in size provided they adhere to the animal unit restrictions as outlined in Table 3a.
- c. No wild boars shall be permitted.
- d. 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.
- e. 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.

#### 5. 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 5a, 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 5c (ii) then is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.

## 6. 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 whom 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.

7. Exercise of Discretion

- a. 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.

8. Severability Provisions

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

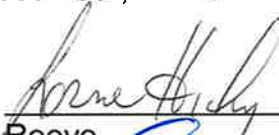
9. Application

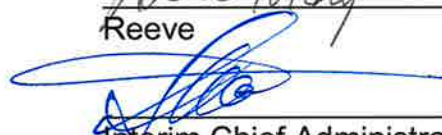
- a. The provisions of this Bylaw shall apply to all lands within the municipal boundaries of Lethbridge County.

10. Effective Date

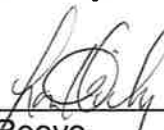
- a. This Bylaw 17-008 shall come into effect on the date of third reading.

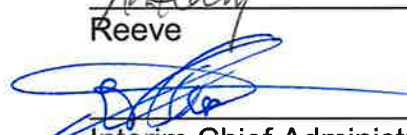
GIVEN first reading this 7<sup>th</sup> day of December, 2017.

  
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Reeve

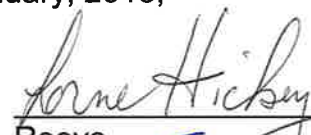
  
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Interim Chief Administrative Officer  
Sheldon Steinke, CLGM

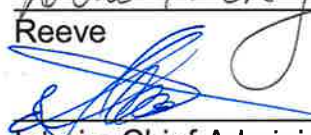
GIVEN second reading this 24<sup>th</sup> day of January, 2018.

  
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Reeve

  
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Interim Chief Administrative Officer  
Sheldon Steinke, CLGM

GIVEN third reading this 24<sup>th</sup> day of January, 2018,

  
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Reeve

  
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Interim Chief Administrative Officer  
Sheldon Steinke, CLGM

## Schedule "A" Offences and Penalties

<b>Bylaw Section</b>	<b>Offence</b>	<b>Penalties</b>	<b>2<sup>nd</sup> Offence (within 12 months)</b>	<b>3<sup>rd</sup> or any subsequent Offence (within 12 months)</b>
3a	Failure to comply with allowable Animal Units per parcel size	\$250.00	\$500.00	\$1,000.00
4a	Harbour or keep fur bearing animals, fowl or livestock within a hamlet	\$250.00	\$500.00	\$1,000.00
5	Failure to comply with an Order	\$250.00	\$500.00	\$1,000.00