

**BYLAW NO. 970-2019, ANIMAL CONTROL BYLAW
TOWN OF SEXSMITH
Municipal Government Act RSA 2000 Chapter M-26
Part 2, Section 7(a) and 7(h) and 8(a)**

**BYLAW NO. 970 OF THE TOWN OF SEXSMITH IN THE PROVINCE OF ALBERTA TO
REGULATE, LICENSE AND CONTROL WILD AND DOMESTIC ANIMALS AND ACTIVITIES
IN RELATION TO THEM WITHIN THE CORPORATE LIMITS OF THE TOWN OF SEXSMITH**

WHEREAS, the Municipal Government Act, R.S.A. 2000 c M-26 of Alberta, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting wild and domestic animals and activities relating to them; and

WHEREAS, the Municipal Government Act: R.S.A. 2000 c. M-26, authorizes a Municipality to pass a Bylaw regulating, licensing and controlling dogs and other animals.

NOW THEREFORE the Council of the Town of Sexsmith, in the Province of Alberta, duly assembled enacts as follows:

This By-law may be cited as the "Town of Sexsmith Animal Control Bylaw".

1. DEFINITIONS

"Animal" shall mean a domestic Cat or a Dog or urban hens.

"Assistance Dog" means any professionally trained Dog, including a guide, hearing or service Dog that works in partnership with a disabled person to increase his or her independence, safety and mobility.

"Attack" means an assault resulting in bleeding, bone breakage, sprains, abrasions, serious bruising, or multiple injuries;

"Cat or Dog License" means a License issued by the Town pursuant to this Bylaw for a Cat or Dog;

"Cat or Dog Tag" means the tag issued by the Town to the owner for a Cat or Dog that has been licensed by the Town;

"Barking" means howling, whining, whimpering, crying, baying, or barking;

"Bite" means a wound to the skin causing it to bruise, puncture or break;

"Injure" means to hurt, wound or cause bodily damage;

"Cat" means either male or female of the feline family;

"Chief Administrative Officer (CAO)" means the person appointed by Council under a bylaw by the Town of Sexsmith in the Province of Alberta, or that Person's designate acting lawfully as CAO in any absence;

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“Coop” means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of Urban Hens that is no larger than 100ft² in floor area and no more than 6 ft in height;

“Council” means the Council of the Town of Sexsmith;

“Day” means a continuous period of twenty-four (24) hours;

“Dog” means either a male or female Dog of any breed;

“Farm Animal” shall mean:

Any bovine, equine, porcine or ruminant Animal, or;

save as hereinafter specified, any pigeons, rabbits, chickens, turkeys, goose, guinea, fowl, or poultry of any kind unless such birds or poultry are part of any commercial undertaking which is established with the approval of Town Council or an Urban Hen License is in place;

“Hen” means a domesticated female chicken;

“Intruders/Predators” means domestic or wild animals including skunks, weasels, wolverines, mice, squirrels, foxes, coyotes, cougars, lynx, grizzly and black bears, pigeons, robins, chickadees, blue jays, crows, ravens, falcons, eagles, hawks, owls, geese and ducks;

“Muzzle” means a device of sufficient strength placed over a Dog’s mouth to prevent it from biting;

“Neutered Cat or Dog” means a male Cat or Dog certified by a licensed veterinarian to be sexually sterile;

“Owner” means the Owner of a Cat or Dog and includes any person or group of people:

Named as Owner on a Cat or Dog License application;

In possession or control of a Cat or Dog; or

In possession or control of the property where a Cat or Dog appears to reside, either temporarily or permanently.

“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 urban hens to roam;

“Peace Officer” means:

A member of the Royal Canadian Mounted Police,

A Peace Officer appointed under the Peace Officer Act,

A person appointed as a Bylaw Enforcement Officer or Animal Control Officer.

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"Permitted Leash" means a leash that is less than 2 meters in length, made of material capable of restraining the Cat or Dog on which it is being used;

"Pet Fancier License" means a License issued to an Owner in accordance with Section 3 of this Bylaw;

"PID" means Premises Identification Number issued by Alberta Agriculture;

"Playground" means any part of a Park and Recreation Area on which children's play apparatus is located, and includes the part of such area within (5) meters of any piece of such apparatus, except on a walking trail;

"Posted Area" means an area posted with a sign which prohibits Cats or Dogs from being in that area;

"Pound" means a facility established for the holding of impounded Cats or Dogs.

"Restricted Dog" means any Dog of the following breeds:

Pit Bull Terrier;
American Pit Bull Terrier;
Pit Bull;
American Staffordshire;
Rottweiler

or any Dog of mixed breeding, which is identified through its physical characteristics, as a Dog partially of the above-mentioned breeds as determined by a veterinarian licensed to practice in Alberta. The onus of proof as to determining the breed shall be the responsibility of the Dog Owner;

"Restricted Dog License" means a License issued by the Town for a Restricted Dog pursuant to this Bylaw;

"Rooster" means a domesticated male chicken;

"Running at Large" means a Cat or Dog which is off the premises of its Owner and is not on a leash or other immediate continuous control of some competent person;

"Sell" means to exchange or deliver for money or its equivalent;

"Service Dog" means an RCMP Service Dog, or any other mobility aid or assistance Dog.

"Spayed Cat or Dog" means a female Cat or Dog certified by a licensed veterinarian to be sexually sterile;

"Tender Trap" means a trap for catching an Animal alive and uninjured;

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"Town" means the Town of Sexsmith;

"Unlicensed Cat or Dog" means any Cat or Dog for which a License has not been obtained as provided for under this bylaw, or to which the tag provided for in the said bylaw is not attached;

"Urban Hen" means a hen that is at least sixteen (16) weeks of age;

"Urban Hen License" means a license issued pursuant to this Bylaw which authorizes the license holder to keep Urban Hens on a specific property within the Town;

"Vicious Dog" means any Dog whatever its age, whether on public or private property, that shows a propensity, disposition or potential to Attack without provocation or a Dog which has:

- a) Chased, injured or bitten any other Animal or human,
- b) Damaged or destroyed any public or private property, or
- c) Threatened or created the reasonable apprehension of a threat to any other Animal or human, or which in the opinion of a Justice or Magistrate, presents a threat of serious harm to other Animals or humans, or
- d) Has previously been determined to be a vicious Dog by any other jurisdiction.

If a Peace Officer determines, on reasonable and probable grounds, that a Dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he or she may declare the Dog as vicious;

"Violation Ticket" means a violation ticket under Part 2 of the Provincial Offences Procedure Act;

"Voluntary Payment" means payment pursuant to section 26 or 36 of Provincial Offences Procedure Act;

"Voluntary Penalty" means a penalty specified in this bylaw for a contravention of a provision of this bylaw which amount may be paid by a person to whom a voluntary payment summons was issued;

2. CAT AND DOG LICENSING

- 2.1 No person shall own or keep any Cat or Dog over the age of three (3) months within the Town unless such Cat or Dog is licensed in accordance with this Bylaw.
- 2.2 The Owner of a Cat or Dog License must be at least eighteen (18) years of age.
- 2.3 The Owner of a Cat or Dog shall ensure that the Cat or Dog wears the current Cat or Dog Tag issued for that Cat or Dog. The Cat or Dog Tag must be securely attached to the Cat or Dog, and visible at all times.

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- 2.4 The Owner of the Cat or Dog shall obtain an annual License from the Town and pay the License fee as outlined in Schedule "B". The Cat or Dog license will expire December 31st of each year.
- 2.5 A Cat or Dog shall not be licensed as a neutered/spayed Cat or Dog unless the applicant produces a certificate acceptable to the Town certifying that such Cat or Dog is sterile.
- 2.6 Where the Owner of a Cat or Dog licensed as un-neutered/un-spayed produces a certificate acceptable to the Town that such Cat or Dog has been rendered sterile, the Owner shall be entitled to a refund of twenty dollars (\$20.00) of the License fee paid for the year in which such certificate is produced.
- 2.7 A Cat or Dog License and a Cat or Dog Tag is specific to an individual Cat or Dog and may not be transferred to another Cat or Dog.
- 2.8 If a Cat or Dog Tag is lost, it is the responsibility of the Owner to notify the Town and obtain a new Cat or Dog Tag for a fee of \$2.00.
- 2.9 Cats or Dogs, unless otherwise specified in this Bylaw, within the Town boundaries in private residences within a residential area, shall be limited in number to two (2) in total. If an owner wishes to keep more than Two (2) Animals, they must obtain a Pet Fancier License from the Town of Sexsmith in accordance with Section 3 of this Bylaw.
- 2.10 An Owner shall obtain and keep in force a Restricted Dog License for a Restricted Dog.
- 2.11 A Restricted Dog License for a Restricted Dog shall be \$100.00 per calendar year.

3. PET FANCIER LICENSES

- 3.1 The maximum number of cats or dogs in a single-family dwelling or household shall be restricted to two (2) in total over the age of three (3) months. If an Owner wishes to keep more than two (2) Cats or Dogs, they must obtain a Pet Fancier License. The Town of Sexsmith may refuse or revoke a Pet Fancier License at its sole discretion.
- 3.2 A person requesting a Pet Fancier License shall submit an application to the CAO on the approved form, attached as Schedule 'C'.
- 3.3 All applications shall include the following:
 - a) Location of property on which pets will be housed;
 - b) Purpose;
 - c) Description of animals (breed, sex, coloring, name)
 - d) Type of facilities;
- 3.4 Approval from adjacent landowners will be sought by the Development Officer prior to approval of a Pet Fancier License.

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- 3.5 The CAO or designate, or a Bylaw Enforcement Officer may inspect the premises prior to issuing the Pet Fancier License to ensure site conditions are suitable.
- 3.6 A Pet Fancier License will be reviewed and may be approved by the CAO or designate, or a Bylaw Enforcement Officer.

4. NUISANCES

4.1 Excessive Barking

- a) The Owner or any person having care or control of a Dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace or quality of life of others.
- b) In determining whether barking is reasonably likely to annoy or disturb the peace or quality of life of others, consideration may be given to, but is not limited to:
- i) Proximity of the property where the Dog resides;
 - ii) Duration of the barking;
 - iii) Time of day and day of the week;
 - iv) Nature and use of the surrounding area.

4.2 Defecation/Urination

- a) The Owner or any person having care or control of a Cat or Dog, shall forthwith remove any defecation left by it on public or private property other than that of the Owner.
- b) The Owner or any other person having care or control of a Cat or Dog shall ensure that defecation left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.
- c) The Owner or any other person having care or control of a Cat or Dog shall ensure that the Cat or Dog does not urinate on private property other than that of the Owner.

4.3 Running at Large

- a) No person owning, possessing or harboring any Cat or Dog shall permit a Cat or Dog to run at large within the Town.
- b) No Owner, possessor, harbourer of any Cats or Dogs shall permit or allow any Cats or Dogs to be on any street or other public place unless the Cats or Dogs are under the full custody and control of a competent person by means of a leash except in subsection (d).
- c) No Owner, possessor, or harbourer of any Cat or Dog shall permit or allow any unattended Cat or Dog to be tied to any object when off the property of the Owner.

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- d) No Owner, possessor, or harbourer of any Cat or Dog shall permit or allow any Cat or Dog to be in a vehicle in a manner in which the Cat or Dog may come into physical contact with any Animal or person passing the vehicle.
- e) No Owner, possessor, or harbourer of any Cat or Dog shall permit or allow any Cat or Dog to trespass on private property whether on or off a leash.
- f) In the event of a home-ordered quarantine, the Owner of a quarantined Cat or Dog shall not allow the Cat or Dog to run at large. For the purposes of this section, run at large shall mean when a quarantined Cat or Dog is left unsupervised and unrestrained while outside the dwelling house of the Owner.

4.4 Playgrounds/Posted Areas

- a) An Owner who permits or allows his or her Cat or Dog to be on any school property, Playground or Posted Area is guilty of an offence.

4.5 Assigned Areas

- a) The Town may post signs indicating those public areas within the town wherein the presence of Cats and Dogs whether at large or under the control of the Owner, is expressly prohibited. The Owner of the Dogs or Cats found in such assigned areas shall have committed an offense under this Bylaw.
- b) This Section shall not apply to a blind Owner of a Guide Dog, or a blind person being assisted by a Guide Dog.
- c) The Board of a public building or in which case a board does not exist the CAO will determine if such a sign will be erected.

4.6 Scattering Garbage

- a) The Owner of a Cat or Dog shall ensure that such Cat or Dog does not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public place or, in or about premises not belonging to or in the possession of the Owner of the Cat or Dog

4.7 Threatening Behaviors

- a) The Owner of a Cat or Dog shall ensure that such Cat or Dog shall not:
 - i) Bite, Bark at or chase dogs, cats, livestock, animals, bicycles, automobiles, or other vehicles.
 - ii) Chase or otherwise threaten a person.
 - iii) Cause damage to property or animals.
 - iv) Do any act that injures a person.

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- v) Bite a person.
- vi) Attack a person.
- vii) Cause death to another Animal.

- b) A Peace Officer who has reasonable grounds to believe that a Dog has bitten, may quarantine the Dog for a period of ten calendar days for the purposes of determining or eliminating the threat of Rabies.

4.8 Cat or Dog in Heat

- a) Notwithstanding subsection (b), an Owner of a Cat or Dog in heat shall, during the entire period that such Cat or Dog is in heat, keep such Cat or Dog confined and housed in the residence of the said Owner, or in a licensed Kennel.
- b) Where a Cat or Dog in heat is confined and housed in the residence of its Owner, such Cat or Dog shall be permitted outside the said residence for the sole purpose of permitting such Cat or Dog to urinate or defecate on the property of the residence of said Owner.

5. ANIMAL CONTROL OPERATION – AUTHORITY

- a) A Peace Officer may capture or impound any Cat or Dog found Running at Large in respect of which he has reasonable grounds to believe an offence under this bylaw is being or has been committed.
- b) A Peace Officer may enter onto any land in pursuit of a Cat or Dog which is Running at Large.
- c) A Peace Officer may, in any case where the Owner of a Cat or Dog can be identified through the municipality's records, return such Cat or Dog to its Owner where practicable instead of impounding the Cat or Dog.
- d) A Peace Officer may use any humane method to capture a Cat or Dog. Should the Cat or Dog be hurt during capture or attempted capture, neither the Town nor the Peace Officer shall be held liable for such injury.
- e) A Peace Officer may delegate his powers to any person for the purpose of assisting the Peace Officer in the capture of any Cat or Dog in contravention of this Bylaw. Any person delegated or assisting a Peace Officer shall not be held liable as per subsection (d).

6. OWNER IDENTIFICATION

- a) An Owner of any Cat or Dog found in violation of any provisions of this Bylaw shall, on demand, produce forthwith suitable identification to the Peace Officer.

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- b) For the purpose of this section, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth and current address of the Owner.

7. OBSTRUCTION

No person shall:

- a) Interfere with or attempt to obstruct a Peace Officer who is attempting to capture or has captured a Cat or Dog which is subject to being impounded pursuant to the provisions of this Bylaw;
- b) Induce a Cat or Dog to enter a house or other place where it may be safe from capture or otherwise assist a Cat or Dog to escape capture;
- c) Unlock, unlatch or otherwise open the Peace Officer's vehicle to allow or to attempt to allow any Cat or Dog to escape.
- d) Tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other Animal control equipment.

8. NEGLIGENCE

No person shall:

- a) Untie, loosen or otherwise free a Cat or Dog which has been tied or otherwise restrained, or
- b) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Cat or Dog has been confined thereby allowing a Cat or Dog to run at large within the Town.

9. TORMENT

- a) No person shall tease, torment, annoy, abuse or injure a Cat or Dog.

10. VICIOUS DOGS

- a) If a Peace Officer determines, on reasonable or probable grounds, that a Dog is a Vicious Dog, he may:
 - i) give the Owner a verbal and/or written notice that the Dog has been deemed to be a Vicious Dog, and
 - ii) require the Owner to keep such Dog in accordance with the provisions of Section 10 of this Bylaw, and

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- iii) inform the Owner that if the Vicious Dog is not kept in accordance with Section 10 of this Bylaw, the Owner may be fined, or subject to other action as determined under this Bylaw, and
- iv) require the Owner to obtain a Vicious Dog License from the Town.

11. VICIOUS AND RESTRICTED DOG REQUIREMENTS

- a) The Owner of a Vicious or Restricted Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any person whether the person is on public or private property or in a dwelling house.
- b) The Owner of a Vicious or Restricted Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any Dog or other Animal whether the Dog, or Animal is on public or private property or in a dwelling house.
- c) When a Vicious or Restricted Dog is in the dwelling house of its Owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the Dog and to secure the public from harm.
- d) When a Vicious or Restricted Dog is not in a dwelling house it must be confined in a pen with a secure bottom effectively attached to the sides, or the sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters. The pen must be located at a point no closer than 1.5 meters to the apparent boundary of the property.
- e) When a Vicious or Restricted Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or on a permitted leash held and controlled by the Owner or a competent person capable of controlling the Dog at all times.
- f) When the Owner of a Restricted Dog produces a certificate annually indicating that the Dog has passed the Canine Good Neighbor's Test, as administered by a qualified instructor, the Town may grant an exemption for the muzzling and secure pen requirements of this section.
- g) The Owner of a Restricted Dog meeting the requirements of subsection (f) shall produce upon demand of a Peace Officer satisfactory proof that the Restricted Dog has been granted exemption status. Failure to produce proof within a reasonable amount of time is an offense.

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12. INSURANCE REQUIREMENTS FOR VICIOUS AND RESTRICTED DOGS

- a) An Owner shall maintain in force a policy of liability insurance in a form satisfactory to the Town providing third party liability coverage in a minimum amount of \$500,000.00.
- b) The Owner shall notify the Town in writing should the policy expire or be cancelled or terminated. Upon cancellation, expiry or termination of the liability policy the Restricted Dog License is null and void.

13. TRAPPING OF CATS

- a) Any person who has a complaint of a Cat running at large or causing damage to property may obtain from the Town of Sexsmith a Tender Trap.
- b) A complainant wishing to obtain a Cat trap must complete the Tender Trap Request form attached as Schedule "D" to this Bylaw and conditions noted in the Tender Trap Request Form shall be strictly adhered to.
- c) A \$50.00 deposit shall be charged to the complainant at the time the Tender Trap is picked up and will be returned when the Tender Trap is returned. The complainant is liable for the Tender Trap, either by replacement cost of the Tender Trap or to return the Tender Trap in good repair.

14. FARM ANIMALS

- a) No person shall keep Farm Animals within the Town boundaries without the approval of Town Council except for in the case of Urban Hens if the person has a valid Urban Hen License.

15. URBAN HENS

1. General Guidelines

- a) Urban Hens will be a two year pilot project with a review after one year.
- b) Coops shall be permitted in fenced, secure backyards **only**. There is no minimum fence height requirement but should protect against predation.
- c) Chickens cannot be slaughtered or disposed of on a residential property.
- d) The sale of eggs, meat & manure is prohibited. Urban hens are to be kept as pets and/or for personal egg consumption. They are not intended to be used for commercial purposes.
- e) Participants will be warned once of any infraction. Any repeat infraction will be cause for fines in accordance with the Bylaw and may include revocation of license.
- f) Anyone keeping Urban Hens must comply with all Provincial regulations around the keeping of hens. The Province of Alberta requires all owners of poultry (including

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small urban flocks) to register their flocks into the provincial database and obtain a Premise Identification (PID) Number.

2. Application Process

A person seeking an Urban Hen License must complete the following process:

- a) A pre-inspection must be completed by submitting a site plan to the Development Officer for review indicating the actual dimensions of the rear yard of the property and the proposed location and dimensions of the coop.
- b) Comments from adjacent landowners will be sought by the Development Officer prior to approval of Urban Hen License. Adjacent landowners must have a valid reason for their objections.
- c) Upon approval, the applicant must complete the Urban Hen License application attached hereto as Schedule "E". Participants may then set up the Coop and notify the Development Officer who will arrange for a post-site inspection to ensure compliance. Cost of the license fee is \$25.00.

3. Site Requirements and Coop Standards

- a) Coops may only be located in backyards of properties that are completely fenced and secured. Chain link fencing may be required to have privacy slats installed on one or more sides of the fencing based on consultation with neighboring properties desires. Coop sites should take into consideration backyard locations that would minimize impact on adjacent landowners (away from any windows, furthest point from the building, etc.).
- b) The henhouse is made of both a Coop (indoor space) and a run (enclosed outdoor space). An approved site may house only one Coop and Outdoor Enclosure and they must be located:
 - i. a minimum of 10 feet from a dwelling;
 - ii. a minimum of 3 feet from side or rear property line, and
 - iii. a minimum of 2.5 feet from any other buildings on the site;
 - iv. a minimum of 10 ft from any window;
- c) The maximum Coop size cannot exceed 100 ft² without a building permit for an accessory building. Minimum indoor Coop floor size is 4 ft² per hen and 10 ft² per hen of outdoor enclosure;
- d) Height of Coop should not exceed rear fence height, excepting the peak portion of the Coop roof;
- e) All Coops must contain sufficient perch locations, nest boxes, have adequate ventilation and be weather & predator proof. Coops do not need to be insulated unless over-wintering and then should have an adequate, approved heat source;
- f) The Coop and Outdoor Enclosure must be fully enclosed (i.e. Fencing, chicken wire, roof covering) to provide hens secure access to exercise, sunlight, earth and vegetation. It is to be constructed to prevent escape and prevent entry by intruders/predators;

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- g) All hens must remain in the Coop or in the Outdoor Enclosure unless directly supervised by a person at least 14 years of age and they must stay on the permitted property;

4. Number of Hens

- a) The maximum number of Hens per residential property shall be four (4); The minimum number of Hens per residential property shall be two (2);
- b) Roosters and chicks are not permitted;

5. Care of Hens

- a) Consideration shall be given to which breeds of Hens are best suited for Sexsmith climate;
- b) Hen waste can be bagged and disposed of along with your weekly household garbage;
- c) Manure that is intended for backyard composting or fertilizing must be kept within a fully enclosed structure or compost bin and no more than three cubic feet (0.085m³) of manure can be stored at a time;
- d) Proper care and feeding practices must be followed to ensure the well-being of the Hens. This includes providing each Hen with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviors such as scratching, dust-bathing and roosting;
- e) Thorough, complete cleaning of walls and perches, removal of all bedding and disinfecting of coop and furnishings should be done at least once a year to reduce presence of unwanted pests;
- f) All feed is to be kept in airtight, rodent-proof containers and any spilled/uneaten food should be removed; Hens should be kept in their Coop between 10 p.m. and 7 a.m. as this helps with both noise mitigation and keeping the hens safe;

16. IMPOUNDMENT/QUARANTINE

- a) A Cat or Dog that is impounded pursuant to this Bylaw may be taken and held for a period of seventy-two (72) hours. Saturday, Sunday, and Statutory Holidays shall not be included in the computation of the 72-hour period.
- b) At the end of the 72-hour impoundment period, the Cat or Dog will become the property of the SPCA/Regional Pound unless the Cat or Dog Owner complies with subsection (c) and pays the required impound fees.
- c) If all legal requirements have not been met under this Bylaw, the Peace Officer will not be required to release the Cat or Dog to the Owner and may continue to impound the Cat or Dog for such further period of time as the Peace Officer deems necessary.
- d) A Cat or Dog that is quarantined pursuant to this Bylaw may be released back to the Owner on conclusion of the 10-day period provided all the requirements of this Bylaw have been met.

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- e) Impoundment fees will not be charged for a quarantined Cat or Dog.
- f) If the Owner fails to reclaim the Cat or Dog on expiry of the 10-day period the Cat or Dog will become an impounded Cat or Dog and the conditions of Section 10(a) will apply.

17. FINES AND PENALTIES

- a) Any person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offence and may be issued with a Violation Ticket.
- b) A person who is guilty of an offence is liable upon summary conviction to a fine in an amount not less than one hundred dollars (\$100.00) and not exceeding ten thousand dollars (\$10,000.00).
- c) A Provincial Court Judge, Commissioner or Justice, in addition to the penalties provided in this Bylaw, may if he considers the offence sufficiently serious, direct or order the Owner of a Cat or Dog to prevent such Cat or Dog from doing mischief or causing a disturbance or a nuisance complained of or to have the Cat or Dog removed from the Town or to have the Cat or Dog destroyed.
- d) Providing no offence has occurred within the previous twelve (12) months, an offence shall be considered to be a first offence.
- e) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" in respect of that provision.

18. EXEMPTIONS

- a) This Bylaw does not apply to a Service Dog while it is in active service.

19. SEVERABILITY

- a) Each section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

20. RESCIND BYLAW

Bylaws 649, 694, 888, 907 and 913 are hereby rescinded.

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21. EFFECTIVE DATE

This Bylaw shall come into full force and effect on final passage thereof.

Read a first time this 3rd day of June, 2019.

Read a second time this 17th day of June, 2019.

Read a third and finally passed this 2nd day of July, 2019.



Kate Potter, Mayor



Rachel Wueschner
Chief Administrative Officer

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**SCHEDULE "A"
SPECIFIED PENALTIES**

Section	Offence (Description)	Specified Penalty		
		1 st offence	2 nd offence within 1 year	3 rd offence within 1 year
2(a)	Unlicensed Cat or Dog	200.00	300.00	500.00
2(c)	Cat or Dog not wearing licensed tag	100.00	200.00	500.00
2(i)	Owner have more than two animals/dogs	100.00	200.00	500.00
2(k)	Fail to obtain and keep in force a restricted Dog license for a restricted Dog	500.00	1,000.00	1,500.00
3.1(a)	Allow Dog to bark in a manner thereby disturbing the peace of others	100.00	200.00	500.00
3.2(a)	Fail to remove defecation immediately from property which is not the Owner's property	100.00	200.00	500.00
3.2(b)	Fail to remove defecation in a timely manner such that it does not accumulate and annoy or pose a health risk to others	100.00	200.00	500.00
3.2(c)	Allow Cat or Dog to urinate on private property	100.00	200.00	500.00
3.3(a)	Allow Cat or Dog to run at large	100.00	200.00	500.00
3.3(b)	Cat or Dog not on a leash	100.00	200.00	500.00
3.3(c)	Allow a Cat or Dog that is unattended to be tied to an object while off the property of the Owner	100.00	200.00	500.00
3.3(d)	Fail to ensure that a Cat or Dog in a vehicle cannot come in physical contact with an Animal or person passing the vehicle	100.00	200.00	500.00
3.3(e)	Allow Cat or Dog to trespass on private property while on or off a leash	100.00	200.00	500.00
3.3(f)	Allow quarantined Cat or Dog to run at large	500.00	1,000.00	1,500.00
3.4(a)	Allow Cat or Dog to be on any school property, playground or other posted area	100.00	200.00	500.00
3.6(a)	Cat or Dog scatter garbage	100.00	200.00	500.00
3.7(a)(i)	Bite, bark at, or chase Dog, Cat, livestock, animals, bicycles or vehicles	100.00	200.00	500.00
3.7(a)(ii)	Chase or threaten a person	100.00	200.00	500.00
3.7(a)(iii)	Cause damage to property or other Dog or Animal	200.00	400.00	600.00
3.7(a)(iv)	Dog injure a person	300.00	500.00	court
3.7(a)(v)	Dog bite a person	300.00	600.00	court
3.7(a)(vi)	Dog attacks a person	750.00	1,500.00	court
3.7(a)(vii)	Dog cause death to another Animal	500.00	1,000.00	court
3.8(a)	Fail to keep a female Cat or Dog confined in a building or kennel while in heat	100.00	200.00	500.00

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5(a)	Fail to produce identification when requested under authority of this bylaw	200.00	400.00	court
6(a)(i)	Interfere or obstruct a Peace Officer who is attempting to capture or has captured a Cat or Dog which is subject to being impounded	500.00	1,000.00	1,500.00
6(a)(ii)	Induce the Cat or Dog to enter a house or other place to avoid capture or to allow a Cat or Dog to escape therefrom	500.00	1,000.00	1,500.00
6(a)(iii)	Unlock or unlatch Peace Officer's vehicle to allow or attempt to allow a Cat or Dog to escape	500.00	1,000.00	1,500.00
6(a)(iv)	Tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other Animal control equipment	500.00	1,000.00	1,500.00
7(a)(i)	Untie, loosen, or otherwise free a Cat or Dog that has been restrained	100.00	200.00	500.00
7(a)(ii)	Negligently or willfully open a gate, door or opening in which a Cat or Dog has been confined and thereby allow Cat or Dog to run at large	100.00	200.00	500.00
8(a)	Tease, torment, annoy, abuse or injure a Cat or Dog	250.00	500.00	court
10(a)	Vicious or restricted Dog chase, bite or attack a person	1,500.00	Court	court
10(b)	Vicious or restricted Dog chase, bite or attack a Dog or Animal	1,500.00	Court	court
10(c)	Fail to keep vicious or restricted Dog restrained or confined in a dwelling house	1,500.00	Court	court
10(d)	Fail to keep vicious or restricted Dog confined outdoors in a fully enclosed pen	1,500.00	Court	court
10(e)	Fail to keep a vicious or restricted Dog muzzled, harnessed or leashed properly when off the property of the Owner	1,500.00	Court	court
10(g)	Fail to produce restricted Dog exemption	500.00	1,000.00	1,500.00
11(a)	Owner fails to maintain liability insurance for vicious/restricted Dog	500.00	1,000.00	1,500.00
11(b)	Fail to notify the Town in writing of cancellation of insurance policy for vicious/ restricted Dog	500.00	1,000.00	1,500.00
12(a)	Have farm animals without approval	500.00	1,000.00	1,500.00
15.1(b))	Set up Coop in unfenced backyard	250.00	500.00	Revocation
15.1(c)	Slaughter chicken on a residential property	**Revocation of License		
15.1(d)	Sell eggs, meat or manure	250.00	500.00	Revocation
15.1(f)	Fail to obtain PID	250.00	500.00	Revocation
15.2(a)	Fail to provide site plan	250.00	500.00	Revocation
15.2(c)	Fail to obtain Urban Hen License Application	250.00	500.00	Revocation
15.4(a)	Keep more than maximum number of Hens	250.00	500.00	Revocation

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15.4(b)	Keep less than minimum number of Hens	250.00	500.00	Revocation
15.4(c)	Keep Rooster or Chick	250.00	500.00	Revocation

Additional explanation for 15.1(c)** Revocation on first offence. Applicant may re-apply the following year after the 1st offence. A repeat offender, offending more than one time will not be eligible to re-apply.

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**SCHEDULE "B"
LICENSE FEES**

License fees shall be computed as follows:

Neutered or Spayed Dog or Cat	\$ 20.00
Unaltered Dog or Cat	\$ 40.00
Restricted Dog	\$ 100.00
Vicious Dog	\$ 100.00
Urban Hen Coop	\$ 25.00

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**SCHEDULE "C"
TOWN OF SEXSMITH
ANIMAL CONTROL BYLAW NO. 970**

APPLICATION FOR PET FANCIER LICENSE

Applicant Name: _____ Date: _____

Street Address: _____

Mailing Address: _____

Home Phone: _____ Business: _____

Cell Phone: _____ E-Mail: _____

CATEGORY

☐ Breeder ☐ Show Animal ☐ Pets ☐ Other: _____

ANIMAL DESCRIPTION

Name	Breed	Colour	Altered?	Restricted Breed?	Tag #

FACILITIES

Enclosed yard with adequate fence? ☐ Yes ☐ No

Enclosed kennel and Animal run? ☐ Yes ☐ No

Will the Animals be kept indoors during period when no one is home? ☐ Yes ☐ No

Will the Animals be kept indoors at night? ☐ Yes ☐ No

If no, will they be kept in a closed kennel or animal run? ☐ Yes ☐ No

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What provisions will be made to minimize and control any noise caused by the animals?

What provisions will be made to remove all waste resulting from keeping the animals?

I understand that a site inspection may be required prior to approval. I understand that approval from the Owners or occupants of adjoining properties will be sought. I understand that this license may be revoked or suspended upon receipt of two or more bona fide complaints from neighbors residing within sixty (6) meters of the property, or, if in the opinion of the CAO, there are just and reasonable grounds for revocation or suspension.

I verify that:

1. The information supplied by me on this application is true to my knowledge;
2. I am 18 years of age or older;
3. I own or rent the property where the animals will be kept;
4. I am the proposed license holder;
5. I am the Owner of the animals listed;

LAND OWNER CONSENT

Land Owner Name: _____ Date: _____

Address: _____

Mailing Address: _____

Home Phone: _____ Business: _____

Cell Phone: _____ E-Mail: _____

I, _____ hereby consent to allow _____
a tenant at rental property located at _____
to keep _____ (number and type of animals) at this location.

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SCHEDULE "D"
TOWN OF SEXSMITH
ANIMAL CONTROL BYLAW NO. 970

TENDER TRAP REQUEST FORM

I, _____ of _____, Phone # _____
(name) (Civic Address)

Request permission to make use of a tender trap owned by the Town of Sexsmith.

I agree to use the trap in accordance with the rules and guidelines set forth by the Alberta SPCA, the Animal Protection Act and the Criminal Code of Canada for the humane trapping of cats as follows:

1. Traps must only be set on property owned, leased or rented by the user or with the permission of the person owing, leasing or renting the property.
2. Upon trapping a Cat, **the welfare of that Cat becomes the legal responsibility of the person renting the trap** until the Cat is either released or turned over to a pound or to its Owner.
3. Traps should only be set in a location where they will be protected from weather (sun, rain, hail) and other potential hazards. Traps should **not be set in extreme weather** (winter, when thunderstorms are expected, when temperatures are expected to be high, etc.)
4. Traps should be **monitored at least twice per day** – more often in inclement weather.
5. If a Cat is trapped, only three legal options exist for disposal of the trapped Cat. The options are:
 - a) the Cat may be released in the hope the experience deters the Cat;
 - b) the Cat may be returned to the Owner, if known; or
 - c) the Cat may be turned over to the local pound or animal shelter;

Cats are NOT to be relocated (example: moved to farms or across town, abandoned in the country or destroyed. Abandoning animals is an offence under the Criminal Code and the Animal Protection Act of Alberta. Killing other people's cats is prohibited under the Criminal Code.

6. I agree to return the trap to the Town of Sexsmith office before 4:30 p.m. three weeks from today's date being _____. After such time, I am liable for the trap, either by replacement cost of the trap or to return the trap to good repair.
7. I agree to pay for any damage to the trap incurred while this agreement is in effect. Should the trap be repairable, I will pay all costs. Should the trap not be repairable, or be lost while this agreement is in effect, I will pay the costs of obtaining a replacement trap. I understand that my deposit may be withheld and applied to the purchase of a replacement trap or the repair of the trap in addition to any other costs to replace/repair said trap.
8. I hereby absolve the Town of Sexsmith or any of its employees, agents or assigns of any responsibility or liability either civilly or criminally from the use, either legal or illegal of the said trap.

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Dated at Sexsmith, Alberta this _____ day of _____, 20____.

Print Name

Signature

Trap returned in good order: ☐ Yes ☐ No Date: _____

Damaged trap returned ____ Cost of Repair _____ Cash Received: _____

Witness: _____ (Print Names)

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SCHEDULE "E"

Urban Hen License Application

Applicants must be 18 years of age or older

****Recommended that owners complete a chicken education course**

Applicant(s): _____

Mailing Address: _____

Civic Address: _____

Phone: _____ Cell: _____ Work: _____

E-Mail: _____

Do you own the home: Yes ☐ No ☐ *If no, a signed permission letter from Landlord is required (Attach)*

Number of Hens? _____ (Maximum is 4)

PID included? Yes ☐ No ☐ Submitted to Alberta Agriculture? Yes ☐ No ☐

Lot Size: _____ ft² Fenced Yard? Yes ☐ No ☐ Fence Height: _____

Have privacy slats been requested in chain link fence by neighbor? Yes / No

If yes, which side(s)

Provide a site plan of intended Coop location and description/photo of intended Coop including size of Coop and Outdoor Enclosure

Coop Size: _____ Outdoor Enclosure Size: _____ Total Square Footage: _____

Registration Fee (\$25.00) paid by _____

Any personal information on this form is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act for the purpose of participation in the Backyard Hen Pilot Project and determining the success of the Project. If you have any questions about the collection, use and protection of this information, please call the FOIP Coordinator at 780-568-7246.

☐ I have read this bylaw and agree with its contents.

Signature of Applicant/Landowner

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