



**BYLAW 2023-860
ANIMAL CONTROL BYLAW
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

BEING A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS

WHEREAS, pursuant to section 7 of the *Municipal Government Act* a council may pass bylaws for municipal purposes respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) wild and domestic animals and activities in relation to them; and
- c) the enforcement of bylaws;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may in a bylaw:

- a) regulate or prohibit; and
- b) provide for a system of licenses, permits or approvals including any or all of the matters listed therein;

NOW THEREFORE, the Council of the Village of Carbon, duly assembled, enacts as follows:

1. Short Title

- 1.1 This Bylaw may be cited as the “Animal Control Bylaw”.

2. Definitions

2.1 In this Bylaw:

- a) “Adjoining Neighbours” means properties that are located within a 360-degree radius of another property.
- b) “Aggressive Dog” means any Dog designated as such in accordance with Part 5 of this Bylaw or as a Dangerous Dog pursuant to the *Dangerous Dogs Act*;
- c) “Altered” means spayed or neutered;
- d) “Animal” means any live creature, both domestic and wild, and includes Dogs, Cats, livestock, fowl, fish and reptiles, but does not include a human;
- e) “Animal Control Officer” means the CAO, any member of the Royal Canadian Mounted Police, Community Peace Officer, Bylaw Enforcement Officer or designate; including but not limited to, a person hired or contracted by the Village to enforce the provisions of this bylaw;

- f) "Animal Health Act" means the *Animal Health Act*, SA 2007, C A-40.2, and any amending or succeeding legislation, and associated regulations;
- g) "At Large" means any Animal that is present at any place other than the Owner's Property and which is not being carried by a Person or which is not otherwise restrained or under physical control of a Person by means of some form of restraining device securely holding that Animal;
- h) "Bee" means the insect *Apis mellifera* L., also know as honey bees;
- i) "Bee Act: means the *Bee Act*, RSA 2000, c B-2, and any amending or succeeding legislation, and associated regulations;
- j) "Beekeeper" means a person who owns and possess Bees or beekeeping equipment or both;
- k) "Cat" means a member of the species "Felis Catus" (commonly referred to as the domestic, house, farm or feral cat);
- l) "Cat Trap" means any device designed to trap and contain a Cat in a humane manner without injuring or killing the Cat;
- m) "Chief Administrative Officer" means the Chief Administration Officer (CAO) appointed by the Village of Carbon of the or their delegate;
- n) "Council" means the Council of the Village;
- o) "Dog" means a member of the species "Canis Lupus Familiaris" (commonly referred to as the domestic Dog);
- p) "Guide Dog" has the same meaning as in the *Blind Persons' Rights Act*;
- q) "License Tag" means an identification tag of metal or other material issued by the Village showing the License number of a specific Dog;
- r) "Licensing Authority" means CAO or an individual appointed by the CAO to issue Urban Beekeeping Licenses.
- s) "Livestock" includes but is not limited to:
 - i. a horse, ass, mule, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
 - ii. domestically reared or kept deer, reindeer, moose, elk or bison;
 - iii. farm bred fur bearing animals including foxes or mink;
 - iv. a member of the bovine species;
 - v. a member of the avian species, turkeys, ducks, geese or pheasants;
 - vi. bees (Honey beehives); and,
 - vii. all other animals that are kept for agricultural purposes, does not include dogs, cats or small pet birds.
- t) "Livestock Emotional Support Animal" means LESA;
- u) "Motor Vehicle" has the same meaning as in *Traffic Safety Act*;

- v) "Municipal Tag" means a tag or similar document issued by the Village under the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
- w) "Owner" includes any Person:
 - a) who has the care, charge, custody, possession or control of an Animal;
 - b) who owns or claims a proprietary interest in an Animal;
 - c) who harbours, suffers, or permits an Animal to be present on any property owned or under their control;
 - d) to whom a License Tag was issued for a Dog or Cat in accordance with this Bylaw; and
 - e) where one of two or more Persons, with the knowledge and consent of the other or others, has physical or effective control of an Animal, the Animal shall be deemed to be in the control of each and all of them.
- x) "Owner's Property" means private property owned by or under the control or possession of an Owner of an Animal;
- y) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*;
- z) "Pedestrian Walkway" means a path, trail or sidewalk for pedestrian circulation that cannot be used for motorized vehicular use;
- aa) "Provincial Apiculturist" means the individual designated as the Provincial Apiculturist in accordance with the *Bee Act*;
- bb) "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- cc) "Registered Veterinarian" has the same meaning as in the *Veterinary Professions Act*;
- dd) "Secure Enclosure" means a building, cage, or other enclosure for retaining an Animal, which has a secure top and bottom, and which prohibits an Animal from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- ee) "Serious Wound" means an injury resulting from an Animal attack which causes a breaking of the skin or the flesh to be torn;
- ff) "Service Dog" has the same meaning as in the *Service Dogs Act*;
- gg) "Super" means a Beehive box which holds frames used for brood rearing or storing honey;
- hh) "Urban Beekeeping License" means a license issued pursuant to the Carbon Beekeeping Policy;
- ii) "Village" means the municipal corporation of the Village of Carbon;
- jj) "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

3. Rules of Interpretation and Specific Prohibitions

- 3.1 Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 3.2 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.3 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.
- 3.5 No person will have possession of or keep wildlife within the Village of Carbon.
- 3.6 No person will have possession of or keep any of the following within the Village of Carbon, unless they have received specific authorization from Council (prior to acquisition).
 - a) livestock, other than a maximum of five pet rabbits per household;
 - b) pot-bellied pigs;
 - c) poultry or fowl;
 - d) bees;
 - e) more than three (3) snakes over one (1) meter in length;
 - f) more than ten (10) snakes under one meter;
 - g) species deemed to be dangerous or infectious by a medical officer of health or veterinarian;
and
 - h) Exotic animals, reptiles/amphibians
- 3.7 Notwithstanding Sections 3.5 and 3.6, livestock may be kept temporarily within the following locations:
 - a) veterinary clinics or animal hospitals;
 - b) exhibition grounds; or
 - c) those areas of the Village which are classified as agricultural in compliance with the Land Use Bylaw

4. Requirement to License

- 4.1 Every Person who resides within the Village and who is the Owner of a Dog or Cat that is over the age of six (6) months shall apply for a license by:
 - (a) paying the required license fee as set out in the Village of Carbon Master Rates Bylaw; and
 - (b) providing any additional information as required by the Chief Administrative Officer.
- 4.2 Every Person who resides in the Village and becomes an Owner of a Dog or Cat that is over the age of six (6) months, or who takes up residence within the Village and who is the Owner of a Dog or Cat that is over the age of six (6) months, shall apply for a license as set out in this Part, within thirty (30) days of becoming the Owner of such Dog or Cat, or of taking up residence in the Village .

- 4.3 A license under this Bylaw must be renewed on an annual basis by paying the applicable license fee to the Village office prior to January 31st in each year.
- 4.4 The Owner of a Dog or Cat that has been duly licensed under this Bylaw may obtain a replacement License Tag for one that has been lost or damaged upon payment of the replacement License Tag fee as set out in the Village of Carbon Master Rates Bylaw.
- 4.5 No Person is entitled to a refund or a rebate for any license fee.
- 4.6 The onus of proving a Person has a valid and subsisting license is on the Person alleging its existence.
- 4.7 An Owner of an unlicensed Dog or Cat is guilty of an offence.

5. Transferability, Possession of License Tag

- 5.1 A license issued under this Bylaw is not transferable from one Dog or Cat to another or from one Owner to another.
- 5.2 Every Owner shall ensure that the License Tag is securely fastened to a collar or harness worn by the Dog or Cat at all times while the Dog or Cat is off of the Owner's Property.

An Owner of a licensed Dog or Cat is guilty of an offence if the Dog or Cat is not wearing a License Tag while that Dog or Cat is off of the Owner's Property, regardless of whether the Dog or Cat is accompanied by the Owner.

6. Exemptions From Licensing Requirement

- 6.1 The provisions of this Part do not apply to the following:
 - (a) Owners of Dogs or Cats temporarily visiting the Village for a period not exceeding four (4) consecutive weeks;
 - (b) Not-for-profit associations, not-for-profit corporations, and government organizations engaged in the provision of specialized Dog services, including but not limited to Service Dogs, Guide Dogs, police Dogs, or search and rescue Dogs;
 - (c) Persons holding an identification card proving ownership of a Service Dog or a Guide Dog for their use;
 - (d) Dogs or Cats under six (6) months in age.

7. Number of Animals

- 7.1 No person shall keep, harbour, or have more than two (2) dogs or two (2) cats or to a total of four (4) per landowner on any land, house, room, place, building, structure, or property within the Village, unless:
 - (a) the property is lawfully used for the care and treatment of Animals, operated by or under the charge of a Registered Veterinarian;

- (b) the Person is the holder of a valid and subsisting development permit issued pursuant to the Village 's Land Use Bylaw authorizing the operation of a kennel or similar facility;
- (c) the property is temporarily being used for the purposes of an authorized Dog or Cat show;
- (d) the Dogs or Cats in excess of the limit are under six (6) months of age and are the offspring of a licensed Dog or Cat residing at the same location;
- (e) the Owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized Dog services, including but not limited to Service Dogs, Guide Dogs, police Dogs, and search and rescue Dogs; or
- (f) the Owner of the Dog or Cat that is in excess of the limit is temporarily visiting a resident of the Village for a period not exceeding four (4) consecutive weeks.

7.2 No person shall keep, harbour or have more than 2 LESA at any given time

7.3 No Person shall have more than 3 Beehives at any given time

8. Control and Noise

8.1 An Owner of an Animal is guilty of an offence if the Animal:

- (a) is at large.
- (b) barks, howls, or otherwise makes such noise so as to, in the opinion of a Peace Officer, unreasonably disturb the peace of any Person;
- (c) threatens, attacks, bites, injures or otherwise harasses any Person;
- (d) threatens, attacks, bites, chases, injures or otherwise harasses any other Animal;
- (e) causes the death of another Animal;
- (f) chases a Motor Vehicle, Person on a bicycle, Person on horseback, or Person that is walking or running; or
- (g) causes damage to property.

8.2 The Owner of an Animal is guilty of an offence if the Animal enters into a public bathing, swimming, or wading pool.

8.3 The Owner of a Dog that allows or permits that Dog to be present at any location, whether public or private property, where a sign prohibits the presence of Dogs, is guilty of an offence.

8.4 Sections 8.2 and 8.3 do not apply to a Service Dog or Guide Dog in the possession and control of an Owner who holds an identification card proving ownership of the Service Dog or Guide Dog for his or her use.

- 8.5 Any Person who, without the knowledge or consent of the Owner, unties, loosens or otherwise frees an Animal that was tied or otherwise restrained, or opens a gate, door or opening in a fence or Secure Enclosure in which an Animal has been confined, thereby allowing the Animal to be At Large, is guilty of an offence.

9. Hygiene

- 9.1 Where an Animal has defecated on any public or private property, other than the Owner's Property, the Owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- 9.2 An Owner whose Animal has upset a waste receptacle, causing its contents to be scattered in or about a street, lane or property other than the Owner's Property, is guilty of an offence.
- 9.3 An Owner's Property shall be maintained in a clean and sanitary condition and an Owner shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:
- (a) the accumulation of fecal matter in an amount which, in the opinion of a Peace Officer, is excessive; and
 - (b) offensive or noxious odours arising as a consequence of the keeping of an Animal on the Owner's Property.
- 9.4 An Owner who fails to maintain property in accordance with section 9.3 is guilty of an offence.
- 9.5 An Owner of a female Dog in estrus (also known as being "in heat") who does not contain or restrain that Dog, both on and off the Owner's Property, in a manner sufficient to avoid attracting other Animals, is guilty of an offence.

10. Care

- 10.1 No Person shall:
- (a) tease, torment, provoke, abuse, or injure any Animal;
 - (b) leave an Animal unattended in or on a Motor Vehicle, without proper protection from the elements or in a manner that places the Animal at risk of harm; or
 - (c) fail to properly secure an Animal inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Animal is unable to fall out of or leave the Motor Vehicle.

11. Declaration of Aggressive Dog

- 11.1 The Chief Administrative Officer may declare a Dog to be an Aggressive Dog if the Chief Administrative Officer has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the Dog:
- (a) has a known propensity, tendency, or disposition to threaten, attack, chase or bite other Animals or humans;

- (b) has inflicted a Serious Wound upon another Animal or human;
- (c) has been the subject of an order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*; or
- (d) is a continuing threat of serious harm to any human or other Animal.

11.2 Where the Chief Administrative Officer determines that a Dog is an Aggressive Dog, the Chief Administrative Officer shall:

- (a) serve the Owner of the Dog with a written notice that the Dog has been declared to be an Aggressive Dog;
- (b) direct the Owner to keep the Aggressive Dog in accordance with the provisions of section 13, and provide the Owner with a time limit for compliance; and
- (c) inform the Owner that, if the Aggressive Dog is not kept in accordance with section 13, the Owner may be fined, or subject to enforcement action pursuant to this Bylaw.

12. Review of Declaration

12.1 The Owner of a Dog declared an Aggressive Dog may, within fourteen (14) days after the date the written notice of the declaration is received, and upon payment of the fee as set out in the Master Rates Bylaw, request in writing that the declaration be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the Chief Administrative Officer and the Owner.

12.2 Upon a request to review the declaration pursuant to section 12.1, Council may:

- (a) uphold the declaration of the Dog as an Aggressive Dog;
- (b) reverse the decision of the Chief Administrative Officer and deem that the Dog is not an Aggressive Dog; or
- (c) may uphold the declaration of the Dog as an Aggressive Dog and vary the conditions for harbouring the Dog within the Village.

12.3 The decision of Council shall be provided to the Owner in writing within fourteen (14) days of Council conducting the review and may be served personally or by registered mail on the Owner.

13. Requirements of an Owner of an Aggressive Dog

13.1 The Owner of an Aggressive Dog shall:

- (a) license the Dog as an Aggressive Dog and follow the procedures set out in Part 2, which includes paying the applicable fee for an Aggressive Dog as set out in the Village of Carbon Master Rates Bylaw;

- (b) maintain in force a policy of liability insurance in a form satisfactory to the Village providing third party liability coverage in a minimum amount of one-million (\$1,000,000.00) dollars for injuries caused by the Owner's Aggressive Dog and no license shall be issued for an Aggressive Dog unless proof of such insurance coverage is provided to the Village along with the application;
 - (c) while the Aggressive Dog is off the Owner's Property, muzzle and secure the Aggressive Dog by means of a restraining device under the physical control of the Owner or a Person over the age of eighteen (18) years with the Owner's consent;
 - (d) while the Aggressive Dog is on the Owner's Property, confine the Aggressive Dog within a Secure Enclosure or within the residence of the Owner;
 - (e) immediately notify a Peace Officer if the Aggressive Dog is At Large; and
 - (f) remain liable for the actions of their Aggressive Dog until formal notification of sale, gift, or transfer is given to the Village.
- 13.2 The Owner of an Aggressive Dog shall immediately notify the Village should the policy of liability insurance expire, be cancelled, or terminated and upon the occurrence of such an event, the Aggressive Dog license shall be null and void unless the Village receives written proof that a new insurance policy has been secured, meeting the requirements of section 13.1(b), within fifteen (15) days of the expiry, cancellation, or termination of the original policy of liability insurance.
- 13.3 The Chief Administrative Officer may require the Owner of an Aggressive Dog to post a sign at all entrances to the Owner's Property, and where so otherwise directed, stating "Aggressive Dog".
- 13.4 An Owner who fails to comply with any provision in this Part is guilty of an offence.
- 13.5 In addition to the remedies set forth elsewhere in this Bylaw, if a designated officer determines that an Aggressive Dog is not being kept in accordance this Bylaw, the designated officer may, in addition to any other action or remedy provided in this Bylaw:
- (a) issue an order pursuant to section 545 of the *Municipal Government Act* directing that the Aggressive Dog be kept in accordance with this Bylaw or removed from the Village; or
 - (b) in addition or in the alternative to the issuance of an order under subsection (a) above, bring an application pursuant to the *Dangerous Dogs Act* for an order directing the Aggressive Dog be kept in accordance with this Bylaw, destroyed, or such other order as the Court directs.

14. Disease Control

- 14.1 The Owner of an Animal that has caused a Serious Wound, or that the Owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a Peace Officer:
- (a) of the infliction of the Serious Wound or the suspicion of exposure to rabies or other communicable disease;

- (b) in the case of a Serious Wound, of the name and contact information for the Person that has been wounded or the Owner of the Animal that has been wounded, as applicable; and
 - (c) whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.
- 14.2 A Peace Officer that has reasonable grounds to believe that an Animal found At Large may have, or has been, exposed to rabies or another communicable disease may confine that Animal at a veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
- 14.3 A Peace Officer that has reasonable grounds to believe that an Animal within the Village has, or has been exposed to, rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.
- 14.4 An Owner of an Animal which is suffering from rabies or another communicable disease or who has been notified by the Village that a Peace Officer has reasonable grounds to believe the Animal has, or has been exposed to, rabies or another communicable disease, shall:
 - (d) not permit the Animal to be in any public place; and
 - (e) not keep the Animal in contact with or in proximity to any other Animal.
- 14.5 An Owner who fails to comply with any provision in this Part is guilty of an offence.

15. Restrictions on Use

- 15.1 No Person shall use a Cat Trap unless that Person has received the prior written permission of the Village.
- 15.2 A Person who has obtained a Cat Trap from the Village shall, upon receipt of a request from the Village , return the Cat Trap to the Village in the condition it was received.
- 15.3 No Person shall use a Cat Trap in a location where, during any period of time that the Cat Trap is in use:
 - (a) the temperature is, or is forecasted to be, colder than zero (0) degrees Celsius; or
 - (b) the Cat Trap is not fully shaded from sunlight.
- 15.4 A Person using a Cat Trap must, at all times, be present at the premises where the Cat Trap is being used, and must check the Cat Trap no less frequently than once every eight (8) hours.
- 15.5 A Person using a Cat Trap shall ensure that, at all times that the Cat Trap is in use, there is sufficient cat food and water in the Cat Trap to sustain a captured Cat.
- 15.6 No Person shall contaminate Cat Trap bait, or any cat food and water placed in a Cat Trap, with any potentially dangerous or poisonous substance.

16. Authority

- 16.1 A Peace Officer is, in addition to any other powers or authority granted under this Bylaw or any enactment, authorized to:

- (a) take any reasonable measures necessary to subdue any Animal that is At Large, including the use of tranquilizer equipment and materials;
- (b) enter onto lands surrounding any building in pursuit of an Animal while it is At Large; and
- (c) if an Animal is in distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, to take the Animal to a Registered Veterinarian for treatment and, once treated, to transfer the Animal to an Animal Shelter.

17. Costs

- 17.1 Any expenses or costs of any enforcement action or measure taken by the Village under this Bylaw, including but not limited to payment of veterinary treatment, are amounts owing to the Village by the Owner or any other Person responsible for the contravention of this Bylaw, or any or all of them, and may be collected as a civil debt, pursuant to the *Municipal Government Act*.

18. Notification of Animals at Large

- 18.1 A Person who takes control of any Animal found At Large shall immediately notify a Peace Officer.
- 18.2 A Person who takes control of an Animal found At Large shall surrender the Animal to the possession of the Peace Officer.

19. Vicarious Liability

- 19.1 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 in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

20. Corporations and Partnerships

- 20.1 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 or not the corporation has been prosecuted for the offence.
- 20.2 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.

21. Offences and Penalties

- 21.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.
- 21.2 A Person who is guilty of an offence is liable to a fine in an amount not less than that established in the Master Rates Bylaw and not exceeding \$10,000.00.

21.3 Notwithstanding section 21.2, any person who commits a second or subsequent offence under this Bylaw within one (1) year of conviction for a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out for the offence in the Master Rates Bylaw.

22. Municipal Tag

22.1 Without restricting the generality of section 21.2, the fine amounts set out in Schedule "B" are established for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.

22.2 A Peace Officer 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 any provision of this Bylaw.

22.3 A Municipal Tag shall be issued and served to a Person:

- (a) either personally; or
- (b) by mailing a copy, via registered mail to such person at their last known postal address.

22.4 A Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:

- (a) the name of the Person to whom the Municipal Tag is issued;
- (b) particulars of the contravention under this Bylaw;
- (c) the specified penalty for the offence as set out in Schedule "B" herein;
- (d) that the specified penalty shall be paid within twenty-one (21) days of the issuance of the Municipal Tag in order to avoid prosecution; and
- (e) any other information as may be required by the Chief Administrative Officer

22.5 Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Municipal Tag.

22.6 If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.

22.7 Notwithstanding section 22.6, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

23. Violation Ticket

23.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

23.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

23.3 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

23.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 23.3 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

24. Continuing Offences

24.1 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 by this Bylaw for each such day.

25. Livestock Emotional Support Animal (Lesa)

25.1 Livestock Emotional Support Animals require a LESA permit, the application for which must be in the form outlined in Schedule "A" attached and must include the following information:

- (a) An original letter from a licensed psychologist, psychiatrist, clinical counsellor or Other duly licensed and/or certified mental health professional stating the requirement for the animal is part of an ongoing treatment plan for a disability;
- (b) A Veterinary Certificate as proof that the animal is receiving veterinary care;
- (c) Diagrams of housing structures and site plan showing that the animals will be suitably housed in a structure that conforms with applicable Village bylaws and meets the requirements and needs of the animal. If applicable, a Building Permit is required.
- (d) A written plan for disposal or use of animal waste/manure detailing how it is being properly disposed of and will not accumulate on the owner's property.
- (e) An original letter from a business/homeowner or rescue outside the Village, include name and address, stating that they will provide an alternate home outside Village limits in case the permit is revoked, or the owner is unable to care for the animal for any reason.

(f) Copies of letters or notices to adjacent properties, including names and addresses, date sent and advising their right to provide comments to the Village regarding the LESA. See Schedule B Attached. Notices must include:

1. Notice of any noises or odours that could result from housing the animal on the property that may impact the use and enjoyment of said neighbouring properties;
2. Notice of any communicable diseases that could be spread by the animal;
3. Information regarding all safety precautions that will be undertaken to ensure the animal is not a danger; and
4. Notice that owners and occupiers of the immediately adjacent properties have a right to provide comments to the Chief Administrative Officer within 30 days of receiving the notification.

(g) If applicable, an original letter from the applicant's landlord or strata council stating that the applicant has obtained their permission to keep a LESA

(h) In the event that the owner is a minor, the application must be made by a parent or guardian on the minor's behalf.

25.2 The owner must ensure that planning and development requirements are met on the property being used to house the animal, including the requirements set out in Village zoning and animal control bylaw.

25.3 Tenants must work out an arrangement with their landlord or condominium association to keep a LESA as the permit does not require them to be allowed on the property.

25.4 The Lesa Permit must be displayed by the owner in the animal's stall or housing structure and available to the Bylaw Enforcement Officer at all times.

25.5 The LESA license fee, as set out in the Village of Carbon Master Rates Bylaw and all supporting documentation must be submitted to the Chief Administrative Officer, when granting a permit.

25.6 The LESA license fee is due and payable by January 31st each year after. The license fee will be refunded to the applicant should the application not be approved less an administration fee as per the Village of Carbon Master Rates Bylaw.

26. Keeping of Bees

26.1 No person shall own or keep Bees unless properly licensed in accordance with this Bylaw.

26.2 An Urban Beekeeping License may not be issued to an individual under the age of eighteen (18) years. However, may be issued to anyone 16 or 17 years of age provided a Parent or Guardian sign off on the License form.

26.3 Before the issuance or renewal of a license pursuant to this part, the owner of the Hive must submit to the Licensing Authority:

- (a) A completed Urban Beekeeping License application form outlined in Schedule “C” attached;
 - (b) The appropriate license fee as per the Village of Carbon Master Rates Bylaw;
 - (c) Any other additional information required by the Licensing Authority, including but not limited to:
 - 1. The name, address, and contract information of the beekeeper;
 - 2. Written permission from the registered property owner to install Hives on the property, where the Beekeeper is not the registered property owner.
 - 3. Written permission from the authorized property leaseholder or license holder to install Hives on property, where the Beekeeper is not the authorized leaseholder or license holder of the property;
 - 4. A drawing that shows the hive location on the property, and associated setbacks if there is no solid fence and/or the property is adjacent to a Pedestrian Walkway;
 - 5. Proof of success in urban beekeeping training from an accepted organization or association;
 - 6. Proof of support and assistance from a qualified mentor for the first year of beekeeping;
 - 7. A disease and swarm control plan;
 - 8. Proof of registration with the Provincial Apiculturist every year by June 30; and
 - 9. A copy of the premise’s identification number pursuant to the *Animal Health Act* when hives are being medicated.
- 26.4 Notwithstanding section 26.3, at the time of initial application for an Urban Beekeeping License, the application must submit to the Licensing Authority written permission from all Adjoining Neighbours to install Hive(s) on the property.
- 26.5 An Urban Beekeeping License is required for each property that has a Have.
- 26.6 Urban Beekeeping Licenses are valid for one (1) calendar year January 1 to December 31.
- 26.7 No person shall give false information when applying for an Urban Beekeeping License pursuant to this Urban Beekeeping Bylaw.
- 26.8 The Licensing Authority may refuse to issue an Urban Beekeeping License or may revoke an Urban Beekeeping License by providing written notice to the applicant or licensee.
- 26.9 Urban Beekeeping Licenses issued under this Bylaw shall not be transferable from one person or property to another.
- 26.10 Beekeepers must comply wee the *Bee Act* and the *Animal Health Act*.

- 26.11 Beekeepers, or the owner of any parcel of land on which the Bees are kept, must ensure:
1. Good husbandry practices and maintenance to prevent swarming, aggressive behaviour, and disease; and
 2. That adequate water is provided at all times for the Bees to deter the Bees from seeking water from alternate sources.
- 26.12 Beekeeping in parks, reserve land, or on open spaces occupied or managed by the Village is not permitted under this Bylaw.
- 26.13 Notwithstanding section 26.11, applications to keep Bees may be considered for open spaces that are leased from the Village, subject to permission from the lessee and the Village.
- 26.14 This Bylaw does not relieve a person from complying with any Federal or Provincial law or regulation, other Village Bylaw, or any requirement of any lawful permit, order or license.
- 26.15 A Hive must include a bottom board, a Hive cover and the Hive must not measure more than 152.4 cm (60in.) x 51 cm (20in.) x 51cm (20 in.) As many supers can be added to the hive provided it does not go over 152.4cm (60in) in height.
- 26.16 Hives are restricted to the rear yard of a property.
- 26.17 Hive entrances are to be directed away from adjoining properties.
- 26.18 Hives are to be located:
- a.) A minimum of three (metres (10 feet) from all property lines; and
 - b.) Within a rear yard enclosed by a fence or hedge a minimum of 13.52 metres (5 feet) in height.
- 26.19 Hives on properties located adjacent to pedestrian walkways must be located a minimum of three (3) meters (10 feet) from the property line adjacent to the pedestrian walkway and within a rear yard enclosed by a fence or hedge a minimum of 1.52 metres (5 feet) in height.
- 26.20 A maximum of three (3) Hives are permitted on one (1) parcel of residential land.
- 26.21 At any reasonable time, the Licensing Authority or a Peace Officer may enter upon any property in order to ascertain whether or not the provisions of this Bylaw are being observed.
- 26.22 Should a beekeeping site, Hive, or Beekeeper be found to be non-compliant with this Bylaw at any time, the Urban Beekeeping License may be revoked., Should Hive(s) and Bees need to be relocated, all costs and associated expenditures related to the removal shall be the responsibility of the property owner.
- 26.23 This Bylaw applies to the activity of beekeeping for personal use only. Selling of honey or the operation of a home business requires a Business License. It is the responsibility of the applicant to adhere to any requirements for additional licenses or permits.
- 26.24 A person who contravenes any provision of this Bylaw is guilty of an offence.

26.25 In the case of an offence that is of continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which contravention, continues. A person guilty of such an offence is liable to a fine in an amount not less than that established by the Village of Carbon Master Rates Bylaw for each separate offence.

26.26 A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by the Village of Carbon Master Rates Bylaw.

27. Enactment

27.1 It is the intention of Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

27.2 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

27.3 This Bylaw repeals and replaces Bylaw 2018-802.

READ a First time this ___ day of _____ 2023.

READ a Second time this ___ day of _____ 2023.

READ a Third time this ___ day of _____ 2023.

SIGNED AND PASSED this ___ day of _____ 2023.

MAYOR

Schedule "A"



LIVESTOCK EMOTIONAL SUPPORT ANIMAL (LESA) PERMIT

Permit #:

Livestock Emotional Support Animal (LESA) Permit:

This permit is issued pursuant to Animal Control Bylaw 2023-870. It allows the permit holder to keep
 ___*# SPECIES*___ as a Livestock Emotional Support Animal.

PERMIT HOLDER

Name:	
Address:	Phone Number:
Email Address:	Lesas Species:

All conditions stated on this permit must be adhered to at all times. This permit must be renewed by the expiry date. MANDATORY CONDITIONS

<p>a) This permit must be produced upon request to the Village of Carbon Director or their designate, a Peace Officer employed by The Village of Carbon or a Bylaw Officer.</p> <p>b) This permit applies only to the permit holder and the specified address listed above. Should the permit holder move to a new address within The Village of Carbon, a new permit application is required.</p> <p>c) The Livestock Emotional Support Animal to which this permit applies (hereinafter "LESA") must be kept only at the address set out above.</p> <p>d) This permit is nontransferable.</p> <p>e) Use of the LESA for any purpose other than that stated in the medical note is prohibited. This includes, but is not limited to, breeding, slaughtering, etc.</p> <p>f) The eggs, meat, manure and/or any other byproduct of the LESA must not be distributed or used for commercial purposes.</p> <p>g) This permit must be surrendered to the Village of Carbon upon request from the Director of designate.</p> <p>h) The permit holder must comply with the Animal Control Bylaw and all other Village Bylaws at all times.</p> <p>i) The LESA must not be disruptive or a threat to public safety.</p> <p>j) The permit holder listed above must inform The Village of Carbon if the LESA dies.</p> <p>k) The permit holder listed above must immediately notify The Village of Carbon if the LESA is running at large.</p> <p>l) The LESA is not permitted in any public place, which includes any place to which the public has access as of right or by invitation, express or implied. Examples include parks, sidewalks etc.</p> <p>m) When being transported between two places, the LESA must be appropriately contained.</p>
<p>The permit holder will:</p>

Safety precautions being undertaken to ensure the animal is not a danger to you or others	
Other comments or information	

Please be advised that you have 30 days from the above date to provide your comments in writing to the Chief Administration Officer at the Village of Carbon Office located at 238 Hillside Avenue, Carbon, AB or by mail at Box 249, Carbon, AB, T0M 0L0.



Schedule "C"
**BEEKEEPING LICENCE
APPLICATION FORM**

MUNICIPAL ADDRESS: _____

LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ PLAN _____ OTHER _____

APPLICANT NAME: _____

ADDRESS: _____ CITY/PROVINCE: _____

POSTAL CODE: _____ EMAIL ADDRESS: _____

PHONE: _____ CELL: _____ FAX: _____

APPLICANT INTEREST (IF NOT THE OWNER) CONTRACTOR AGENT OTHER

OWNER NAME: _____

ADDRESS: _____ CITY/PROVINCE: _____ POSTAL CODE: _____

EMAIL ADDRESS: _____ PHONE: _____ CELL: _____

RESPONSIBILITY AND CARE- I hereby acknowledge that I / we will maintain good hive management and husbandry practices. This includes measures to prevent swarming, aggressive behavior and diseases. Bylaw Enforcement shall be notified of any swarms and or/ disease. Sites with hives are subject to inspections.

Signature

Date

REVOCABLE PERMISSION- I hereby acknowledge that the Beekeeping Licence can be revoked at any time should the Village deem a site, hive, or beekeeper to be unsuitable or not in keeping with the municipal, provincial, or federal requirements. All costs associated with relocating the hive and bees will be the responsibility of the property owner.

Signature

Date

I/We hereby declare that I am / we are I / we represent the owner(s) of the property in which the development identified in this application will be conducted in accordance to the plans submitted and upon approval, will adhere to the conditions of approval. **I / We further declare that I/we WILL NOTIFY the Village of Carbon Administration of any proposed changes to the plans submitted with this application.**

Signature of Applicant

Date

Signature of Owner
(if not the applicant)

Date

IMPORTANT NOTICE: This Application does not permit you to commence any development until an approved permit has been issued.

NOTE: This personal information is being collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIPP) and will be used in relation to this permit. It will be treated in accordance with the privacy protection provisions of Part 2 of the FOIPP Act. If you have any questions about the collection, please contact the Village of Carbon at 403-572-3244.

Date Received:

Date Application
Deemed Complete:

License Fee:

Application Number:

Land Use District:

Tax Roll Number: