

**TOWN OF FORT MACLEOD**  
**In the Province of Alberta**

**BYLAW NO. 1979**

Being a bylaw in the Town of Fort Macleod in the Province of Alberta, for the provision of regulating and controlling animals.

WHEREAS pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, chapter M-26, as amended, s. 7, Council of the Town of Fort Macleod (hereafter called Council) may pass laws for municipal purposes respecting wild and domestic animals and activities in relation to them.

AND WHEREAS the Council of the Town of Fort Macleod, in the Province of Alberta, deems it expedient to pass such a Bylaw.

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, Council duly assembled, hereby enact the following:

This Bylaw may be referred to as the Animal Control Bylaw.

This Bylaw does not replace Bylaw 1922 - Dog Control Bylaw.

**1. DEFINITIONS**

For the purposes of this Bylaw the following definitions shall apply:

**ADJOINING OR ADJACENT PROPERTY** means a property that abuts another property, by fence, property line across an alley or lane way

**CAO** means the person appointed to the position of Chief Administrative Officer for the Town of Fort Macleod within the meaning of the *Municipal Government Act* or their designate.

**Coop** means a fully enclosed weatherproof structure and attached Outdoor Enclosure used for the keeping of Hens, that complies with the Town of Fort Macleod Land Use Bylaw Regulations applicable to Accessory Buildings.

**Council** means the Mayor and Councillors duly elected pursuant to the provisions of the Local Authorities Election Act.

**Enforcement Officer** means:

- i) a Bylaw Enforcement Officer appointed under the Municipal Government Act;
- ii) a Peace Officer;
- iii) a member of Royal Canadian Mounted Police (RCMP); or
- iv) a Public Health Inspector.

**Hen** means a domesticated female chicken.

**Highway** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, square, bridge, causeway, or other place whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:

- i) a sidewalk or boulevard;
- ii) where a ditch lies adjacent to and parallel with a roadway, the ditch, and
- iii) where a Highway right of way is contained within the fences or between a fence and edge of the roadway.

**Livestock** includes but is not limited to:

- i) a horse, mule, ass, swine, emu, ostrich, camel , llamas, 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) animals of the bovine species;
- v) rabbits raised for meat;
- vi) animals of the avian species intended for human consumption, including chickens, turkeys, ducks geese, quails, or pheasant; and
- vii) all other animals or insects that are kept for agricultural purposes.

**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 hens to roam.

**Rooster** means a domesticated male chicken.

**Town** means Town of Fort Macleod, a municipal corporation in the Province of Alberta, and where the context so requires, means an area of land within the corporate boundaries.

**Wildlife** means big game, game birds, birds of prey, fur bearing animals, fur bearing carnivores and any other species of vertebrates designated as Wildlife under the *Wildlife Act* and the regulations passed pursuant hereto.

## **2. PERMITTED & PROHIBITED**

- 2.1 Subject to the provisions of the Bylaw, and any other Bylaw of the Town of Fort Macleod, animals that may be kept within the Town of Fort Macleod include domestic pets, such as dogs and cats.
- 2.2 Any owners of domestic dogs shall refer to Bylaw 1922 Dog Control for the provisions of owning a dog within the Town of Fort Macleod
- 2.3 It is not the intention of this bylaw to prohibit other domestic pets such as small, caged pets or birds that fall within provincial and federal guidelines.
- 2.4 No person shall keep or have any of the following within the Town:
  - a. Roosters;
  - b. Hens, except those Hens for which a valid license has been issued under this Bylaw;
  - c. Livestock, except that livestock which is kept in compliance with an exemption provided for in section 10 of this bylaw;
  - d. Wildlife;
  - e. Venomous snakes, reptiles, or insects.

## **3 CONTROL AND CARE OF LIVESTOCK**

- 3.1 All livestock in the Town of Fort Macleod not under the direct control of a person shall be placed in a fenced or other secure area which will prevent the free roaming of such livestock.
- 3.2 An enforcement Officer may capture and confine Livestock which trespassed within the

Town of Fort Macleod on any:

- a. Public Lands owned and controlled by the Town, including Highways;
- b. Public Lands owned by the Crown; or
- c. Privately owned lands without the consent of the owner of those lands.

3.3 The owner of all Livestock in compliance with the provisions of this Bylaw must hygienically dispose of any feces produced by such Livestock on or off the owner's property in accordance with the *Environmental Protection and Enhancement Act*.

3.4 The owner of any Livestock in the Town of Fort Macleod must adhere to any and all applicable local, provincial and federal rules, acts, regulations, and associated certification, approval and permitting processes that are in addition to the following requirements shall be adhered to at all times and include but are not limited to the *Animal Protection Act*, *Environmental Protections and Enhancement Act*, the *Agricultural Operation Practices Act*, and all associated regulations.

#### **4 URBAN HEN LICENCES**

4.1 A person may keep up to five (5) hens within the lands zoned Residential (R), Residential Manufactured Home (R-MH) minimum lot size of 66' x 99'.

4.2 All other zoned areas for animal use can be referenced in section six (6) Animal Unit Equivalentents.

4.3 Any person wishing to keep hens in areas noted in section 4.1 must apply for an Urban Hen Coop Licence by:

- a. Submitting a completed Urban Hen Coop Licence Application;
- b. Obtaining Premises Identification (PID) under the *Animal Health Act* and its regulations;
- c. Paying an annual fee for the Urban Hen Coop Licence as outlined in this Bylaw.
- d. Obtaining any required development or building permits as outlined in the current Land Use Bylaw for accessory structures/buildings.

4.4 Urban Hen Coop Licences may be issued if the CAO and/or designate is satisfied that:

- a. The applicant is the owner of the property on which the Hens will be kept, or that the owner of the property has provided written consent to the applicant.
- b. The applicant resides on the property for which the hens will be kept and:
  - i. All required information has been provided;
  - ii. An inspection of the property and coop have been completed;
  - iii. The applicable licence fee of \$50.00 per year has been paid; and
  - iv. The applicant has complied with all other Provincials and Federal regulations for the keeping of Hens.

4.5 Urban Hen Coop Licences may be refused or revoked by the CAO and/or designate if:

- a. The applicant or licence holder does not meet or no longer meets the requirements for an Urban Hen Coop Licence as set out in this Bylaw or the Town of Fort Macleod Land Use Bylaw;
- b. The applicant or licence holder furnishes false information or misrepresents any fact or circumstances required pursuant to this Bylaw;
- c. The applicant or licence holder has, in the opinion of the CAO and or designate, based on reasonable grounds, contravened any part of this Bylaw whether or not the

- contravention has been prosecuted;
- d. The applicant and or licence holder fails to pay a fine imposed by a Court for contravention of this Bylaw or any other applicable Bylaw related to the keeping of livestock;
  - e. The applicant and or licence holder fails to pay any fee required by this Bylaw or any other applicable legislation; or
  - f. In the opinion of the CAO and/or designate, based on reasonable grounds, it is in the public interest to do so.

4.6 Urban Hen Coop Licences are only transferrable from one property to another when:

- a. When a licence holder has moved to new property with the Town, then:
  - i. The licence holder may apply to transfer the licence; and
  - ii. An inspection of the new property must be carried out to determine whether the licence holder is still able to meet all requirements for an Urban Hen Coop Licence as set out in this Bylaw and the Town of Fort Macleod Land Use Bylaw at such property.

4.7 Urban Hen Coop Licence Fees:

- a. \$50.00 per year is to be paid prior to the 31<sup>st</sup> of January annually and expires on December 31<sup>st</sup>.
- b. Shall not be reduced or prorated no matter the month of purchase; and,
- c. Shall not be refunded or rebated if revoked or otherwise terminated.

4.8 If the CAO and or designate revokes, or refuses to issue a Urban Hen Coop Licence, the applicant may appeal the decision to Council within 21 days from the date of revoking or refusal of a licence.

## 5 KEEPING OF HENS

5.1 A person who keeps Hens must:

- a. Ensure that each coop is:
  - i. Located in the rear of the property and not attached to or contained within a primary structure;
  - ii. Meet the setback requirements for Accessory Building or Structure as outlined in the Town's current Land Use Bylaw.
- b. Provide and maintain, in the coop, at least one nest box per Coop and one perch per Hen;
- c. Keep each Hen in a coop at all times;
- d. Provide each Hen with appropriate food, water, shelter, light, warmth, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust bathing, and roosting, all sufficient to maintain the Hen in good health;
- e. Maintain the Coop in good repair and sanitary conditions, and free from vermin and noxious or offensive smells and substances.
- f. Follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce the potential for disease outbreak;
- g. Keep Hens for personal use only; and
- h. Inform the Town immediately of any disease or welfare issues that may affect the public, and of the steps taken to rectify the situation.

5.2 No person who keeps Hens shall:

- a. Sell eggs, manure, meat, or other products derived from a Hen:

- b. Slaughter any Hen on the property;
- c. Dispose of any Hen except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of such; and
- d. Keep a Hen in a cage, kennel, or any other form of shelter other than a Coop, except for the purpose of temporary transport.

## **6. URBAN BEEKEEPING LICENCE**

6.1 An Urban Beekeeping Licence is required for any property located in the Town of Fort Macleod.

- a. Beekeeping in public parks operated by the Town is not permitted.
- b. Urban beekeeping for the purposes of this bylaw is for personal use only.

6.2 Hive and site requirements

- a. A hive must include a bottom board, a hive cover, and a maximum of four (4) supers.
- b. The hive must not measure more than 127 cm (50 in.) x 51 cm (20 in.) x 51 cm (20 in.).
- c. Hives are restricted to the rear yard of a property.
- d. Hive entrances are to be directed away from adjoining properties.
- e. Hives are to be located a minimum of three metres from all property lines OR within a rear yard enclosed by a solid fence or hedge a minimum of 1.8 metres in height.
- f. Properties located adjacent to pedestrian walkways must ensure that the hives are a minimum of three metres from the property line adjacent to the pedestrian walkway AND within a rear yard enclosed by a solid fence or hedge 1.8 metres in height.

6.3 Number of Hives

- a. Where a property is designated by the Land Use Bylaw Residential (R), Residential Manufactured Home (R-MH) minimum lot size of 66' x 99', two (2) hives will be permitted,
- b. Where a property is designated by the Land Use Bylaw as Agricultural (AG), River Valley Lands (RVL), Country Residential (CR), or Residential Large Lot (R-LL) a maximum of four (4) hives will be permitted.
  - i. Hives located within open spaces, without defined rear yards, must be located a minimum of three metres (10 feet) from all property lines and are located within a secure enclosure a minimum of 1.8 metres (6 feet) in height.

6.4 Neighbourhood Notification

- a. Applicant must submit written permission from all adjacent/adjoining neighbours to install hives on the property.

6.5 Registration of Premises Identification

- b. A property owner must register annually with the provincial apiculturist as per the Alberta Bee Act.

6.6 A Premises Identification (PID) number must be obtained under the Alberta Animal Health Act.

6.7 Liability Insurance

- c. Property owners may consider obtaining liability insurance.

## **7. RESPONSIBILITIES OF THE URBAN BEEKEEPER**

- 7.1 Ensure good husbandry practices and maintenance to prevent swarming, aggressive behaviour, and disease.
- 7.2 Adequate water must be provided to deter the bees from seeking water from alternate sources.

## **8. TRAINING & INSPECTIONS**

- 8.1 Property owners shall make themselves and the hive(s) available for inspection on reasonable request of a Licensing Authority or a Peace Officer.
- 8.2 Proof of success in an urban beekeeping course from an accepted organization or association is required. See the list of acceptable Urban Beekeeping Courses.

## **9. REVOCABLE PERMISSIONS**

- 9.1 Should a Licensing Authority or Enforcement Officer find a beekeeping site, hive, or beekeeper to be nonconforming to Bylaw 34/2017, the beekeeping licence may be revoked. Relocation of hives and bees; plus, the associated costs are the responsibility of the property owner.

## **10. EXEMPTIONS**

- 10.1 Exemptions to Section 2.4 (c) include:
- a. Facilities where Livestock are temporarily housed for educational, veterinary scientific, or civic purposes;
  - b. Facilities where Livestock are temporarily housed for industrial or commercial purposes, such as slaughterhouse or auction markets, subject to requirements and restrictions by an applicable Town of Fort Macleod Bylaw, which may include, but is not limited to, the Land Use Bylaw, and Business Licence Bylaw;
  - c. For approved special events, such as parades or filming; and
  - d. Specific areas as designated within the Town of Fort Macleod Land Use Bylaw, or any other current bylaw, subject to such restrictions and conditions stated therein.

## **11. ANIMAL UNIT EQUIVALENTS**

- 11.1 Where the property is designated by the Land Use Bylaw as Agricultural (AG), River Valley Lands (RVL), Residential Large Lot (R-LL), or Country Residential (CR) it is exempt from Section 2.4 (c) and the following animal unit equivalents may be used:

Animal units are defined and per acre maximums for animal unit equivalents are set here to ensure those parcels of land within the Agriculture (AG), Country Residential (CR), Residential Large Lot (R-LL), and River Valley Lands (RVL) land use districts may make use of the larger parcel sizes associated with these districts, to keep a certain number of a variety of animals on such parcels. Additionally, vacant lots in the Business Industrial (BI), Industrial General (IG) and Industrial Heavy (IH) land use districts, that have not had previous industrial activity and have no historic incidences of land contamination, may also keep animals as per this section, until such time that the lands are developed for industrial uses.

Birds:	Chickens	15
	Ducks	15
	Emus	4
	Geese	10
	Ostriches	2
	Pheasants	15
	Pigeons	15
	Turkeys	10
	Other similar birds	To the discretion of the Development Authority
Bison or Buffalo		1
Bison or Buffalo Calves		2 (up to one year old)
Calves		2 (up to one year old)
Cows		1
Deer		1
Donkeys, Mules, or Asses		1
Elk		1
Foals		2 (up to one year old)
Goats		3
Horses		1
Rabbits or other similar rodents		20
Sheep (Rams or Ewes plus Lambs)		3
All other animals		To the discretion of the Development Authority

### 11.2 Maximum allowable animal units per unit of area

The following table outlines the maximum allowable number of animal units per unit of area, parcels designated as Agriculture (AG), River Valley Lands (RVL) or Country Residential (CR):

<b>ANIMAL UNITS PER UNIT OF AREA</b>	
<b>Parcel size</b>	<b>Number of Animal Units permitted</b>
0.81 to 1.21 ha (2.0 to 2.99 ac)	1
1.22 to 1.61 ha (3.0 to 3.99 ac)	2
1.62 to 2.02 ha (4.0 to 4.99 ac)	3
2.03 to 2.42 ha (5.0 to 5.99 ac)	4
2.43 to 4.04 ha (6.0 to 9.99 ac)	5
4.05 ha < (10 ac <)	*5 <

*\*5 < means that the number of animal units permitted for a parcel greater than 4.05 ha (10 ac in size shall be increased proportionate to how much larger than 4.05 ha (10 ac) the parcel is. For example: 5.26 ha (13 ac) = 5 animal units + 2 animal units = 7 total animal*

- 11.3 Where exemptions apply as per section 10 an owner shall not create, establish, or maintain:
- a. A stable or other building in which livestock are kept in such a manner or in such numbers as to be injurious or dangerous to health or which may hinder in any manner the prevention or suppression of disease; or
  - b. An accumulation or deposit of offensive matter, refuse, offal, or manure, wherever situated excepting a Highway, which:
    - a. Is injurious or dangerous to health;
    - b. May hinder in any manner the prevention or suppression of disease; or
    - c. May provide a breeding a breeding place for flies or creation of odors;
  - c. Any accumulation or deposit of offensive matter, refuse, offal, or manure on a Highway.
- 11.4 No horses or cattle of any kind shall be kept in any shed, stable, pen, byre, yard, or other enclosure situated at less distance than seventy-five (75) feet from the nearest dwelling house nor twenty-five feet from any public Highway not being a lane or recreational park. If more than one animal is kept the distance shall be at least one hundred (100) feet from the nearest dwelling.
- 11.5 No person shall keep any poultry in any shed, stable, Coop, pen, yard or other enclosure situated at a distance less than twenty (20) feet from any occupied building on the same lot, thirty (30) feet from any occupied building on an adjacent lot or twenty five (25) feet from any public Highway not being a lance or recreational park except in the case of lots having a frontage on two Highways, the minimum distance shall be twenty five (25) feet from the highway on which the occupied buildings on the lot fronts and ten (10) feet from any Highway at the side or rear of the lot. For the purposes of this section a lane shall not be considered a Highway.
- 11.6 All sheds, stables, pens, byres, yards, or enclosures where livestock are kept shall be properly constricted, drained, ventilated and lighted and kept clean to the satisfaction of the Medical Officer of Health or such Health Inspector as may be appointed from time to time and shall be open to the subject of inspection by any Health Inspector at all reasonable times.
- 11.7 Any unclean, leaking, foul dangerous, defective, or filthy drain, ditch, tank or getter or any leaking or broken stop garbage, manure box or receptacle of like character whenever or wherever found in the limits of the Town of Fort Macleod shall be deemed a nuisance.
- 11.8 The Health Officer may order the relocation, alteration or removal of any existing sheds, Coops, runways, or enclosures in which poultry are kept which do not comply with the provisions of the Bylaw.

## **12 PENALTIES AND ENFORCEMENT**

12.1 No person shall willfully obstruct, hinder, or interfere with an Enforcement Officer or any other person authorized to enforce and engage in the enforcement of this bylaw.

12.2 Any person who contravenes any provision of the Bylaw is guilty of an offence and liable to a fine of:



- a. \$250.00 - first (1<sup>st</sup>) offence.
- b. \$500.00 – second (2<sup>nd</sup>) and subsequent offences.

**13 GENERAL**

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

13.2 It is the intention of the Council of the Town of Fort Macleod that all offences created pursuant to the Bylaw be construed and considered as being Strict Liability Offences.

13.3 Whenever the singular and masculine gender is used in this Bylaw it shall include the plural, feminine and neutral gender whenever the context so requires.

This Bylaw Shall Repeal Bylaw 1420

This Bylaw Shall take effect on the date of the final passage and signing.

Read for a first time this        day of                2024 A.D.

Read for a second time        day of                2024 A.D.

Read a third time and finally declared passed this                day of                2024 A.D.

\_\_\_\_\_  
Mayor Brent Feyter

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Chief Administrative Officer

SCHEDULE A & B will be the applications for BEE and HENS, and will be added after first reading and community Town Hall.