



**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW # 1747**

A Bylaw of the Town of Claresholm, in the Province of Alberta, for the provision of regulating and controlling animals.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, s. 7, Council of the Town of Claresholm (hereafter called Council) may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

AND WHEREAS the Council of the Town of Claresholm, in the Province of Alberta, deems it expedient to pass such a Bylaw.

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, Council duly assembled, hereby enact the following:

This Bylaw may be referred to as the **Livestock Bylaw**.

1. DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

CAO means the person appointed to the position of Chief Administrative Officer for the Town of Claresholm within the meaning of the *Municipal Government Act* or designate.

Coop means a fully enclosed weatherproof structure and attached Outdoor Enclosure used for the keeping of Hens, that complies with the Town of Claresholm Land Use Bylaw regulations applicable to Accessory Buildings.

Council means the Mayor and Councilors duly elected pursuant to the provisions of the *Local Authorities Election Act*.

Enforcement Officer means:

- (i) a Bylaw Enforcement Officer appointed under the *Municipal Government Act*;
- (ii) a Peace Officer;
- (iii) a member of the Royal Canadian Mounted Police (RCMP); or
- (iv) a Public Health Inspector.

Hen means a domesticated female chicken.

Highway means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, square, bridge, causeway, 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:

- (v) a sidewalk and/or boulevard;
- (vi) where a ditch lies adjacent to and parallel with a roadway, the ditch; and
- (vii) 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 land between the fence and edge of the roadway as the case may be.

Livestock includes, but is not limited to:

- (viii) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
- (ix) domestically reared or kept deer, reindeer, moose, elk, or bison;
- (x) farm bred fur bearing animals including foxes or mink;
- (xi) animals of the bovine species;

- (xii) rabbits raised for meat;
- (xiii) animals of the avian species intended for human consumption, including chickens, turkeys, ducks, geese, quails or pheasant; and
- (xiv) all other animals or insects that are kept for agricultural purposes.

Outdoor Enclosure means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earth or vegetated floor for Hens to roam.

Rooster means a domesticated male chicken.

Town means the Town of Claresholm, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof.

Wildlife means big game, game birds, birds of prey, fur bearing animals, fur bearing carnivores and any other species of vertebrates designated as Wildlife under the *Wildlife Act* and the regulations passed pursuant hereto.

2. PERMITTED & PROHIBITED

- 2.1 Subject to the provisions of this Bylaw, and any other Bylaw of the Town of Claresholm, animals that may be kept within the Town of Claresholm include domestic pets, such as dogs and cats.
- 2.2 It is not the intention of this Bylaw to prohibit other domestic pets such as small caged pets or birds that fall within provincial and federal guidelines.
- 2.3 No person shall keep or have any of the following within the Town:
 - a. Roosters;
 - b. Hens, except those Hens for which a valid license has been issued under this Bylaw;
 - c. Livestock, except that Livestock which is kept in compliance with an exemption provided for in s. 6 of this Bylaw;
 - d. Wildlife;
 - e. Bees; or,
 - f. Poisonous snakes, reptiles, or insects.

3. CONTROL AND CARE OF LIVESTOCK

- 3.1 All Livestock in the Town of Claresholm 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.
- 3.2 An Enforcement Officer may capture and confine Livestock which trespasses within the Town of Claresholm on any:
 - a. Public lands owned and controlled by the Town, including Highways;
 - b. Public lands owned by the Crown; or
 - c. Privately owned land without the consent of the owner of those lands.
- 3.3 The owner of all Livestock in compliance with the provisions of this Bylaw must hygienically dispose of any feces produced by such Livestock on or off the owner's property in accordance with the *Environmental Protection and Enhancement Act*.
- 3.4 The owner of any Livestock in the Town of Claresholm must adhere to any and all applicable local, provincial and federal rules, acts, regulations, and associated certification, approval and permitting processes that are in addition to the following requirements shall be adhered to at all times and include but are not limited to the *Animal Protection Act*, *Environmental Protection and Enhancement Act*, the *Agricultural Operation Practices Act*, and all associated regulations.

4. URBAN HEN LICENCES

- 4.1 A person may keep up to five (5) Hens within the Agricultural/Transitional (A/T) land use district, and a person may keep up to three (3) Hens within the Country Residential (R3) & Single Detached Residential (R1), as defined in the Town of Claresholm Land Use Bylaw, with an Urban Hen Coop License, which may be applied for by:

- a. Submitting a completed Urban Hen Coop Licence Application;
- b. Obtaining a Premises Identification (PID) under the *Animal Health Act* and its regulations; and
- c. Paying an annual fee for the Urban Hen Coop Licence as outlined in this Bylaw.

4.2 Urban Hen Coop Licenses may be issued if the CAO and/or designate is satisfied that:

- a. The applicant is the owner of the property on which the Hens will be kept, or that the owner of the property has provided written consent to the applicant;
- b. The applicant resides on the property on which the Hens will be kept and:
 - (i) All required information has been provided;
 - (ii) An inspection has been completed;
 - (iii) The applicable license fee of \$50.00 per year has been paid; and,
 - (iv) The applicant has complied with all other Provincial and Federal regulations for the keeping of Hens.

4.3 Urban Hen Coop Licenses may be refused or revoked by the CAO and/or designate if:

- a. The applicant or licence holder does not meet or no longer meets the requirements for an Urban Hen Coop Licence as set out in this Bylaw or the Town of Claresholm Land Use Bylaw;
- b. The applicant or licence holder furnishes false information or misrepresents any fact or circumstance required pursuant to this Bylaw;
- c. The applicant or licence holder has, in the opinion of the CAO and/or designate, based on reasonable grounds, contravened any part of this Bylaw whether or not the contravention has been prosecuted;
- d. The applicant or licence holder fails to pay a fine imposed by a Court for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of Livestock;
- e. The applicant or licence holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
- f. In the opinion of the CAO and/or designate, based on reasonable grounds, it is in the public interest to do so.

4.4 Urban Hen Coop Licenses are not transferable from one person to another.

4.5 Urban Hen Coop Licenses are not transferable from one property to another except:

- a. When a licence holder has moved to a new property within the Town, then:
 - (i) The licence holder may apply to transfer the licence; and
 - (ii) An inspection of the new property must be carried out to determine the licence holder is still able to meet all requirements for an Urban Hen Coop Licence as set out in this Bylaw and the Town of Claresholm Land Use Bylaw at such property.

4.6 Urban Hen Coop Licence Fees:

- a. \$50.00 per year is to be paid prior to the 31st of January of every year and expires on December 31st;
- b. Shall not be reduced or prorated no matter the month of purchase; and,
- c. Shall not be refunded or rebated if revoked or otherwise terminated.

4.7 If the CAO and/or designate revokes, or refuses to issue an Urban Hen Coop Licence, the applicant may appeal the decision to Council within 21 days.

5. KEEPING OF HENS

5.1 A person who keeps Hens must:

- a. Ensure that each Coop is:
 - (i) Located in the rear of the property;
 - (ii) Meets the setback requirements for Accessory Buildings and structures as outlined in the Town's current Land Use Bylaw.
- b. Provide and maintain, in the Coop, at least one nest box per Coop and one perch per Hen;
- c. Keep each Hen in the Coop at all times;

- d. Provide each Hen with appropriate food, water, shelter, light, warmth, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust bathing, and roosting, all sufficient to maintain the Hen in good health;
- e. Maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- f. Follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce the potential for a disease outbreak;
- g. Keep Hens for personal use only; and,
- h. Inform the Town immediately of any disease or welfare issues that may affect the public, and of the steps taken to rectify the situation.

5.2 No person who keeps Hens shall:

- a. Sell eggs, manure, meat, or other products derived from a Hen;
- b. Slaughter any Hen on the property;
- c. Dispose of any Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of such; and,
- d. Keep a Hen in a cage, kennel, or any other form of shelter other than a Coop, except for the purpose of temporary transport.

6. EXEMPTIONS

6.1 Exceptions to Section 2.3 include:

- a. Facilities where Livestock are temporarily housed for educational, veterinary, scientific, or civic purposes;
- b. Facilities where Livestock are temporarily housed for industrial or commercial purposes, such as slaughterhouses or auction markets, subject to requirements and restrictions by an applicable Town of Claresholm Bylaw, which may include, but is not limited to, the Land Use Bylaw and Business License Bylaw;
- c. For approved special events, such as parades or filming; and
- d. Specific areas as designated within the Town of Claresholm Land Use Bylaw, or any other current bylaw, subject to such restrictions and conditions stated therein.

6.2 Where the property is designated by the Land Use Bylaw as Agricultural Transitional (A/T), Single Detached Residential (R1) or Country Residential (R3) it is exempt from Subsection 2.3 (c), with regards to Equine species only, with the following restrictions on number of animals kept:

- a. 0.00 to 1.49 acres – none
- b. 1.50 to 2.49 acres – maximum of two animals
- c. 2.50 to 3.49 acres – maximum of three animals
- d. 3.50 and greater – maximum of four animals
- e. No person shall keep any Livestock in any place used for a dwelling house, or in any building or shed attached thereto or connected therewith.

6.3 Where exemptions apply as per Sections 6.1 & 6.2, an owner shall not create, establish, or maintain:

- a. A stable or other building in which Livestock 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; or
- b. An accumulation or deposit of offensive matter, refuse, offal or manure, wherever situated excepting a Highway, which:
 - (i) is injurious or dangerous to health;
 - (ii) may hinder in any manner the prevention or suppression of disease; or
 - (iii) may provide a breeding place for flies or creation of odors;
- c. Any accumulation or deposit of offensive matter, refuse, offal or manure on a Highway.

6.4 No horses or cattle of any kind shall be kept in any shed, stable, pen, byre, yard or other enclosure situated at less distance than seventy-five (75) feet from the nearest dwelling house nor twenty-five (25) feet from any public Highway not being a lane or recreational park. If more than one animal is kept the distance shall be at least one hundred (100) feet from the nearest dwelling.



- 6.5 No person shall keep any poultry in any shed, stable, Coop, pen, yard or other enclosure situated at a distance less than twenty (20) feet from any occupied building on the same lot, thirty (30) feet from any occupied building on an adjacent lot or twenty five (25) feet from any public Highway not being a lane or recreational park except in the case of lots having a frontage on two Highways, the minimum distance shall be twenty five (25) feet from the Highway on which the occupied building on the lot fronts and ten (10) feet from any Highway at the side or rear of the lot. For the purpose of this section a lane shall not be considered a Highway.
- 6.6 All sheds, stables, pens, byres, yards, or enclosures where Livestock are kept shall be properly constricted, drained, ventilated and lighted and kept clean to the satisfaction of the Medical Officer of Health or such Health Inspector as may be appointed from time to time and shall be open to the subject of inspection by any Health Inspector at all reasonable times.
- 6.7 Any unclean, leaking, foul, dangerous, defective, or filthy drain, ditch, tank or gutter or any leaking or broken slop garbage, manure box or receptacle of like character whenever or wherever found in the limits of the Town of Claresholm shall be deemed a nuisance.
- 6.9 The Health Officer may order the relocation, alteration or removal of any existing sheds, Coops, runways or enclosures in which poultry are kept which do not comply with the provisions of this Bylaw.

7. PENALTIES AND ENFORCEMENT

- 7.1 No person shall willfully obstruct, hinder, or interfere with an Enforcement Officer or any other person authorized to enforce and engage in the enforcement of this Bylaw.
- 7.2 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable to a fine of:
- a. \$250.00 – First (1st) offense;
 - b. \$500.00 – Second (2nd) and subsequent offences.

8. GENERAL


- 8.1 It is the intention of the Council of the Town that each provision of this Bylaw should be considered as being separate and severable from all other provisions, should any section or provision of this Bylaw be found to have been improperly enacted then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
- 8.2 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- 8.3 Whenever the singular and masculine gender is used in this Bylaw it shall include the plural, feminine and neutral gender whenever the context so requires.


This Bylaw shall take effect on the date of final passage.

Read a first time in Council this **8th** day of **May** 2023 A.D.

Read a second time in Council this **23rd** day of **May** 2023 A.D.

Read a third time in Council and finally passed in Council this **23rd** day of **May** 2023 A.D.


Brad Schlossberger, Deputy Mayor


Abe Tinney, Chief Administrative Officer

Schedule "A"



URBAN HEN COOP LICENSE APPLICATION

111 -55 Avenue W, Box 1000
 Claresholm, AB T0L 0T0
 P 1.403.625.3381 F 1.403.625.3869
www.claresholm.ca

Applicants must fill in the following application form and submit photographs and a site plan.

| APPLICANT/AGENT INFORMATION | |
|---|---|
| Applicant Name: | |
| Mailing Address: | |
| Email: | |
| Phone: | |
| PROPERTY INFORMATION | |
| Property Owner(s): | |
| Civic Address: | |
| Legal Description: | Lot: Block: Plan: |
| Premises Identification Number through Alberta Agriculture and Rural Development: | |
| PROPERTY OWNER SIGNATURE/PERMISSION LETTER | |
| You must provide either a property owner signature OR a permission letter from the property owner authorizing the agent to sign the application form. | |
| Property owner signature _____ Date: _____ | OR <input type="checkbox"/> Permission letter is attached |
| RIGHT OF ENTRY | |
| In accordance with the <i>Municipal Government Act</i> , I hereby authorize the Town of Claresholm to enter the above property for the purpose of conducting site inspection(s) pursuant to bylaw regulation. | |
| Property owner signature: _____ | |
| FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT | |
| The information collected via this form is being collected by the Town of Claresholm pursuant to legislation governing the information handling practices of the Town of Claresholm, specifically Sections 33(a) and (c) of the <i>Freedom of Information and Protection of Privacy Act (Alberta)</i> , and other legislation or bylaws governing the municipality, as may be applicable. By signing this document, you acknowledge that, in accordance with Section 17(2)(g) of the <i>Freedom of Information and Protection of Privacy Act</i> your name, address and other details related to your permit may be made available to the public. Should you have any questions related to the collection or disclosure of your personal information, please contact the Chief Administrative Officer at the Town Office. | |
| Applicant/Agent signature _____ Date: _____ | |
| FOR OFFICE USE ONLY | |
| Roll #: | Land Use District: |
| Lot Size: | Approval Date: |
| Date Received: | |
| Fee Paid (\$50.00): | |

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