

TOWN OF HANNA
PROVINCE OF ALBERTA
BY-LAW 1035-2024

A BYLAW OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, TO REGULATE, CONTROL, LICENSE WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION TO THEM.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, empowers a Municipal Council to pass a Bylaw for municipal purposes respecting the safety, health, and welfare of people, the protection of people and property, to regulate wild and domestic animals, and to provide for the confinements of certain animals within Town, and to regulate and control other animals.

AND WHEREAS the *Municipal Government Act* RSA 2000 Chapter M-26, empowers a Municipal Council to impose a fine for infractions of a Bylaw,

AND WHEREAS the *Municipal Government Act*, RSA 2000 Chapter M-26 empowers a Municipal Council to regulate or prohibit and provide for a system of licenses, permits or approvals.

NOW THEREFORE THE COUNCIL OF THE TOWN OF HANNA ENACTS AS FOLLOWS:

PART I ANIMAL CONTROL BYLAW

1. This bylaw shall be known as "ANIMAL CONTROL BYLAW".

PART II INTERPRETATIONS

- 2.1 In this Bylaw, words shall have the same meanings as in the *Municipal Government Act* except as otherwise defined below:

"Adjoining Neighbor" means an owner or occupant of a property that is contiguous to Subject Property along a common property line. If the subject property is located on a corner lot, an Adjoining Neighbor includes an owner or occupant of property that is adjacent to the Subject Property across a rear lane, but not across the street.

"Animal" means any bird, chicken, hen, reptile, amphibian, or mammal excluding humans and Wildlife.

"Animal Health Act" means the *Animal Health Act*, SA 2007, C A-40.2 including regulations under that statute.

"At Large" means:

- i) An Animal or Animals which are not under the control of a Person responsible by means of a Leash and is or are actually upon property other than the property in respect of which the Owner of the Animal or Animals has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestle way, sidewalk (including the boulevard portion of the sidewalk), Park or other public place which has not been designated as an Off Leash Area, or
- ii) an Animal or Animals which are under the control of a Person responsible by means of a Leash and which cause damage to Persons, property, or other Animals.

"Attack" means force applied by an Animal to a Person or other Animal consisting of a Bite, puncture, or laceration, resulting in bleeding, sprains, bruising, or multiple injuries.

"Bite" means force applied by an Animal by means of its mouth and teeth upon a Person or other Animal.

"Cemetery" means land within the Town and managed and controlled by The Town that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried.

"Certified Professional Dog Trainer" means a person specializing in training dogs who is certified by the Certification Council for Professional Dog Trainers.

"Chief Administrative Officer" means a person appointed to a position under the Municipal Government Act, or that persons designate as required.

"Collar" means a band of metal or material, which is of suitable size and strength that may be humanely placed around the neck of an animal.

"Communicable Disease" means a disease that affects animals and may be transmitted to other animals and/or human beings.

"Coop" means a fully enclosed structure intended for the keeping of Hens.

"Coop Run" means a securely enclosed, roofed outdoor area attached to and forming part of a Coop, for Hens to roam.

"Council" means the Council of the Town of Hanna.

"Dangerous Animal" means any animal at any age or sex which:

- i) shows a propensity, disposition or potential to attack or injure, without provocation, humans, or other animals,

- ii) without provocation, chases humans or other animals,
- iii) is a continuing threat of serious harm to humans or other animals,
- iv) without provocation, has attacked humans or other animals,

- v) a Peace Officer determines on reasonable grounds to be a dangerous animal, either through personal observation or based on facts determined after an investigation initiated by a complaint.

"Dog" means either a male or female member of the canine family.

"Feral" means an animal that appears wild in nature and shows no signs of domestication.

"Former Owner" means the Person who at the time of impoundment was the Owner of an animal which has subsequently been sold or destroyed.

"Harness" means straps and fittings that are of suitable size and strength that may be humanely attached to the chest and back of an animal.

"Hen" means an urban female chicken that is at least sixteen (16) weeks of age.

"Hen Keeper" means a person having any right of custody, control, or possession of a Hen.(s)

"Identification" means a functioning and/or clearly readable:

- i) microchip,
- ii) license tag,
- iii) vaccination tag,
- iv) tattoo,
- v) personal tag,
- vi) brand,

which is found on an animal and can be traced to current ownership information.

"Kennel" means any person, group of persons, firm or corporation that is an approved and currently licensed establishment, which is engaged in the business or recreation of breeding and/or boarding and/or selling of animals.

"Leash" means a tether no longer than six (6) feet and of suitable strength that may be humanely attached to the collar or harness of an animal, in order that the animal's actions be controlled.

"License and/or Tag" means:

- i) a permanent identification tag issued by the Town showing the license number for a specific dog and that is intended to be worn on a collar or on a harness always attached to the dog when the dog is off the Owner's property,

- ii) a license issued under this Bylaw that authorizes the keeping of Hens in Town.

"Livestock" means such animal that has been domesticated for agricultural use or pets including but not limited to; horse(s), cattle, sheep, swine, goat(s), mule(s), or any other hooved animal, as well as fowls, including pigeons, ducks, and turkeys, but shall not include dogs, cats, or chickens.

"Microchip" means an encoded electronic device implanted in an animal by or under the supervision of a registered veterinarian, which contains a unique code number that provides owner information and is stored in a central database.

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting.

"Nest Box" means a box within a coop for the nesting of Hens.

"Owner" means any person, partnership, association, or corporation owning, possessing, having charge of, or care and control, over any animal; or harboring any animal; or suffering or permitting any animal to remain about the Owner's house or premises. For purposes of this Bylaw, an animal may have only one (1) owner.

"Outdoor Enclosure" means a securely enclosed, roofed outdoor area forming part of a coop having a bare earth or vegetated floor for hens to roam, includes but not limited to, all coops, enclosures, henhouses, runs, roosts, and any other accessory building or structure used for the purpose of housing animals or livestock.

"Park" means a public space controlled by the Town and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes:

- i) Playgrounds,
- ii) Cemeteries,
- iii) Natural areas,
- iv) Sports Fields,
- v) Pathways,
- vi) trails, and
- vii) Park roadways,
- viii) School Ground,

But does not include Golf Courses

"Parkland" means all recreational land areas owned or controlled by the Town, lying within the Town limits, and whether improved in whole or in part, or in its natural state, and includes areas administered by the Town's Parks and Facilities Department and includes buildings or other improvements situated on these land areas.

“Pathway” means a multi-purpose thoroughfare controlled by The Town and set aside for use by pedestrians, cyclists and Persons using wheeled conveyances, which is improved by asphalt, concrete, gravel, or any other surface, whether it is in a park and includes any bridge or structure with which it is contiguous.

“Playground” means land within the Town and controlled by The Town upon which apparatus such as swings, and slides are placed.

"Peace Officer" means a Municipal Enforcement Officer, Animal Control Officer, a Police Officer under the Police Act, a member of a police service under the Police Act, a Peace Officer appointed under the Peace Officer Act for the purposes of this Bylaw and the Traffic Safety Act, A wildlife officer appointed under the Wildlife Act, A forest officer appointed under the Forests Act. Town Council may designate any other Town employee assigned to specific duties related to animal control.

"Permit" means a permit issued under this Bylaw, as indicated under the Municipal Government Act.

“Person” includes any individual, corporation, society, association, partnership, or firm.

“Premises Identification (PID) Number” means a nine-character combination of numbers and letters issued by the Province of Alberta pursuant to the provisions of the *Animal Health Act* to owners of livestock.

"Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, RSA 2000, C.P-34 as amended or appealed and replaced from time to time.

"Registered Veterinarian" means a registered veterinarian as defined in the Veterinary Profession Act.

"Residential District" means a designated residential district as per the Town of Hanna Land Use Bylaw.

“Rooster” means a male chicken.

“School Ground” means that area of land adjacent to a school and that is property owned or occupied by the Prairie Land Public School Division and includes property owned or occupied with another party or the Town.

“Sell” means to exchange or deliver for money or its equivalent.

“Service Dog” has the same definition as set out in the *Service Dog Act, S.A. 2007 c.S-7.5* and includes a dog that is in training to become a service dog but does not include dogs that are no longer actively being used as a service dog.

“Severe Injury” includes any injury to a Person or Animal that requires medical attention such as wounds requiring sutures, or other wound repair and closing, or surgery, disfiguring or scarring lacerations, broken bones, severe sprains, or any other similar serious injury, and any other injury as determined to be severe by a Provincial Court of Alberta, board, or Director upon hearing the evidence.

“Sign” means an inscribed board, structure or device serving for advertising or information and includes, without being limited to, freestanding signs, portable signs, and banners.

"SPCA" means the Alberta Society for the Prevention of Cruelty to Animals.

“Sports Field” means land within the Town and controlled by The Town which is set apart and used for the playing of a sport including baseball diamonds, field hockey or cricket pitches, and rugby, soccer, or football fields.

“Subject Property” means a lot or parcel of land in respect of which a Hen License is sought or has been issued.

"Tattoo" means a permanent visible marking on the skin of an animal created by or under the supervision of a registered veterinarian, which contains a unique code of letters and/or numbers that provide owner information recorded by a registered veterinarian and/or the Alberta Veterinarian's Medical Association and its national affiliates.

"Animal Shelter" or "Pound" means the premises designated by the Town for the purpose of impounding and caring for animals seized and/or regulated under this Bylaw.

“Town” means the Town of Hanna.

“Violation Tag” means a Town of Hanna issued notice that alleges an offence and provides a person the opportunity to pay an amount to the town in lieu of prosecution for the offence.

"Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

PART III LICENSING

3.1 No person shall own, keep, or harbor any dog within the Town limits without a valid and subsisting dog license for that dog.

3.2 The owner of every dog over the age of six (6) months in the Town shall obtain a license tag and pay a license fee as set out in **Schedule "A"**, attached to, and forming part of this Bylaw, as amended from time to time.

- 3.3 Approved animal license tags, licenses or hen keeping licenses are issued annually and must be renewed prior to January 30 of each calendar year. An animal with an expired License tag shall be deemed to be not licensed.
- 3.4 To be eligible for the reduced rate for spayed or neutered dogs, the owner must provide written proof from the veterinary facility who performed the procedure, or, alternatively, the owner may supply a statutory declaration declaring that the dog is spayed or neutered.
- 3.5 Every person who becomes the owner of a dog over the age of six (6) months or takes up residence within the Town and who is the owner of the dog which is over the age of six (6) months and which is not currently licensed in accordance with this Bylaw, shall license the same and pay the license fee, within one (1) month after becoming owner of the said dog; or taking up residence within the Town.
- 3.6 In the prosecution or proceedings for a contravention of this Bylaw, the burden of proof relating to the age of the dog shall be upon the owner and unless the contrary is proven, the dog shall be presumed to have attained the minimum age of six (6) months at the time of the charge.
- 3.7 Licenses issued under this Bylaw shall not be transferable from one animal to another or from one owner to another unless prior written approval is received from the Town Administration Office.
- 3.8 Upon payment of the required license fee, the owner will be supplied with a license tag stamped with a number and the year the license is effective for.
- 3.9 The Town or Peace Officer may revoke a license if:
 - i) the applicant fails to comply with any condition of the License,
 - ii) the License was issued based on incorrect information or a misrepresentation by the applicant,
 - iii) the License was issued in error,
 - iv) the Owner breaches a provision of this Bylaw,
 - v) a Registered Veterinarian certifies that the Animal is a health risk.
- 3.10 If the license application is rejected, or a license that has been issued is subsequently revoked or cancelled, the owner shall remove the animal from the Town immediately or turn the animal over to the Peace Officer for disposition under this Bylaw, within forty-eight (48) hours of being given written notice that the license application has been rejected or the license has been revoked or cancelled.
- 3.11 If a license tag is lost or stolen, a replacement tag can be purchased by the owner upon making payment of the fee set out in **Schedule "A"** attached to and forming part of this Bylaw.
- 3.12 If a license tag is not associated with current ownership and/or animal information, the license tag shall be deemed invalid.

- 3.13 No person shall be entitled to a license rebate or refund under any provision of this Bylaw.
- 3.14 Every owner shall provide a suitable collar or harness and ensure that the license tag is securely fastened to a collar or harness, which must be always worn by the dog, at all times. *Note: License tags may be removed from the dog during grooming or other situations while on the owner's property.*
- 3.15 Animal owners shall provide the Town with the following information with each application for an animal license:
- i) name, mailing address, street address, telephone contact number(s) of owner(s) and be of at least eighteen (18) years of age,
 - ii) name, age, and explicit detail of breed,
 - iii) description of dog to be licensed,
 - iv) any other information as required with respect to the application.
- 3.16 The Town Administration Office shall keep a record of all animal licenses pursuant to this Bylaw.
- 3.17 Every owner shall notify the Town of their change of address within fifteen (15) days of the change of residency.

Maximum Numbers

- 3.18 No person shall keep or harbor more than three (3) dogs of whatever sex, whether licensed or not and aged six (6) months or more, at one and the same time, in any house, shelter, room or place within the Town.
- 3.19 Within limits of the Town, subsection 2.18 of this Bylaw shall not apply to:
- i) any premises lawfully used for the care and treatment of animals operated by and in charge of a Registered Veterinarian,
 - ii) any premises that may be temporarily used for the purpose of an animal show,
 - iii) an organization that is offering a recognized training or obedience class for animals,
 - iv) any person in possession of a valid business license to operate a pet store, animal grooming parlor, or kennel if said person adheres to said business license conditions,
 - v) dogs accompanying persons temporarily in the Town on business or vacation for a period not exceeding fourteen (14) days, or such longer periods as may be authorized by written permission from the Town.

Kennels

- 3.20 No person shall operate a kennel in any residential district in the Town.

PART IV DANGEROUS ANIMALS

- 4.1 The Town will NOT permit or license any dangerous animals within the community.
- 4.2 If an animal is designated as a dangerous animal, as defined under this Bylaw, the existing license(s) shall be revoked, and the owner shall remove the dangerous animal from the community as per subsection 2.9 of this Bylaw.

Threatening Behaviors

- 4.3 The owner of an animal shall ensure that such animal does not:
- i) bite, bark at, or chase stock, animals, bicycles, automobiles, or other vehicles,
 - ii) chase or otherwise threaten a person or persons, whether on the property of the owner or not,
 - iii) damage public or private property in any way. The owner of the animal retains the responsibility to repair any such damage caused by their animal, and at their own cost. If the animal owner does not complete their duties under this subsection, the property owner may seek redress through legal action,
 - iv) do any act that injures a person or persons, whether on the property of the owner or not,
 - v) bite, or attack a person or persons, whether on the property of the owner or not,
 - vi) bite, or attack another animal causing severe injury, whether on the property of the owner or not,
 - vii) cause death in any way to another animal,
 - viii) bite, or attack a person or persons, whether on the property of the owner or not, causing severe injury.
- 4.4 No owner must use or direct an animal to attack, chase, harass or threaten a person or animal.

Duty to Report Bite

- 4.5 An owner must make a report to a Hanna Municipal Enforcement Services Peace Officer within twenty-four (24) hours if the owner's animal bites a person or another animal by:
- i) providing the owner's name and the animal's license number to the person who was bit or whose animal was bit and,
 - ii) filling out an Animal Bite Report, providing the owner's name and the animal's license number to a Peace Officer or the Town, with all details of the event.

PART V OWNERS RESPONSIBILITIES

Keeping Animals Under Control

- 5.1 This section shall apply to all animals except where explicitly referring to certain animals.
- 5.2 No owner shall suffer, permit, or allow for any reason any animal to be at large within the Town.
- 5.3 Unless a visible sign indicates that the area has been designated as an off-leash area an owner shall always keep the owner's dog on a leash.
- 5.4 No owner shall permit their animal, other than a leashed dog, to be on parkland areas.
- 5.5 Subsection 4.4 does not apply when the animal is in a bona fide show, contest or other event at a place and time approved by the Town.
- 5.6 A female animal in heat shall be confined within the owner's residence or taken to a licensed kennel during the entire period that the animal is in heat; except that a female dog on a leash may be allowed outside the said residence for the sole purpose of permitting the dog to defecate and/or urinate on the premises of the owner.

Removing Excrement

- 5.7 Each animal owner or person in care or control of an animal that is off the owner's property must remove any feces from their animal immediately.
- 5.8 Animal owner's must be equipped with a suitable bag, scooper, or other means of completely removing an animal's defecation. Disposal of such feces must be contained in a suitable container and must be disposed of in a sanitary manner.
- 5.9 Residences or grounds where any animals are kept shall always be maintained in a clean, sanitary, and inoffensive condition, to the satisfaction of a Peace Officer.
- 5.10 An owner of a registered guide dog, or a person being assisted by a registered guide dog is not subject to the obligations imposed in subsection 4.9 of this Bylaw, however, shall obtain assistance from another person to help ensure the owner meets the requirements set out in subsection 4.9.

Nuisances

- 5.11 The owner of an animal must ensure that such animal does not upset any waste receptacles or scatter the contents thereof either in or about a street,

lane, or other public property or in or about premises not belonging to or in the possession of the owner of the animal.

- 5.12 No person shall, but not limited to, tease, torment, annoy, abuse, injure or provoke any animal.
- 5.13 No person shall negligently or willfully open any gate, door, or other opening in fence, untie, loosen, or otherwise release and free any animal thereby allowing said animal to be at large.

Noise

- 5.14 No owner shall suffer, permit, allow or for any reason have their animal to bark or howl excessively or in any other manner to disturb the peace of any person consistently and grievously. The onus is on the complainant to show that the animal in question is the source of the disturbance.
 - i) Complaints can be submitted to the Town by completing a complaint form at the Town Administration Office or submitting one online on the Town' website at www.hanna.ca.
 - ii) A completed Animal Noise Tracking Form will be required to investigate animal noise complaints, which are available at the Town Administrative Office, on the Town website at www.hanna.ca. or by contacting Hanna Municipal Enforcement Services at admin@hanna.ca.

Unattended Animals

- 5.15 The owner of an animal must ensure that such animal is not left unattended while tethered or tied on premises where the public has access, whether the right of access is express or implied.
- 5.16 The owner of an animal must ensure that such animal is not left tethered or tied up in a residential yard unless the owner is always outside with the animal, or the owner is able to always maintain visual view of the animal.
- 5.17 The owner of an animal must not allow the animal when tethered or tied up in an unfenced or unbarricaded residential yard to get closer than 1.5 meters to the property line.
- 5.18 The owner of an animal left unattended in a motor vehicle must ensure:

- i) the animal is restrained in a manner that prevents contact between the animal and any member of the public, and,
- ii) the animal is not confined in such a manner that places it in a life or health threatening situation by exposure to a period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.

Securing Animals in Vehicles

- 5.19 For the purpose of this subsection, “roadway” means any street or highway, 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.
- 5.20 An owner must not allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- 5.21 Notwithstanding subsection 4.20, an owner may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck if the animal is:
 - i) in a fully enclosed trailer,
 - ii) in a topper enclosing the bed area of a truck, or
 - iii) contained in a ventilated kennel or similar device securely fastened to the bed of the truck.

Communicable Diseases

- 5.22 An owner of an animal suspected of having a communicable disease or rabies must immediately report the matter to The Canadian Food Inspection Agency or Alberta’s Medical Officer of Health, and to the Town.
- 5.23 In the event of an animal suspected of having rabies, or an outbreak, or threatened outbreak of a communicable disease affecting animals, which may be transmitted to human beings or between animals, the owner shall confine the animals, humanely, entirely for not less than ten (10) days to the owner’s premises, in such a manner to prevent further spread of the disease.
- 5.24 If an owner cannot humanely confine or quarantine an animal to their premises, in such a manner to prevent further spread of any communicable

disease, the owner shall transport the animal to a Registered Veterinarian, for quarantine at the owner's expense.

- 5.25 When an animal under quarantine has been diagnosed as rabid or suspected by a Registered Veterinarian as being affected by a communicable disease and dies while under observation, a Peace Officer shall notify the Medical Officer of Health and the Town of any reports of human contact, and the diagnosis made of a suspected animal.
- 5.26 During such period of a communicable disease quarantine or humanely confinement as herein mentioned in subsection 4.25, every animal bitten by an animal adjudged to be affected by said disease, shall forthwith be humanely euthanized, or at the owner's expense and option shall be treated for the disease infection by a Registered Veterinarian or held under quarantine by the owner in the same manner as other animals are in quarantine.
- 5.27 Notwithstanding subsection 4.26, If an owner cannot humanely confine or quarantine an animal that has bitten or been bitten by another animal to their premises, in such a manner to prevent further spread of any communicable disease, the owner shall transport the animal to a Registered Veterinarian, for quarantine at the owner's expense.
- 5.28 Except as prescribed in this Bylaw, no person shall kill, or cause to be killed, any animal suspected of being exposed to a communicable disease or any animal which has bitten a human, nor remove the same from the Town limits without written permission from a Peace Officer.
- 5.29 The carcass of any dead animal exposed to a communicable disease shall upon demand, be surrendered to a Peace Officer or disposed of in a manner by directions of a Peace Officer.
- 5.30 A Registered Veterinarian or Peace Officer shall direct the disposition of any animal found to be infected with a communicable disease.

Prohibited Possession of Livestock

- 5.31 No person shall have or harbor:
- i) any livestock,
 - ii) any poisonous snakes, poisonous reptiles, or poisonous insects,
 - iii) any animal or species, including the above, deemed dangerous or objectionable in the opinion of the Chief Administrative Officer or designate, or a Peace Officer,

of whatever sex in any public or private property including in any house, shelter, room, or place within the Town.

Essential Needs

- 5.32 Every owner of an animal shall provide sufficient food, water, care, and medical attention when required, and shelter including protection from the atmospheric elements such as, but not limited to, the sun, snow, rain, hail, wind, cold or hot temperatures, or any other atmospheric or environmental condition which could reasonably be expected to cause an adverse effect on the animal.
- 5.33 No person shall cause or allow any person to cause cruelty to an Animal, an Animal to be abused, in distress or neglected in any way.
- 5.34 Any alleged distress, abuse, cruelty, or neglect of an animal shall be reported by a resident to the Town or a Peace Officer, by completing a Town complaint form available at the Town Administration Office or the Town' website at www.hanna.ca. A Peace Officer will investigate the matter and/or refer the investigation to the Alberta SPCA. Any penalties assessed by the SPCA shall be in addition to any penalties or fines noted on **Schedule "B"** attached to and forming part of this Bylaw.

PART VI HEN KEEPING

- 6.1 The purpose of this section is to enable hen keeping as urban agriculture if the Hen Keeper is the holder of a valid Hen License from the Town and always remains in compliance with the provisions of this Bylaw.

Hen License Requirements

- 6.2 A person may keep up to a maximum of four (4) urban Hens per household in Town by, but not limited to:
- i) first contacting all adjoining neighbors and notify them of the intent to apply for a Hen License on the subject property,
 - ii) obtaining a Premises Identification (PID) under the Animal Health Act,
 - iii) completing an Urban Chicken Training Course or equivalent, designed to provide adequate information regarding the successful keeping of chickens in an urban area, and providing a copy of the course completion certificate to the Town,
 - iv) demonstrating to the satisfaction of the Town that all adjoining neighbors have been notified of the intent to apply for a Hen License,

- v) providing the Town with information such as a name, address, contact phone number of who will be the Hen Keeper,
- vi) providing the Town, a copy of a Certificate of Title for the Subject Property issued by the Land Titles Office not more than two weeks prior to the date of the application,
- vii) providing the Town, written permission to keep hens on the subject property, from the registered owner of the subject property as shown on the Certificate of Title, if the Hen Keeper is not the registered owner,
- viii) providing the Town, a drawing that shows the location and size of the coop or outdoor structure on the subject property, and associated setbacks from the coop or outdoor structure to the side and rear property lines,
- ix) the Town completing an inspection of the location and size of the coop or outdoor structure on the subject property to ensure all requirements including size have been met.

6.3 No person shall keep or possess a rooster anywhere within Town limits.

Hen License Approval

6.4 Once a Hen License is approved by the Town, the Hen Keeper shall pay the required Hen License fee as prescribed in **Schedule "A"** of this Bylaw.

6.5 Hen Licenses shall not be reduced or prorated no matter the month of purchase.

6.6 A Hen License shall not be refunded or rebated.

6.7 A Hen License is not transferrable from one person to another.

6.8 A Hen License is not transferrable from one property to another except:

- i) when a licence holder has moved to a new property within the Town, then:
- ii) the licence holder may apply to transfer the licence; and
- iii) an inspection of the new property must be carried out to determine the license holder is still able to meet all requirements for a Hen License as set out in this Bylaw at such property.

6.9 A Hen License does not take effect until:

- i) the appeal period referenced in subsection 5.14 has expired, if no appeal was received during the appeal period; or
 - ii) the Town has decided on any appeal and that decision upholds the issuance of the Hen License, with or without conditions.
- 6.10 Keeping or building Coops is a development under the *Land Use Bylaw* but, subject to subsection 5.30 of this Bylaw, does not require a development permit if Hen Keeping complies with and is licensed under this Bylaw.
- 6.11 The Town will notify adjoining neighbors when a Hen License is issued.
- 6.12 The Town may refuse to issue or renew a Hen License, or may revoke a previously issued Hen License, for any of the following reasons:
- i) an applicant for or holder of a hen license does not meet or has ceased to meet the requirements of this Bylaw,
 - ii) an applicant has submitted false information,
 - iii) an applicant for or holder of a Hen License has outstanding unpaid fines under this Bylaw or any other Town Bylaw,
 - iv) an applicant has previously been the holder of a Hen License that was revoked for non-compliance with this Bylaw, or in respect of which an order has been made under section 645 of the *Municipal Government Act RSA 2000 Chapter M-26*,
 - v) an applicant for or holder of a Hen License has been convicted of any offence involving abuse, mistreatment or negligent treatment or keeping of animals; or
 - vi) in the opinion of the Town, it is in the public interest to refuse to issue a Hen License.

Appeals

- 6.13 An appeal lies from a decision of the Town to:
- i) issue a Hen License if the Appellant is an adjoining neighbor,
 - ii) impose conditions on a Hen License, if the Appellant is the person who applied for the Hen License or is an adjoining neighbor,
 - iii) refuse to issue a Hen License, if the Appellant is the person who applied for the Hen License; or

- iv) revoke a Hen License, if the Appellant is the holder of the Hen License that was revoked.
- 6.14 An appeal under subsection 5.13 must be in writing, addressed to the Office of the Chief Administrative Officer or Designate, and must be received in that Office not later than 14 days after the decision appealed from is issued.
- 6.15 An adjoining neighbor may appeal under clause 5.13(i) or 5.13(ii) of this Bylaw only if the grounds of appeal are:
- i) that the keeping of Hens on the subject property is likely to have a materially adverse effect on the health of the adjoining neighbor or of a person living in the premises of the adjoining neighbor; or
 - ii) a reason or factor listed in clauses 5.12(i), (ii), (iv) or (v) of this Bylaw.
- 6.16 As soon as reasonably practicable and in any event not more than 14 days after receiving a notice of appeal the Chief Administrative Officer must appoint a Designate for the purpose of hearing the appeal, and apart from appointing the Designate and providing it with administrative support the Chief Administrative Officer may not be involved in the appeal process.
- 6.17 The hearing of the appeal shall be scheduled within 30 days after notice of appeal.
- 6.18 The Town Designate shall provide their decision in writing, with reasons, within 7 business days of the hearing of the appeal. The Designate may:
- i) uphold the original Town' decision,
 - ii) vary the decision of the Town, including imposing conditions on a Hen License that differ from any conditions imposed by the Town; or
 - iii) overturn the decision of the Town.
- 6.19 The decision of the Town Designate is final and binding and is not subject to appeal to a Court.

Hen Keeper' Responsibilities

- 6.20 Hen Keepers must comply with the *Animal Health Act*.
- 6.21 Hen Keepers and/or owners of a subject property shall:

- i) ensure good husbandry practices where each Hen is provided with food, unfrozen water, shelter, adequate light, ventilation, warmth, veterinary care, and opportunities to scratch, peck, dust-bathe, roost, and socialize with their own kind,
- ii) provide warmth to the Hens through heat lamps, wall insulation, poly-sheeting, seedling heat mats, or other means,
- iii) maintain the Coop in good repair and sanitary conditions, free from vermin and noxious and offensive smells and substances,
- iv) construct and maintain the Coop to prevent rodents from being harbored underneath, within, or within the walls of the Coop, and to prevent access to the Coop by any other animal,
- v) always keep each Hen in a secured area,
- vi) keep each Hen locked in the Coop from sunset on any given day, to sunrise the following day,
- vii) ensure that Hens are kept in the Coop with all openings, such as doors and windows, secured in such a manner that will not allow predators to enter,
- viii) keep food and water containers in the Coop,
- ix) store feed in a fully enclosed, non-penetrable container,
- x) remove leftover feed, trash, and manure, in a timely manner,
- xi) follow biosecurity procedures recommended by the Canadian Food Inspection Agency (CFIA) to reduce potential for disease outbreak,
- xii) ensure Hens are slaughtered or euthanized at an appropriate location or facility, not on the Hen Keeper's or subject property,
- xiii) dispose of the carcass of a Hen deceased by natural causes, by double bagging and bringing it to a Registered Veterinarian, farm, abattoir, or other operation that is lawfully permitted to dispose of Hens,
- xiv) take Hens to a Registered Veterinarian, farm, abattoir, or other operation if Hens are no longer wanted,
- xv) keep Hens for personal use only, and not sell eggs, manure, meat, or any other products derived from Hens; and
- xvi) keep a Hen in an enclosed cage with proper ventilation when actively transporting the Hen.

- xvii) store manure within a fully enclosed container, and store no more than 85 liters (3 cubic feet) of manure on the property at any time,
- xviii) remove all other manure not used for composting or fertilizing and dispose of such appropriately at the Town' landfill.

Coop Requirements

- 6.22 A Coop is only permitted within a fenced side or rear yard of a residential property.
- 6.23 A Coop must be located at grade level, but not over a utility right-of-way.
- 6.24 A minimum Coop indoor floor area of 0.37m² (3.98 ft²) per Hen is required.
- 6.25 A minimum Coop Run outdoor area of 0.93m² (10.1 ft²) per Hen is required.
- 6.26 A Coop must contain a minimum of one (1) nest box for four (4) Hens.
- 6.27 A Coop must contain a minimum of one (1) perch per Hen that is at least 15cm (5.91in) long.
- 6.28 The setbacks of a Coop from property lines and/or other structures within the same property must comply with the minimum requirements outlined in the Town' *Land Use Bylaw* for an accessory building.
- 6.29 The maximum lot coverage of all structures on a property, including a Coop, must comply with the Town' *Land Use Bylaw*.
- 6.30 A development permit is required for a Coop if the floor area and/or height of the Coop does not comply with this Bylaw and/or the requirements of the *Land Use Bylaw* for an accessory building. A separate owner authorization form for the development permit is required if a development permit is required.
- 6.31 The Town has the authority to impose additional site-specific conditions.

PART VII IMPOUNDMENT AND DISPOSITION

- 7.1 A Peace Officer may capture and/or seize any animal(s) found running at large or running loose, or for the purposes of a Dangerous Animal investigation and may impound said animal(s) in the Animal Shelter.
- 7.2 Any person who captures an animal running at large or takes possession of an at large animal may, after contacting and receiving authorization from a Peace Officer, transport the animal to the Animal Shelter and shall turn the animal over to the Town staff forthwith.

- 7.3 Any person checking in an animal to the Animal Shelter, shall complete an Animal Intake Form, available at the Animal Shelter, providing all pertinent details.
- 7.4 A Peace Officer may enter any private or public land, vehicle, or place, other than a dwelling house without warrant, if necessary, for the purposes of carrying out their duties under this Bylaw.
- 7.5 To assist in the capture or seizure of animal(s) at large or loose, a Peace Officer may utilize live traps, catch poles, snappy snares and/or any other equipment as recommended by the Alberta Veterinarian's Medical Association. Said equipment shall be used in a humane manner.
- 7.6 An animal impounded under subsections 6.1 and 6.2 shall be kept in the Animal Shelter for a period of at least three (3) days excluding Sundays, Mondays, and Statutory Holidays. During this period, any healthy animal may be redeemed by its owner, or agent of the owner, upon full payment of:
- i) the appropriate license fee(s), when an animal is not currently licensed,
 - ii) the boarding fee,
 - iii) any associated medical costs that may have been required,
 - iv) any transportation fees incurred, if applicable,
 - v) the voluntary penalty or specified penalty for an offence or any outstanding offences under this Bylaw,
 - vi) the cost of any veterinary treatment required to treat any animal that is found to be injured when picked up or injured in the process of capture; or
 - vii) if the owner does not wish to pay any outstanding penalties for offences under this Bylaw, a violation ticket issued under Part 2 of the Provincial Offences Procedure Act - RSA 2000 Chapter P-34 may be served on the owner with a mandatory Court date, prior to the release of the animal.
- 7.7 If no license is issued for the animal, or the required license fee is not paid, or all the conditions of the license have not been met a Peace Officer or the Animal Shelter staff is not obliged to release the animal to the owner until all fees in accordance with Schedule "A" and Schedule "B" attached to and forming part of this Bylaw, and amended from time to time, are paid in full.

- 7.8 A Peace Officer who takes custody of an animal pursuant to Section 6.1 shall take all reasonable steps to:
- i) ensure the animal is provided with adequate food, water, care, shelter, and veterinarian treatment, if necessary,
 - ii) report any apparent illness, communicable disease, injury, or other unhealthy condition of any animal in custody, to a Registered Veterinarian, and act upon a Registered Veterinarian's recommendation regarding that condition,
 - iii) make every reasonable effort to locate the owner of the animal, including a search of the animal's functioning and clearly readable microchip, license tag, vaccination tag, tattoo, personal identification tag, or brand. The Peace Officer shall notify the owner of the actions taken in respect to the animal.
- 7.9 Town employees acting in the capacity of or assisting Peace Officers under the provisions of this Bylaw shall be responsible for the following:
- i) may capture and transport any animal to the Animal Shelter upon the direction of a Peace Officer,
 - ii) feed and water the animals and assure that proper bedding is supplied, and the kennel is maintained in a clean and proper manner, including weekends if required,
 - iii) if any fines are applicable, contact a Peace Officer when an owner comes to claim their animal, to serve any violation tags/tickets upon them,
 - iv) meet members of the public at the Animal Shelter to secure applicable fees and for release of animals to their owners. The Animal Shelter is closed on Sundays, Mondays, and Statutory Holidays,
 - v) transfer any animals to veterinary clinics for either treatment or euthanasia and shall be done using Town vehicles during normal working hours,
 - vi) complete an Animal Intake Form, available at the Animal Shelter, and
 - vii) call a Peace Officer to deal with any dangerous or vicious animal.
- 7.10 All animals requiring any veterinarian services that have been taken into custody by a Town employee and held in the Animal Shelter shall use:

Valley Veterinary Clinic-Hanna
404 Pioneer Trail
Hanna, AB. T0J 1P0
PH: 403-854-3463

- 7.11 At the expiration of the three (3) days of custody, excluding Sunday, Monday, and Statutory Holidays, any animal not claimed shall become the property of the Town and may be humanely euthanized or adopted to a person other than the owner, as directed by a Peace Officer. If the animal owner is known, and they neglect to claim their animal, pound fees and euthanasia fees shall be charged and invoiced to that owner.
- 7.12 Written permission from a Peace Officer shall be required for either the adoption or euthanasia of any unclaimed animal following the prescribed three (3) day period as described in subsection 6.14.
- 7.13 At the discretion of a Peace Officer, the responsibility for the euthanization of any impounded animal may be delegated to a Registered Veterinarian. Any such action pursuant to this Bylaw shall be done in a humane manner.
- 7.14 Any person who adopts an animal shall obtain full rights and title of said animal, and the right and the title of the former owner shall cease forthwith. No fines shall be required of the new owner regarding the current impoundment, but the new owner shall ensure that the license fees are paid in full, and the animal wears its applicable license tag, if required, always.
- 7.15 If, in the judgment of a Registered Veterinarian, an animal that has been caught or impounded by a Peace Officer:
- i) should be euthanized for humane reasons, and/or
 - ii) is feral, dangerous, not adoptable and without any form of identification as defined in this Bylaw,
- said animal shall be humanely euthanized by a Registered Veterinarian.
- 7.16 No action, civil or otherwise, lies against any Peace Officer, Registered Veterinarian, Town Council or Town Staff, or any person acting in good faith and under authority afforded under this Bylaw.

PART VIII ENFORCEMENT

Offence

- 8.1 Any person who contravenes this bylaw is guilty of an offence.

Continuing Offence

- 8.2 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established in this bylaw for each such day.

Owner Liable

- 8.3 In this section "owner" includes:
- i) any person registered as an owner at the motor vehicle registry,
 - ii) if a vehicle is involved in an offence under this bylaw, the owner of that vehicle is guilty of that offence,
 - iii) This section does not apply if the owner of the vehicle satisfies the court that, at the time that the vehicle was involved in the offence:
 - a) the owner of the vehicle was not driving or did not park the vehicle, and
 - b) no other person was driving or parked the vehicle with the owner's expressed or implied consent.
 - iv) An owner who is guilty of an offence by operation of this section is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

Vicarious Liability

- 8.4 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred during the employee's employment with the person, or during the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

Corporations and Partnerships

- 8.5 When a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether the corporation has been prosecuted for the offence or not.
- 8.6 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that

constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Fines and Penalties

- 8.7 A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for nonpayment of a fine.

Violation Tags and Violation Tickets

- 8.8 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue, and serve:

- i) a violation tag allowing a payment of the specified penalty to the Town; or
- ii) a violation ticket allowing payment according to the provisions of the Provincial Offences Procedures Act.

- 8.9 Service of a violation tag will be sufficient if it is:

- i) personally served,
- ii) served by regular mail or registered mail to the person or registered owner of the vehicle's last known mailing address,
- iii) attached to or left upon the vehicle in respect of which the offence is alleged to have been committed: or
- iv) left for the person charged at their place of residence with an occupant thereof who appears to be at least 18 years of age or older.

- 8.10 If a violation ticket is issued in respect to an offence, the violation ticket may:

- i) specify the fine amount established by this Bylaw for the offence; or
- ii) require a person to appear in Court without the alternative of making a voluntary payment.

- 8.11 A person who commits an offence may:

- i) if a violation tag is issued in respect of an offence; and
- ii) if the violation tag specifies the fine amount established by this Bylaw for the offence; may

- i) in lieu of being prosecuted for the offence, pay the Town of Hanna the penalty specified on the violation tag,
- iv) if a violation ticket is issued in respect of an offence; and
- v) if the violation ticket specifies the fine amount established by this Bylaw for the offence; may
- vi) make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

Obstruction

- 8.12 A person shall not obstruct or hinder any Peace Officer, Designate or person in the execution or performance of their duties pursuant to this Bylaw.

Compliance Orders

- 8.13 If the Chief Administrator Officer, Peace Officer or Designate believes on reasonable grounds, that a person is contravening any provision of this Bylaw, they may by written order, require any person responsible for the contravention to remedy it.

- 8.14 The order may:

- i) direct a person to stop doing something or to change the way the person is doing it,
- ii) direct a person to take any actions or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention,
- iii) state a time within which the person must comply with the directions,
- iv) state that if the person does not comply with the directions, within a specified time, the Town will take the action or measure.

- 8.15 A person named in and served with an order issued pursuant to this section shall comply with any action of measure required to be taken within the time specified.

- 8.16 An order issued pursuant to this section may be served:

- i) by serving it personally to the individual'
- ii) by leaving it for the individual at their apparent place of residence with someone who appears to be 18 years of age; or,
- iii) by regular mail or registered mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry; and,
- iv) In the case of a corporation:
 - a) by delivering it personally to any director or officer of the corporation,
 - b) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or,
 - c) by regular mail or registered mail addressed to the registered office of the corporation.

PART IX GENERAL

9.1 The Chief Administrative Officer or designate may:

- i) carry out any inspections necessary to determine compliance with this bylaw,
- ii) take any steps or carry out any actions necessary to enforce this bylaw,
- iii) take any steps or carry out any actions necessary to remedy a contravention of this bylaw,
- iv) establish areas where activities restricted by this bylaw are permitted,
- v) establish forms for the purposes of this bylaw,
- vi) issue permits with such terms and conditions as are deemed appropriate,
- vii) establish the criteria to be met for a permit pursuant to this bylaw,
- viii) designate where traffic control devices are to be erected and, for purposes of greater certainty, this includes traffic control devices restricting the speed of vehicles,
- ix) designate crosswalks upon any highway,

- x) designate any intersection, or place on a highway, as a place at which no left-hand turn or no right-hand turn, or both, shall be made,
- xi) designate any intersection, or place on a highway, as a place at which only a left-hand or a right-hand turn shall be made,
- xii) designate any intersection or place on a highway as a place where U-turns are prohibited,
- xiii) designate any highway or portion thereof for one-way traffic only,
- xiv) temporarily close any highway or portion thereof,
- xv) designate "School Zones" and "Playground Zones",
- xvi) designate highways or any portion thereof as passenger or commercial vehicle loading and unloading spaces and set time limits for those spaces,
- xvii) designate any bus loading or unloading zones,
- xviii) designate portions of any highway as no parking or no stopping,
- xix) designate portions of any highway as time limited parking spaces and set time limits for those spaces,
- xx) designate certain parking locations for the exclusive use of persons with disabilities,
- xxi) designate any parking restrictions on property owned by the Town,
- xxii) designate angle parking on any highway or portion thereof,
- xxiii) designate highways as truck routes and Dangerous Goods routes,
- xxiv) designate portions of any highway for the use of bicycles only or where the use of bicycles is prohibited,
- xxv) designate any roadway as one to be divided into traffic lanes of such number as is proper,
- xxvi) prohibit or restrict the movement of vehicles from a private driveway onto a highway or from a highway onto a private driveway where such prohibition or restriction is in the public interest for the regulation of traffic,
- xxvii) close any existing median or divider on a highway,
- xxviii) designate maximum loads for any bridge; and

- xxix) delegate any powers, duties, or functions under this bylaw to an employee of the Town.

Certified Copy of Records

- 9.2 A copy of a record of the Town, certified by the Chief Administrative Officer or designate as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

Licenses

- 9.3 A person to whom a license has been issued pursuant to this Bylaw, and any person carrying out an activity otherwise regulated, restricted, or prohibited by this Bylaw pursuant to such license, shall comply with any terms or conditions forming part of the license.
- 9.4 A person shall not make any false or misleading statement or provide any false or misleading information to obtain a license pursuant to this Bylaw.
- 9.5 If any term or condition of a license issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the license, the Chief Administrative Officer or Designate may immediately cancel the license.
- 9.6 A person shall immediately produce any required license or license issued pursuant to this Bylaw when requested to do so by a Peace Officer.

Proof of License

- 9.7 The onus of proving a license or license approval has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this Bylaw is on the person alleging the existence of such a license on a balance of probabilities.

Severability

- 9.8 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provisions of this Bylaw are declared invalid, all other provisions hereof shall remain valid and enforceable.

Repeals

- 9.9 The following Bylaw(s) are hereby repealed.

The Animal Control Bylaw #808-1993.

EFFECTIVE DATE

This Bylaw shall come into effect upon the day of third and final reading:

READ A FIRST TIME THIS 14th DAY OF MAY 2024.

Mayor Danny Povaschuk

Chief Administrative Officer
Kim Neill

READ A SECOND TIME THIS ____ DAY OF _____ 2024.

READ A THIRD TIME AND FINALLY PASSED THIS ____ DAY OF _____ 2024.

Mayor Danny Povaschuk

Chief Administrative Officer
Kim Neill

DRAFT