

**SUMMER VILLAGE OF BIRCHCLIFF
LIVESTOCK BYLAW
BYLAW NO. #201/17**

A Bylaw of the Summer Village of Birchcliff in the Province of Alberta to provide for the licensing, regulation and confinement of livestock.

WHEREAS, the Council of the Summer Village of Birchcliff deems it desirable to pass such a Bylaw.

- i. pursuant to section 7(a) of the Municipal Government Act, a council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;
- ii. pursuant to section 7(h) of the Municipal Government Act, a council may pass Bylaws for the municipal purposes respecting wild and domestic animals and activities relating to them;
- iii. pursuant to section 7(i) of the Municipal Government Act, a council may pass Bylaws for the municipal purposes respecting the enforcement of Bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein; and
- iv. pursuant to section 8 of the Municipal Government Act, a council may by Bylaw regulate, prohibit or provide for a system of licenses, permits or approval including any or all of the matters listed therein.

NOW, THEREFORE, THE COUNCIL OF THE SUMMER VILLAGE OF BIRCHCLIFF, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “Livestock Bylaw”.
2. The purpose of this Bylaw is to regulate and control Livestock ownership in the Summer Village of Birchcliff.
3. In this Bylaw, unless the context otherwise requires, the word, term or expressions:
 - 3.1 “Animal Control Officer” means a person employed under the contract between the Summer Village and its Contractor to enforce the provisions of this Bylaw;
 - 3.2 “Bee” has the same meaning as set out in the Bee Act RSA 2000 Chapter B-2 as it may be amended or edited from time to time and shall also include an “Africanized Bee” as per the act.
 - 3.3 “Coop” means a Henhouse and a Run;
 - 3.4 “Hen” means a female chicken over four (4) months in age;
 - 3.5 “Henhouse” means a structure that houses the hens at night and includes places for laying eggs;
 - 3.6 “License” means a license issued by the Summer Village to an Owner upon payment of the required fee for each Coop required in association with “Keeping of Hens” Sections 9,10 and 11, indicating the year for which the fee has been paid, and which is assigned a number recorded by the Summer Village;
 - 3.7 “Livestock” includes, but is not limited to:
 - a. a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep, or goat
 - b. domestically reared or kept deer, reindeer, moose, elk, or bison,

- c. farm bred fur bearing Animals including foxes, weasels, or mink.
 - d. animals of the bovine species,
 - e. animals of the avian species including chickens, turkeys, ducks, geese, pigeons, or pheasants,
 - f. all other Animals that are kept for agricultural purposes, but does not include cats, dogs, or other domesticated household pets;
- 3.8 “Municipal Ticket” means a municipal ticket issued on behalf of the Village for a violation under this Bylaw;
- 3.9 “Officer” includes an Animal Control Officer, a Bylaw Enforcement Officer, a Peace Officer, or a Member of the Royal Canadian Mounted Police;
- 3.10 “Owner” includes any person, partnership, association, or corporation:
- a. owning, possessing, having charge of, or control over, any Livestock;
 - b. harboring any Livestock;
 - c. suffering or permitting any Livestock to remain about his or her house or premises; and
 - d. any person to whom a License has been issued under this Bylaw.
- 3.11 “Rooster” means a male chicken;
- 3.12 “Run” means an attached open area that is fenced and that Hens range in;
- 3.13 “Running at Large” shall mean any Livestock off the premises of the Owner;
- 3.14 “Unconfined” shall mean any livestock on the property of the Owner that is not confined to the Coop or designated portion of the property set out in the regulation of the Village.

Livestock Provisions

- 4. A person is guilty of an offence if that person keeps or harbours Livestock or bees within any portion of the Summer Village of Birchcliff or its corporate boundaries without the exclusive written permission of the Council, except for that provided for in this Bylaw;
- 5. Any Officer may seize and impound any Livestock or bees within any portion of the Summer Village of Birchcliff or its corporate boundaries, if the Livestock, wild animals, or bees are being kept without the written permission of the Council, except for that provided for in this Bylaw;
- 6. An Officer is hereby authorized to enter any land or premises (excluding dwelling houses) at any reasonable time within the Summer Village of Birchcliff to inspect for conditions which may contravene any provisions of this Bylaw whether or not the owner or person at the premise harbours Livestock lawfully or unlawfully.
- 7. Any person, whether or not he or she is the Owner of any Livestock which is being or has been pursued and/or captured, is guilty of an offence if he or she:
 - 7.1 Interferes with, or attempts to obstruct, an Officer who is attempting to capture, or who has captured, any Livestock;

- 7.2 Removes, or attempts to remove, any Livestock from the possession of an Officer;
- 7.3 Refuses to provide identification (name, address, and date of birth) and proof thereof to an Officer upon request;
- 7.4 Provide false or misleading information to an Officer.
- 8. An officer, including an Animal Control Officer, is hereby authorized to use live traps, nets or any other similar means to effect capture of Livestock. The Village or its Contractor shall not be held liable for the death or injury of any Livestock.

Keeping of Hens

- 9. Every Owner who wishes to participate in the “Keeping of Hens” within the corporate boundaries of the Summer Village of Birchcliff shall pay to the Summer Village of Birchcliff a yearly License fee for their Coop as set out in Schedule “A”.
- 10. Where a License is required, and has been paid for by the tender of an uncertified cheque, the License is automatically revoked if the cheque is not accepted and cashed by the bank on which it was issued.
- 11. Every Owner who fails to purchase a License on or before the 31st day of January in any year, shall be guilty of an offence and subject to the penalties provided for in this Bylaw.
- 12. An Owner is guilty of an offence if the Owner harbours Roosters within the Summer Village of Birchcliff corporate boundaries;
- 13. An Owner is guilty of an offence if the Owner harbours more than four (4) Hens per Detached Dwelling unit on a parcel, as defined by the Land Use Bylaw;
- 14. A person is guilty of an offence if that person slaughters any Livestock on the parcel;
- 15. An Owner is guilty of an offence if the Owner or a person on behalf of the owner buries a dead Hen on a Village parcel. Dead Hens shall be disposed by delivering it to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of Hens lawfully;
- 16. The maximum size of a Coop (including Henhouse and Run area) is 30.5 square meters (100 square feet.), and the minimum size of a Coop is 4.88 square meters (16 square feet). The Coop can be no more than 2.0 m (6.56 ft.) in height. Both the Henhouse and Run area are required to be fully enclosed in a secure fence and structure.
- 17. An Owner is guilty of an offence if the Owner or a person on behalf of the Owner fails to locate a Coop in the rear and side yards of those properties with an existing Detached Dwelling unit on a parcel. Further, the Owner is guilty of an offence if the Coop is not placed in accordance to the Accessory Building regulations of the Land Use Bylaw;
- 18. An Owner is guilty of an offence if the Owner fails to keep a Coop in good repair, maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances limited so as not to create a nuisance or disturbance to neighboring residents due to noise, odor, damage or threats to public health.
- 19. The Owner is guilty of an offence if all Hen waste is not stored in a fully enclosed structure or container.

20. The Owner and any person are guilty of an offence if any eggs produced in conjunction with the “Keeping of Hens” within the Summer Village of Birchcliff are sold commercially.
21. The Owner of a Hen is guilty of an offence if the Hen is running at Large;
22. The Owner of a Hen is guilty of an offence if the Hen is unconfined on the Owner’s property.

Impounding of Livestock

23. Any Officer or any designated Contractor with the Village may seize and impound any Livestock.
24. Upon receiving any Livestock for impound, an Animal Control Officer, Contractor, or its staff, shall make reasonable efforts to identify and contact the Owner of the Livestock.
25. The Contractor shall not sell, euthanize, or otherwise dispose of any impounded Livestock until the Livestock is retained in the Contractor’s impound facility for seventy – two (72) hours, not including the day of impounding, Sundays or Statutory Holidays.
26. The Contractor may retain Livestock for a longer period if in the opinion of the Contractor the circumstances warrant the expense or they have reasonable grounds to believe that the Livestock is a continued danger to persons, animals or property.
27. Any healthy Livestock may be returned to the Owner during the 72-hour period of impoundment upon payment to the Contractor the costs of impoundment and boarding (as specified in the contract between the Summer Village and the Contractor).
28. Any person claiming impounded Livestock shall present government issued identification to the Contractor or its staff.
29. Where any impounded Livestock has not been claimed by the Owner within 72 hours of impoundment, the Contractor is authorized to sell, euthanize, or otherwise dispose of any impounded livestock.

Violation Tickets and Continuing Offences

30. Where an Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw:
 - 30.1 he or she may serve upon the person a Municipal Ticket allowing payment of the specified fine as set out in Schedule “B” of this Bylaw, which payment will be accepted by the Summer Village Office or the Officer on behalf of the Office in lieu of prosecution for the offence if paid within 21 days of the date of service; or
 - 30.2 he or she may issue and serve a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 and amendments thereto, allowing a voluntary payment or requiring a person to appear in court, without the alternative of making a voluntary payment.
31. A Municipal Ticket shall be deemed to be sufficiently served if:
 - 31.1 Served personally on the Owner of any Livestock, or left at the Owner’s residence; or
 - 31.2 Mailed to the address of the Owner of any Livestock.

- 31.3 Penalties for a second, third and subsequent offences will be applicable, where those offences occur within one (1) year of the first or most recent offence.
- 31.4 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in the respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in the amount not less than that established by this Bylaw for each such day.
- 31.5 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the specified penalty set out in Schedule “B” and in default of payment of any fine imposed, to imprisonment for not more than six (6) months. Any person who contravenes any provision of this Bylaw for which there is either “Court” or no penalty specified in Schedule “B”, is guilty of an offence and is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

Severability of Bylaw Provisions

32. Each separate provision of this Bylaw shall be deemed independent of all provisions, and if in any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

This Bylaw comes into force on the day it is passed.

Read a first time this 13th day of October, 2017.

THOM JEWELL, MAYOR

PHYLLIS FORSYTH, CAO

Public hearing held the 16th day of November, 2017.

Read a second time this 16th day of November, 2017.

Read a third time and finally passed this 16th of November, 2017.

THOM JEWELL, MAYOR

PHYLLIS FORSYTH, CAO

SUMMER VILLAGE OF BIRCHCLIFF

BYLAW NO.

SCHEDULE “A”

ANNUAL LICENSE FEES	AMOUNT
1. Coop License	\$75.00
2. If the Coop License fee is paid prior to January 31 st of the year, it shall be reduced to:	\$50.00

SUMMER VILLAGE OF BIRCHCLIFF

BYLAW NO.

SCHEDULE “B”

Section	Offence	First	Second	Third & Subsequent
s.4	Harboring Livestock	\$200.00	\$400.00	\$800.00
s.7 (1)	Interfere with an Officer	\$500.00	\$1000.00	\$1500.00
s.7 (2)	Remove/attempt to remove Livestock from Officer	\$500.00	\$1000.00	\$1500.00
s.7 (3)	Refuse to provide identification to Officer	\$500.00	\$1000.00	\$1500.00
s.7 (4)	Providing false or misleading information to Officer	\$500.00	\$1000.00	\$1500.00
s.11	Fail to License Coop in the “Keeping of Hens”	\$200.00	\$400.00	\$800.00
s.12	Rooster within Village boundaries	\$100.00	\$200.00	\$300.00
s.13	Have more than 4 Hens	\$100.00	\$200.00	\$300.00
s.14	Slaughter of Livestock on property	\$100.00	\$200.00	\$300.00
s.15	Unlawful disposal of dead Hens	\$100.00	\$200.00	\$300.00
s.16	Coop fails to meet size / enclosure requirements	\$100.00	\$200.00	\$300.00
s.17	Coop not located properly	\$100.00	\$200.00	\$300.00
s.18	Fail to maintain Coop in a sanitary condition / good repair	\$100.00	\$200.00	\$300.00
s.19	Waste not stored in an enclosed structure or container	\$50.00	\$100.00	\$150.00
s.20	Eggs produced from the Keeping of Hens sold commercially	\$200.00	\$400.00	\$800.00
s.21	Hens Running at Large	\$100.00	\$200.00	\$300.00
s.22	Unconfined Livestock	\$100.00	\$200.00	\$300.00