

# Town of WESTLOCK

# Bylaw 2023-07

## BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING URBAN CHICKENS IN THE TOWN.

**WHEREAS** pursuant to Section 7 of the *Municipal Government Act*, Chapter M-26, R.S.A. 2000, and amended thereto, the Council may pass a bylaw respecting the safety, health and welfare of people and the protection of people and property; wild and domestic animals and activities in relation to them, and the enforcement of bylaws, and

**WHEREAS** pursuant to Section 8 of the *Municipal Government Act*, Chapter M-26, R.S.A. 2000, and amended thereto, the Council may in a bylaw regulate or prohibit; provide for a system of licenses, permits and approvals including providing terms and conditions that may be imposed on any license, permit or approval and the nature of the terms and conditions and who may impose them.

**NOW THEREFORE** the Town of Westlock Council enacts as follows:

### 1. SHORT TITLE

- 1.1 This Bylaw may be cited as the "Urban Chicken Bylaw."

### 2 DEFINITIONS

- 2.1. **Act** means the Municipal Governments Act C. M-26 RSA 2000.
- 2.2. **Chicken** means poultry that is kept pursuant to a chicken permit and is used for the production of eggs that are NOT for sale.
- 2.3. **Chicken Permit** means an authorization issued by the CAO pursuant to this Bylaw.
- 2.4. **Chief Administrative Officer** or **CAO** means the person appointed as chief administrative officer of the Town of Westlock or his/her designate.
- 2.5. **Council** means the municipal Council for the Town of Westlock.
- 2.6. **Licensed Property** means a property to which a permit has been issued by the CAO allowing the owner to have or keep Chickens.
- 2.7. **Nuisance** means any Chicken which by reason of;
- a) Accumulation of chicken waste
  - b) Accumulation of material contaminated by chicken waste
  - c) Disposal of Chicken waste
  - d) Disposal of material contaminated by chicken waste
  - e) Trespass upon property
  - f) Threat to public safety
  - g) Noise
- Is in the opinion of a Peace 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 with the Town.

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

2.9. **Owner** means:

- a) A person who has the care, charge, custody, possession or control of Chickens;
- b) A person who owns or who claims any proprietary interest in the Chickens;
- c) A person who harbours, suffers or permits a Chicken to be present on any property owned, occupied, or leased by him/her, or which is otherwise under his/her control;
- d) A person who claims and receives a Chicken from the custody of a Shelter or a Peace Officer; or
- e) A person to whom a Chicken Permit was issued for the Chicken in accordance with this bylaw.

For the purposes of this Bylaw, a Chicken may have more than one (1) Owner.

2.10. **Peace Officer** means a member of the Royal Canadian Mounted Police, a Peace Officer pursuant to the Peace Officer Act, or a Bylaw Enforcement Officer.

2.11. **Poultry** means domestic or wild bird raised for the production of eggs, meat and or other by-product's for the purpose of sale.

2.12. **Person** means an individual, group of individuals, partnership, corporation or association and a natural Person or a body corporate and includes a partnership, a group of Persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires.

2.13. **Rooster** means a male domestic Chicken.

### **3. PROHIBITED ANIMALS**

3.1. No Person shall keep or have any of the following on any premises with a municipal address in the Town:

- a) Poultry but does not include female chickens
- b) Roosters

3.2. No Person shall keep or have Chickens on any premises with a municipal address in Town unless that person has a permit issued by the CAO to do so.

3.3. Application for a Chicken Permit shall be made on the prescribed form. There shall be no fee for the permit. However, if after the permit has been approved and the Permit Holder contravenes this bylaw, there shall be a \$100.00 administration fee levied. If the contravention is because of a Chicken at large at is captured and impounded the administration fee shall be payable before the Chicken can be claimed from the pound.

3.4. The CAO may impose terms and conditions on a permit issued pursuant to this section, including but not limited to terms and conditions regulating:

- a) The location where the Chickens are to be kept;
- b) The maximum number of Chickens that may be kept;
- c) Restrictions on the sale or use of Chicken products;
- d) The term of the Chicken Permit;



- e) Mandatory husbandry training; and/or
- f) Any other condition the CAO determines is in the public interest.

3.5. The CAO may not issue a permit pursuant to this section unless satisfied that:

- a) The applicant is at least 18 years of age;
- b) All required information has been provided to the Town;
- c) The applicant confirms in writing they will have no more than four (4) Chickens at any one time.
- d) The Owner of the municipal property in Town has signed the application.

3.6. The CAO may refuse to issue, or may revoke, a Permit issued pursuant to this section by providing written notice to the Permit Holder.

**4. AT LARGE AND OTHER PROHIBITED ACTIVITIES**

4.1. An Owner of a Chicken at large is guilty of an offence.

4.2. An Owner of a Chicken which has caused damage to property within the Town is guilty of an offence.

4.3. A person who takes control of any Chicken shall forthwith notify the Town and provide any required information.

4.4. No person shall provide false or misleading information to the Town or to any Peace Officer of the Town.

4.5. No person shall allow a Chicken to be a nuisance (A Permit shall not be a defence to a Chicken being a nuisance).

**5. POWERS OF A PEACE OFFICER**

5.1. A Peace Officer is authorized to capture, and impound in a shelter, any Chicken which is at large. The Peace Officer is further authorized to take such reasonable measures as are necessary to subdue a Chicken which is at large, including the use of tranquilizer equipment and materials. If any such Chicken is injured, it may be taken to a licensed veterinarian for treatment.

5.2. A Peace Officer is authorized to capture any Chicken at large and if the owner cannot be located, within a reasonable time, remove the Chicken to a legal place to keep Chickens or euthanize the Chicken.

5.3. A Peace Officer cannot catch a Chicken, which is deemed as a danger to the public, he may shoot the Chicken or destroy it by any humane means.

5.4. An impounded Chicken may be kept in the animal shelter for a period of seventy-two (72) hours. During this period the Chicken may be redeemed by its owner, except as otherwise provided for in this bylaw, upon payment to the municipality the appropriate administration fee, a permitting fee if required, any veterinary treatment to relieve any chicken in distress and any cost relating to the keeping of the Chicken while it was impounded.

**6. OFFENCE AND PENALTY**

- 6.1. Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine of not less than \$250.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.
- 6.2. Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw shown for any offence referred to in Column 1 and Column 2 of Schedule "A" to this Bylaw is the immediately adjacent amounts shown in Column 3 and Column 4 of same Schedule.
- 6.3. Notwithstanding the foregoing, the fine amounts set out in Schedule "A" of this Bylaw are established as specified penalties for use on Municipal Tags and Violation Tickets.
- 6.4. Notwithstanding the foregoing, the fine amounts set out in Schedule "A" of this Bylaw are established as specified penalties for use on Municipal Tags and Violation Tickets.
- 6.5. Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within forty eight months (48) shall be double the minimum fine and specified penalty of the previous offence, up to a maximum penalty of \$10,000.00.

**7. VICARIOUS LIABILITY**

- 7.1. In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.
- 7.2. In this Bylaw, the legal and beneficial owners of any land are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or occupier(s) of such land contravene or fail to comply with this Bylaw in relation to such land.

**8. WRITTEN ORDERS AND INSPECTIONS**

- 8.1. If the CAO and/r his designate believe, on reasonable grounds, that a Person is contravening any provision of this Bylaw, the CAO, and/or his designate may, by written Order under this section of section 545 or 546 of the Municipal Government Act, or both, require any Person responsible for the contravention to remedy it.
- 8.2. Any Person who fails to comply with an Order made under the above Section is guilty of an offence.

**9. INSPECTING AND REMEDYING CONTRAVENTIONS**

- 9.1. On behalf of the Town of Westlock, any Peace Officer, employee or agent of the Town of Westlock may enter upon any Public Land or Town Owned Land within the Town of Westlock and take any actions or measures deemed necessary by such person(s) to achieve any of the following purposes.
- 9.2. On behalf of the Town of Westlock, any Peace Officer, employee or agent of the Town of Westlock may enter upon any parcel of land within the Town of Westlock and take any actions or measures deemed necessary by such person(s) to achieve any of the following purposes:
- a) To carry out any inspections to determine compliance with the Bylaw;
  - b) To eliminate any danger to public safety caused by a structure;
  - c) To deal with the unsightly condition of the property;
  - d) To enforce this Bylaw; or
  - e) To prevent a re-occurrence
- 9.3. All expenses, costs, and legal costs on a solicitor-client basis incurred by the Town of Westlock or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto, are amounts owing to the Town of Westlock by the person who was required to do something by the Order to Remedy, shall be paid within 30 days of any such person receiving notice of the amount due by registered mail served and effective in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the business tax roll, or both pursuant to the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto.
- 9.4. No person shall obstruct, hinder or interfere with any other person in the exercise or performance of that person's powers pursuant to this Bylaw.

**10. MUNICIPAL TAGS**

- 10.1. Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Municipal tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw.
- 10.2. A Municipal Tag may be issued to any person either;
- a) Personally;
  - b) By mailing a copy to such person by registered or ordinary mail to their last known mailing address.
- 10.3. A Violation Tag shall be in a form approved by the Town of Westlock and shall include:
- a) The name of the person;
  - b) The date upon which the offense was committed;
  - c) The section number(s) of this Bylaw which were contravened;
  - d) The appropriate specified penalty or minimum fine for the offense as prescribed by this Bylaw;



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e) The time within which the entire penalty must be paid to the Town of Westlock.

10.4. If payment is received by the Town of Westlock within the period of time permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.

10.5. Except where a Municipal Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985, and all amendments thereto, at any time within 2 years of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

10.6. Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, and all amendments and regulations thereto.

10.7. Any fine or penalty imposed upon conviction for any offence occurring within the Town of Westlock enures to the benefit of the Town of Westlock.

### 11. SEVERABILITY

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

### 12. EFFECTIVE

12.1. This Bylaw shall take come into force and effect upon third and final reading.

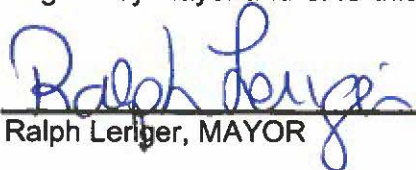
READ a first time this 10th day of July 2023

READ a second time this 10th day of July 2023

Unanimous consent for third and final reading this 10th day of July 2023

READ a third time and passed this 10th day of July 2023

Signed by Mayor and CAO this 11<sup>TH</sup> day of JULY 2023

  
Ralph Leriger, MAYOR

  
Simone Wiley, CAO



## Schedule "A"

## OFFENCE PENALTIES

Offence	Section	Municipal Tag Column 3 (Minimum Fine and Specified Penalty in Dollars)	Violation Ticket Column 4 (Minimum Fine and Specified Penalty in Dollars)
Keep prohibited poultry or Rooster	3.1	\$250.00	\$1,000.00
Keep Chicken without a Permit	3.2		
Chicken at large	4.1	\$250.00	\$1,000.00
Chicken Cause Damage to Property	4.2	\$250.00	\$1,000.00
Provide false information to Peace Officer	4.4	\$250.00	\$1,000.00
Allow Chicken to be a nuisance	4.5	\$250.00	\$1,000.00
Fail to Comply with a Written Order	8.2	\$250.00	\$1,000.00
Obstructed Person in Enforcement of Bylaw	9.4	\$250.00	\$1,000.00

