

TOWN OF PENHOLD
BYLAW NO. 818/2023

RESPONSIBLE PET OWNERSHIP BYLAW

Being a Bylaw of the Town of Penhold, in the Province of Alberta for the purpose of licensing, controlling and regulating animals.

WHEREAS council of the Town of Penhold has the authority to enact bylaws under the Municipal Government Act, RSA 2000c M-26 Part 2 Bylaws Section 7(a) respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS Section 7 (h) of the Municipal Government Act allows a council to pass bylaws in relation to wild and domesticated animals and activities in relation to them; and

WHEREAS council deems it necessary to regulate and control dogs, cats, urban hens, and other animals; and to provide for the controls and conditions on certain animals; and

NOW THEREFORE the Council of the Town of Penhold, in the province of Alberta, duly assembled, enacts as follows:

PART 1 – SHORT TITLE

SHORT TITLE AND ESTABLISHMENT OF RESPONSIBLE PET OWNERSHIP

(1) This Bylaw may be called “Responsible Pet Ownership Bylaw”.

PART 2 – DEFINITIONS

In this bylaw, unless the context otherwise requires, these definitions will prevail:

“Active Service” means the work of a police dog while it is aiding a law enforcement officer in carrying out that officer’s duties.

“Altered” means neutered or spayed.

“Animal” means any living organism, other than a human, having sensation and the power of voluntary movement including but not limited to a dog, cat, urban hen, livestock, or domesticated animal.

“Attack” means an injury, excluding a bite, including but not limited to bruising, laceration, bone break or sprain.

“At Large” means an animal off private property and not on a leash held by a person able to physically control the animal.

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"Bite" means an injury by teeth including but not limited to a bruise, puncture, or bone break.

"Cat" means a member of the domesticated feline family.

"Cattery" means any person, group of persons, firm or corporation that is approved and currently licensed by the Town, which is engaged in the business or recreation of breeding and/or boarding and/or selling of cats.

"Chase" means to pursue or catch up with.

"Communicable Disease" means a disease that affects animals and may be transmitted to human beings and/or other animals.

"Collar" means a band, which is of suitable size and strength that may be humanely placed around the neck of an animal.

"Coop" means a fully enclosed outdoor weather proof structure, under 6 feet in height, used for the keeping of urban chickens.

"Domesticated Animal" means an animal kept as a pet but does not include a dog, cat, urban hen, or livestock.

"Dog" means a member of the domesticated canine family.

"Feral" means an animal, which is wild in nature and shows no signs of domestication.

"Harbouring" means to give shelter, care for, or give home to.

"Harness" means straps and fittings that are of suitable size and strength that may be humanely attached to the chest and back of an animal.

"Identification" means an object, mark, or device which is found on an animal and can be traced to current ownership information including, but not limited to a tag, microchip, or tattoo.

"In Heat" is an expression applied to most female mammals and indicates the period when the animal is fertile and most receptive to mating.

"Kennel" means any person, group of persons, firm or corporation that is approved and currently licensed by the Town, which is engaged in the business or recreation of breeding and/or boarding and/or selling of dogs.



“License” means a license issued by the Town to an owner upon payment of the required fee for each animal, nuisance animal or restricted animal they own, indicating the year for which the fee has been paid, and which is assigned a number recorded by the Town.

“Livestock” means such an animal that is generally kept for agricultural use including but not limited to; horse, cattle, chicken, sheep, swine, goat, mule, or ass, but does not include dogs, cats, urban hens, or domesticated animals.

“Leash” means a tether of suitable strength that may be humanely attached to the collar or harness of an animal.

“Muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting.

“Nuisance Animal” means an animal deemed a nuisance pursuant to Section 6.1 of this Bylaw.

“Off-Leash Area” means an area designated and signed by Town Administration where owners may legally have their dogs at large.

“Owner” means any person, partnership, association, or corporation:

- a. owning, possessing or having charge of, or care and control over any animal;
- b. harbouring any animal;
- c. suffering or permitting an animal to remain about the owners private property;
- d. whom a license has been issued under this Bylaw, an animal can have more than one owner at the same time, and, or all, who may be charged with offences under this Bylaw.

“Peace Officer” means a member of a police service as per the Police Act, RS.A. 2000, c. P-17, a community peace officer appointed by the town as per the Peace Officer Act, S.A. 2006, c. P-3.5, and a bylaw or animal control officer, appointed by the town, pursuant to the Municipal Government Act, RS.A. 2000, c.M-26.

“Pest” means an animal excluding dogs, cats, urban hens, livestock, or domesticated animals that may cause damage to a person, other animal, or property including but not limited to; bees, wasps, mice, gophers, pigeons, skunks, beavers, and porcupines.

“Provocation” means an action, gesture or speech that could reasonably be considered threatening.

“Pound” means the premises designated by the Town for the purpose of impounding, housing, and caring for animals regulated under this Bylaw.

“Restricted Animal” means an Animal deemed restricted pursuant to Section 6.2 of this bylaw.

“Rooster” means a domesticated male chicken; roosters are NOT permitted in the Town.

“Town” or “Town Administration” means the Town of Penhold.

“Urban Area” means lands located within the Town on which agricultural operations, including but not limited to the keeping of livestock, are neither a permitted nor a discretionary use under the bylaws of the Town.

“Urban Hen” means a female chicken approved by the Town for domestication within the urban area.

“Urban Hen License” means a license issued pursuant to this Bylaw which authorizes the holder to keep urban hens on specific property, zoned R1, R2, and R4, within the Town.

“Veterinarian” means a registered Veterinarian as defined in the Veterinary Profession Act RS.A. 2000, c. V-2.

“Violation Notice” means a tag or similar document issued by the municipality pursuant to the Municipal Government Act, RS.A. 2000, c. M-26.

“Violation Ticket” means a ticket issued pursuant to part II or part III as applicable, of the Provincial Offences Procedure Act, RS.A. 2000, c. P-34 and the regulations there under.

PART 3 – LICENSING

- 3.1 No person shall be an owner of any dog or cat over the age of three (3) months within the Town, unless such dog or cat is licensed with administration.
- 3.2 The owner of every dog or cat over the age of three (3) months in the Town shall each calendar year, renew every dog or cat license as set out in the Town Fees & Charges Schedule. Owners who fail to renew the license fee shall be considered to not have a valid license for their dog or cat.
- 3.3 Every person who is a resident and becomes the owner of a dog or cat over the age of three (3) months or every person that takes up residence within the Town and is the owner of a dog or cat which is over the age of three (3) months, shall license the same, within fifteen (15) days after becoming the owner of the said dog or cat; or taking up residence within the Town.
- 3.4 In relation to this Bylaw, the burden of proof relating to the age of the dog or cat shall be upon the owner and unless the contrary is proven, the dog or cat shall be presumed to have attained the minimum age of three (3) months prior to the time of violation.

- 3.5 License issued under this bylaw shall not be transferable from one dog or cat to another or from one owner to another.
- 3.6 Upon receiving the required license, the owner of a license will be supplied by Town Administration with either:
- 3.6.a a license tag if the dog or cat in question had not been licensed the previous year within the Town; or
 - 3.6.b a license renewal receipt if the dog or cat in question had been licensed the previous year within the Town.
- 3.7 If said license tag is lost, a replacement tag can be supplied by making payment of the fee set out in the Town Fees & Charges Schedule to Town Administration.
- 3.8 If said license is not issued to the current owner and/or dog or cat, the license shall be deemed invalid.
- 3.9 No person shall be entitled to a license rebate under this Bylaw.
- 3.10 Every dog or cat shall wear the provided town license tag when it is off the private property of the owner of said animal.
- 3.11 Dog and cat owners shall provide Town Administration with the following information with each application for a dog or cat license:
- 3.11.a name, address, and phone number of owner via valid identification; and
 - 3.11.b name, breed and description of dog or cat to be licensed; and
 - 3.11.c if applicable, proof of spaying or neutering from a Veterinarian; and
 - 3.11.d any other reasonable information deemed appropriate by the Town.
- 3.12 Any person wishing to obtain a dog license shall be a minimum of eighteen (18) years old.
- 3.13 Town Administration shall keep a record of all dog and cat licenses pursuant to this Bylaw.
- 3.14 Every owner of a dog or cat shall notify Town Administration within fifteen (15) days if:
- 3.14.a the dog or cat has changed ownership; and/or
 - 3.14.b the owner, dog, or cat has changed address; and/or
 - 3.14.c the dog or cat is deceased.

PART 4: KEEPING OF CHICKENS

- 4.1 No person in an urban area shall keep:
- 4.1.a a rooster;
 - 4.1.b a hen, other than an urban hen for which a valid chicken license has been issued; or



- 4.1.c more than four (4) urban hens or more than six (6) total pets.
- 4.2 A person may keep up to four (4) urban hens upon:
 - 4.2.a approval of an urban hen license application; and
 - 4.2.b payment of an annual urban hen license fee as set out in the Town Fees and Charges Schedule.
- 4.3 An urban hen license may be issued or renewed if the Town is satisfied that all outlined requirements within "Schedule C" Urban Hen Permit and Licensing Application Process are complete, including but not limited to:
 - 4.3.a the applicant is the owner of the property on which the urban hens will be kept; or that the owner of the property has provided written consent to the applicant;
 - 4.3.b the land use designation of the property on which the urban hens will be kept allows the placement of a coop for the keeping of urban hens;
 - 4.3.c the applicant resides on the property on which the urban hens will be kept;
 - 4.3.d all required information has been provided;
 - 4.3.e the applicant has taken a course on the safe handling of hens and eggs, prior to issuance of a license;
 - 4.3.f the applicant has registered with Alberta's Premise Identification Program (PID);
 - 4.3.g the applicant has complied with all other provincial and federal regulations for the keeping of chickens;
 - 4.3.h the applicant has completed the Urban Chicken Neighbourhood Acknowledgement Form (Appendix I); and
 - 4.3.i the application license fee has been paid.
- 4.4 The maximum number of urban hen licenses that may be issued in the Town of Penhold shall be twenty-five (25).
- 4.5 An urban hen license is valid for the period of January 1 to December 31 of the year in which it is issued and must be renewed annually prior to February 28 of each subsequent year (**Appendix III**):
 - 4.5.a urban hen license fees shall not be reduced or prorated no matter the month of purchase;
 - 4.5.b urban hen license fees shall not be refunded or rebated.
- 4.6 An urban hen license is not transferable from one person to another.
- 4.7 An urban hen license is not transferable from one property to another except;
 - 4.7.a When a license holder has moved to a new property within the Town, then:
 - 4.7.a.i the license holder may apply to transfer the license; and
 - 4.7.a.ii an inspection of the new property must be carried out to determine the license holder is still able to meet all requirements for an urban hen license at such a property.



- 4.8 A person to whom an urban hen license has been issued shall produce the license upon the demand of a Peace Officer.
- 4.9 An urban hen license may be revoked or may not be renewed by the Town if:
- 4.9.a the applicant or license holder does not meet or no longer meets the requirements for an urban hen license as set out in this Bylaw;
 - 4.9.b the applicant or license holder furnishes false information or misrepresents any Bylaw, fact or circumstance required pursuant to this Bylaw;
 - 4.9.c the applicant or license holder has, in the opinion of the CAO or designate, based on reasonable grounds, contravened any part of this Bylaw whether or not the contravention has been prosecuted;
 - 4.9.d the applicant or license holder fails to pay a fine imposed by a court for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of animals/ livestock;
 - 4.9.e the applicant or license holder fails to pay any fee required by this Bylaw;
 - 4.9.f the applicant fails to comply with any applicable provincial and federal regulations for the keeping of chickens; or
 - 4.9.g in the opinion of the Town based on reasonable grounds, it is in the public interest to do so.
- 4.10 In the case of a refusal or revocation of an urban hen license, the applicant will be given the reasons, in writing, within ten (10) days of the refusal. The revocation or refusal may be appealed pursuant to the provisions of this Bylaw.

PART 5 – RESPONSIBILITIES

- 5.1 No person shall be an owner of more than three (3) dogs that are three (3) months of age or more, or more than three (3) cats that are three (3) months of age or more, or more than four (4) urban hens, or more than a total of six (6) animals at any one property within Town.
- 5.2 Subsection 5.1 of this bylaw shall not apply to:
- 5.2.a any premises with a valid business license for the care and treatment of dogs or cats operated by and in charge of a Veterinarian; and/or
 - 5.2.b an organization with a valid business license that is offering a recognized training or obedience class for dogs or cats; and/or
 - 5.2.c any person in possession of a valid business license to operate a Pet Store, Kennel, Cattery, or Pound, as long as said person adheres to said town business license and land use conditions; and/or
 - 5.2.d dogs or cats temporarily in the town for a period not exceeding fifteen (15) days in any three (3) month period. Longer periods may be authorized by written permission from a Peace Officer; and/or
 - 5.2.e other properties at the determination of a Peace Officer.



- 5.3 No owner of an animal shall allow it to be at Large within the Town.
- 5.4 No owner of an animal shall allow it to be in a playground, on a sports field, or in any other area signed for no animals or as directed by a Peace Officer.
- 5.5 An owner of a female animal In Heat shall confine the animal indoors the whole period that the animal is In Heat; except for the sole purpose of allowing defecating and/or urinating and only if on a leash or harness under direct supervision to prevent escape.
- 5.6 If an animal defecates on any public or private property other than the property of its owner, the owner shall cause such feces to be removed immediately.
- 5.7 No owner of an animal shall allow it to bark, howl, or make other noise excessively in a manner as to disturb a reasonable person.
- 5.8 No owner of an animal shall allow it to damage public or private property.
- 5.9 No owner of an animal shall allow the animal to:
 - 5.9.a chase a person or animal; and/or
 - 5.9.b attack a person or animal; and/or
 - 5.9.c bite a person or animal.
- 5.10 An owner cannot be fined for more than one violation of subsection 5.9 arising from a single event. These fines are separate to each animal involved.
- 5.11 No violation of subsection 5.7, 5.8, and 5.9 shall be deemed to have occurred if the animals' actions were determined by a Peace Officer to be a result of provocation.
- 5.12 Owners under investigation for violations under subsection 5.9, shall be required, at a Peace Officers request, to provide documents for the involved animal(s) including but not limited to veterinarian records.
- 5.13 No person shall harbour any of the following within the Town:
 - 5.13.a livestock (agriculturally zoned property exempt); and/or
 - 5.13.b poisonous animal; and/or
 - 5.13.c any other animal deemed dangerous or objectionable, in the opinion of a Peace Officer.
- 5.14 A Peace Officer may issue a permit allowing exemption of subsection 5.13. to a person under imposed written conditions, and if such person fails to meet the conditions, they are deemed to have not complied with this section, resulting in a voiding of the permit and fine.

- 5.15 A Peace Officer may give written notice to the owner of an animal listed in subsection 5.13, specifying that the animal shall be removed from the Town by a specified date.
- 5.16 No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure, structure or otherwise release an animal which has been confined, thereby allowing said animal to run at large.
- 5.17 No person shall willfully or negligently tease, torment, or annoy any animal.
- 5.18 No person shall willfully or negligently harm or injure any animal. No violation shall have occurred if the harm or injury caused was a result of self-defence.
- 5.19 No person shall leave an animal unattended in or on a vehicle, trailer, or similar object without proper protection from the atmospheric elements such as the sun, snow, rain, wind, cold or hot temperatures.
- 5.20 No person shall in the opinion of a Peace Officer, leave an animal in a vehicle, trailer, or similar object for an unreasonable length of time.
- 5.21 Every person driving a vehicle shall ensure that an animal in or on said vehicle is secured in a fashion as to prevent potential injury or escape.
- 5.22 Every person parking a vehicle shall ensure that an animal in or on said vehicle is contained in a fashion as to prevent the animal from escaping, and/or chasing, biting, attacking people or animals when walking by.
- 5.23 Every owner of an animal shall provide sufficient food, water, and shelter including protection from the atmospheric elements such as the sun, snow, rain, wind, cold or hot temperatures.
- 5.24 Every owner of an animal shall provide care and medical attention when required.
- 5.25 Every person shall ensure the immediate removal of any pest infestation or nest on private property owned by them or when ordered to do so by a Peace Officer. Failure to do so may result in action by the Town and any cost incurred by the Town shall be billed to and be the responsibility of the property owner. Failure to pay within the specified time provided shall result in costs associated being placed on the property owner's tax roll as per the Town Fees & Charges Schedule.
- 5.26 A person shall not obstruct or hinder a Peace Officer in the execution of their powers and duties pursuant to this Bylaw.



5.27 A person who keeps urban hens must:

- 5.27.a ensure that coop size does not exceed 100 sq. ft.;
- 5.27.b provide each urban hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the urban hen in good health;
- 5.27.c maintain the coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- 5.27.d construct and maintain the coop to prevent any rodent from harbouring underneath, within, or within its walls, and to prevent entrance by any other animal;
- 5.27.e keep a food container and water container in the coop;
- 5.27.f keep the coop and pen secured at all times;
- 5.27.g remove leftover feed, trash, and manure in a timely manner;
- 5.27.h store feed within a fully enclosed container;
- 5.27.i store manure within a fully enclosed container, and store no more than 85 litres (3 cubic feet) of manure at any time;
- 5.27.j remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town Bylaws
- 5.27.k follow biosecurity procedures outlined by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and
- 5.27.l keep urban hens for personal use only.

5.28 No person who keeps urban hens shall:

- 5.28.a sell eggs, manure, meat, or other products derived from an urban hen;
- 5.28.b slaughter any urban hen on the property;
- 5.28.c dispose of an urban hen except by delivering it to a farm, abattoir, Veterinarian, or other operation that is lawfully permitted to dispose of such; and
- 5.28.d keep an urban hen in a cage, kennel, or any other form of shelter other than a coop.

PART 6 - NUISANCE & RESTRICTED ANIMALS

- 6.1 Any animal may be deemed a nuisance animal by a Peace Officer, if the said owner has been fined for a violation involving being at Large and/or excessive noise and a Peace Officer determines on reasonable grounds based through personal observation, history, or on the basis of facts in and investigation that the animal is likely to violate again.
- 6.2 Any animal may be deemed a restricted animal by a Peace Officer if the owner has been fined for an attack or bite and a Peace Officer determines on reasonable grounds that the animal is a danger to the public, either through personal observation or on the basis of facts determined after an investigation.

- 6.3 If an animal has been deemed a nuisance animal and/or a restricted animal, a Peace Officer shall:
- 6.3.a give the owner a written notice that the animal has been determined to be a nuisance animal or a restricted animal for the applicable violation; and
 - 6.3.b require the owner, upon receipt of the notice, to keep such animal in accordance with conditions specified by a Peace Officer pursuant to sections 6.5 to 6.9 of this Bylaw; and
 - 6.3.c inform the owner that if the animal is not kept in accordance with the conditions specified by a Peace Officer and this Bylaw, the owner will be fined, and/or subject to enforcement action under this Bylaw.
- 6.4 Where the owner of an animal that has been deemed a nuisance animal and/or a restricted animal produces information that may alter a determination made, a Peace Officer, as soon as is reasonably possible, may cause the matter to be reviewed and make a final determination.
- 6.5 A Peace Officer may impose reasonable conditions based on history and circumstances to an owner of a nuisance animal to reduce or deter future violations. Violation of conditions imposed may result in fines and/or enforcement under this Bylaw.
- 6.6 When a restricted animal is on the private property of its owner, it shall be kept under the following conditions, at the determination of a Peace Officer:
- 6.6.a be kept confined indoors; and/or
 - 6.6.b if outdoors in a fenced location, be kept on a leash, or harness and under the direct control of a person aged eighteen (18) years or older; and/or
 - 6.6.c if outdoors in a non-fenced location, be kept on a leash or harness, wearing a muzzle and under the direct control of a person aged eighteen (18) years or older; and/or
 - 6.6.d if outdoors and not supervised by a person aged eighteen (18) or older, confined in a securely enclosed and locked pen, secured in such a fashion as to prevent the escape of the restricted animal, and to prevent the entry of persons unauthorized by the owner; and/or
 - 6.6.d.i any such pen shall have a secured top and sides and either a secured bottom effectively attached to the sides, or the sides shall be embedded in the ground to a minimum of thirty (30) centimeters.
 - 6.6.e if outdoors and not supervised by a person aged eighteen (18) years or older, kept in a fenced location on a leash or Harness secured to a permanent structure, wearing a muzzle and unable to come within one (1) meter of the fence. The fenced area shall be locked to prevent the entry of persons unauthorized by the owner; and/or
 - 6.6.f any other reasonable condition deemed appropriate by the Peace Officer given the circumstances.



- 6.7 When a restricted animal is off the private property of the owner for any distance or period of time, it shall be securely muzzled, and shall be on a leash or harness under the direct control of a person aged eighteen (18) years or older, capable of effectively preventing it from becoming at large, chasing, attacking, or biting a human or other animal.
- 6.8 A Peace Officer may order an owner to have a restricted animal undergo a behavioural evaluation in a manner deemed appropriate by a Peace Officer to determine the appropriate enforcement action and/or conditions imposed.
- 6.9 A Peace Officer may order an owner to have a permanent identification placed on a nuisance animal and/or a restricted animal including but not limited to a microchip, and/or tattoo, so that they may be identified at all times.
- 6.10 If the owner of a nuisance animal or a restricted animal violates conditions imposed and/or violates other sections of this Bylaw, and in the opinion of a Peace Officer based on the evidence presented is a threat to reoffend, a Peace Officer may give written notice to the owner specifying that the nuisance animal or restricted animal be permanently removed from the Town by a specified date.
- 6.11 No person shall bait, feed, or take any actions that may attract feral or wild animals, whether on private or public property, except in the use of bird feeders, which is allowed on the conditions that they are set out at a height that is only accessible to birds.

PART 7 - OFF-LEASH DOG AREAS

- 7.1 Licensed dogs and dogs under three (3) months of age are permitted to be at large within locations of town signed as off-leash areas. All other provisions of this Bylaw shall remain in effect at all designated off-leash areas.
- 7.2 Dogs that are unlicensed, a nuisance animal and/or restricted animal are not permitted to be in the off-leash area at any time.
- 7.3 The owner of a dog in an off-leash area must carry a suitable leash for each dog.
- 7.4 When a dog is at large in a designated off-leash area, the owner of the dog must be in the off-leash area and be within a reasonable distance to monitor the dog.
- 7.5 All persons in charge of a dog in an off-leash area must maintain control of said dog at all times. If a dog becomes a concern, or threatening to persons, property or other animals while at large in an off-leash area, the owner or person in care and control of the said dog shall immediately take physical control by fastening a suitable leash to the said dog.



- 7.6 A Peace Officer may direct that any dog be put or kept on a leash in an off-leash area and/or direct a dog to be removed from an off-leash area.
- 7.7 A Peace Officer in writing may ban a person or dog from use of an off-leash area for a period of time to be determined by the Peace Officer.

PART 8 - COMMUNICABLE DISEASE CONTROL

- 8.1 An owner of an animal who, on reasonable grounds, believes said animal has contracted a communicable disease shall immediately notify a Peace Officer.
- 8.2 When an animal having a communicable disease dies, the Veterinarian and/or owner shall send the complete body of said animal to the appropriate health department for pathological examination and to notify a Peace Officer of reports of human contact, and the diagnosis made of the suspected animal by a Veterinarian.
- 8.3 In the event of an outbreak, or threatened outbreak of a communicable disease affecting animals, a Peace Officer may order and direct that any animal in town be confined to the owner's premises and/or indoors as to limit the chance of infection to persons or animals.
- 8.4 During such period of a communicable disease quarantine as herein mentioned, every animal affected by said communicable disease shall, at the owner's expense, be treated for the communicable disease by a Veterinarian, and be humanely euthanized if so directed by such Veterinarian.
- 8.5 The carcass of any animal exposed to a communicable disease shall upon demand, be surrendered to a Peace Officer.

PART 9 - SEIZURE, IMPOUNDMENT AND DISPOSITION

- 9.1 A Peace Officer may enter any private or public land, or place, other than a dwelling house, if necessary, for the purposes or carrying out their duties under this Bylaw as per Section 542 of the Municipal government Act RS.A.2000.
- 9.2 A Peace Officer may utilize bait, live traps, nets, catch poles, snappy snares, and/or any other humane equipment or technique to assist in the seizure or capture of a dog, cat, urban hen, livestock or domesticated animal in accordance with this Bylaw. Said equipment or technique shall be used in a humane manner.
- 9.3 Excluding pests, or under the direction of a Peace Officer, no person shall use a trap or similar device to capture an animal at large.
- 9.4 A Peace Officer may capture and impound any animal found running at large.



- 9.5 A person who has captured an animal at large shall turnover said animal to a Peace Officer. Failure to turn the captured animal over may also result in criminal action and/or civil liability.
- 9.6 A Peace Officer may authorize a person to transport an animal captured at large to the Pound. Any person authorized to do so by a Peace Officer shall take all necessary steps to ensure the humane wellbeing of the animal while under their care and control.
- 9.7 If in the opinion of a Peace Officer, an animal is found to be in distress and where an owner is not able to be contacted and immediately relieve the distress or is unlikely to do so, a Peace Officer may immediately seize the animal by reasonable means. A Peace Officer may then either impound the animal to provide adequate food, water and shelter, or in the case of more severe distress, transport the animal to a Veterinarian.
- 9.8 A Peace Officer who takes custody of an animal shall take all reasonable steps to:
- 9.8.a ensure the animal is provided with adequate care, food, water, shelter; and
 - 9.8.b locate the owner of the animal, including a search of the animals identification; and
 - 9.8.c in the case of any apparent illness, communicable disease, injury, unhealthy condition of any animal where the Peace Officer is unable to locate and contact the owner within a reasonable time, transport the animal to a Veterinarian, and act upon the Veterinarians recommendation including but not limited to medical care and euthanasia. If located, the owner shall be liable for any associated medical costs incurred.
- 9.9 A Peace Officer may capture and/or seize any animal alleged to have been involved in a chase, attack or bite and may impound said animal at the Pound. The animal seized under this subsection shall be subject to an impound time of no longer than the completion of an investigation by a Peace Officer or as otherwise specified by Order of the Court.
- 9.10 A Peace Officer may seize and impound a nuisance animal or a restricted animal if the owner has failed to comply with the conditions imposed by a Peace Officer. The nuisance animal or restricted animal shall be released to the owner when in the opinion of the Peace Officer, the conditions have been met.
- 9.11 A Peace Officer may seize or impound an animal or carcass of an animal with a communicable disease. A Peace Officer shall consult a Veterinarian or appropriate health official when determining proper follow up action.
- 9.12 A Peace Officer may seize and impound an animal in violation of subsections 5.13, 5.14, 5.15 (Livestock, poisonous, or objectionable animals), until:



- 9.12.a the owner meets conditions requested by a Peace Officer and receives a permit; and/or
 - 9.12.b the owner finds appropriate accommodations outside of Town; and/or
 - 9.12.c in writing, the owner voluntarily relinquishes ownership of the animal to the Town through a Peace Officer.
- 9.13 An owner shall, upon the request of a Peace Officer, surrender an animal for seizure and impoundment under this Bylaw. Failure to do so may result in a fine and/or application to the Court of Kings Bench for an order restraining a person from interfering with the enforcement of this Bylaw as per section 543 of the Municipal Government Act RS.A. 2000.
- 9.14 An animal captured/seized and impounded shall be held in the Pound for a period of at least three (3) days. The day of impoundment, statutory holidays and each day that the Pound is closed shall not be included in the computation of the holding period. During this period, an animal not under investigation may be redeemed by its owner, or agent of the owner who provides valid identification, proof of ownership and makes payment of:
- 9.14.a associated impound fee as per the Fees & Charges Schedule; and
 - 9.14.b any associated medical costs that may have been incurred.
- 9.15 A Peace Officer may waive any or a portion of impound fees and/or medical costs upon the animals release to the owner.
- 9.16 After the expiration of the holding period described in subsection 9.14, any impounded animal shall become the property of the Town and/or the Pound and may be adopted. A Peace Officer shall be required to authorize the adoption of the said animal. Any person or organization who adopts an animal shall obtain full rights and title of said animal and the right and the title of the former owner shall cease forthwith.
- 9.17 A Peace Officer may consider euthanizing an unclaimed animal if the animal is:
- 9.17.a in the opinion of a Veterinarian, feral; and/or
 - 9.17.b in the opinion of a Veterinarian cannot be adopted due to medical reasons; and/or
 - 9.17.c in the opinion of a Peace Officer is unfit for adoption due to observed behaviours.
- 9.18 An owner in writing may voluntarily relinquish ownership to the Town via a Peace Officer of any animal seized. Any such animal shall be handled in accordance with the provisions of this Bylaw.



PART 10 - PENALTIES AND ENFORCEMENT

- 10.1 Any person violating a provision of this Bylaw shall be liable to the specified penalty set out in Schedule A.
- 10.2 A Peace Officer is hereby authorized to issue a violation notice or a violation ticket with a specified penalty pursuant to the Provincial Offences Procedure act, RS.A. 2000.
- 10.3 Nothing in this Bylaw shall preclude a Peace Officer from issuing a violation ticket for a mandatory court appearance to any person who contravenes any provision of this bylaw.
- 10.4 Nothing in this Bylaw precludes a Peace Officer from laying charges under alternate legislation including, but not limited to, the Dangerous Dogs Act, RS.A. 2000 and the Animal Protection Act RS.A. 2000.
- 10.5 Charges, conditions or rulings under provincial legislation including, but not limited to, the Dangerous Dogs Act, RS.A. 2000 and the Animal Protection Act, RS.A 2000, shall overrule similar sections of this Bylaw.

PART 11 – SEVERABILITY

- 11.1 It is the intention that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

PART 12 - EXEMPTION FOR POLICE SERVICE DOGS

- 12.1 This Bylaw does not apply to a police dog while in active service.

PART 13 - EFFECTIVE DATE

- 13.1 This Bylaw repeals 713/14 Dog Bylaw
- 13.2 This Bylaw repeals 714/14 Cat Bylaw
- 13.3 This Bylaw repeals 807/2022 Community Standards Amendment Bylaw to include Urban Chickens

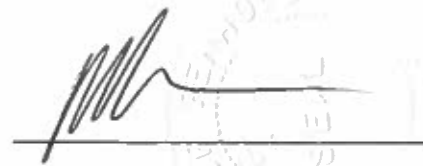


13.4 This Bylaw comes into effect on the date of the third and final reading of the Bylaw:

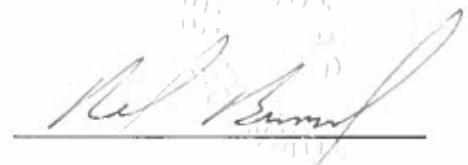
Read a first time this 10th day of October, 2023

Read a second time this 23rd day of October, 2023

Read a third time this 23rd day of October, 2023

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Mayor

A handwritten signature in black ink, appearing to read 'Paul Burnell', positioned above a solid horizontal line.

Chief Administrative Officer

BYLAW 818/2023 SCHEDULE A OFFENCES AND PENALTIES

Section	Offence	First	Second	Third & Subsequent
3.1	Fail to obtain a Dog/Cat license	\$125	\$250	\$500
3.12	Fail to display a license tag on a Dog/Cat	\$100	\$200	\$400
3.16	Fail to update Owner/Dog/Cat information	\$100	\$200	\$200
5.1	Harbour excessive Dogs and/or Cats	\$250	\$500	\$1,000
5.3	Animal At Large	\$100	\$200	\$400
5.3	Nuisance Animal At Large	\$250	\$500	\$1,000
5.3	Restricted Animal At Large	\$500	\$1,000	\$2,000
5.4	Animal in prohibited area	\$100	\$200	\$400
5.5	Fail to keep female Animal In Heat confined	\$250	\$500	\$1,000
5.6	Fail to immediately remove defecation off public/private property	\$125	\$250	\$500
5.7	Animal make excessive noise	\$125	\$250	\$500
5.7	Nuisance Animal make excessive noise	\$500	\$500	\$500
5.8	Animal damage public/private property	\$500	\$1,000	\$2,000
5.9.a	Animal Chase a person or Animal	\$250	\$500	\$1,000
5.9.b	Animal Attack a person or Animal	\$500	\$1,000	\$2,000
5.9.c	Animal Bite a person or Animal	\$750	\$1,500	\$3,000
5.9.a	Restricted Animal Chase a person or Animal	\$1,000	court	court
5.9.b	Restricted Animal Attack a person or Animal	\$1,500	court	court
5.9.c	Restricted Animal Bite a person or Animal	\$2,000	court	court
5.12	Fail to produce documents	\$125	\$250	\$500
5.13	Harbour Livestock/poisonous/objectionable Animal without permit	\$250	\$500	\$1,000
5.14	Violate conditions of Livestock/poisonous/objectionable animal permit	\$500	\$1,000	\$2,000
5.15	Fail to remove Livestock/poisonous/objectionable Animal from Town by specified date	\$1,000	\$2,000	court
5.16	Allow or cause an Animal to become At Large	\$250	\$500	\$1,000
5.17	Tease, torment, or annoy an Animal	\$250	\$500	\$1,000
5.18	Harm or injure an Animal	\$1,000	court	court
5.19	Leave an Animal unprotected from the elements in a vehicle/trailer/object	\$250	\$500	\$1,000
5.20	leave an Animal in a vehicle/trailer/object for an unreasonable amount of time	\$250	\$500	\$1,000
5.21	Drive vehicle with an unsecured Animal	\$250	\$500	\$1,000
5.22	Fail to adequately confine an Animal in a parked vehicle	\$125	\$250	\$500

5.23	Fail to provide adequate food/water/shelter to an Animal	\$1,000	court	court
5.24	Fail to provide needed medical care to an Animal	\$1,000	court	court
5.25	Fail to remedy Pest infestation	\$500	\$1,000	court
5.26	Obstruct a Peace Officer	\$1,000	court	court
6.5	Nuisance Animal violate conditions	\$500	\$1,000	\$2,000
6.6	Restricted Animal violate on property conditions	\$1,000	court	court
6.7	Restricted Animal violate off property conditions	\$1,500	court	court
6.8	Fail to have evaluation done on Restricted Animal	\$500	\$500	\$500
6.9	Fail to have identification placed on Nuisance/restricted Animal	\$500	\$500	\$500
6.10	Fail to remove a Nuisance Animal or restricted Animal from Town as directed	\$3,000	court	court
7.2	Unlicensed Dog in an Off-Leash Area	\$100	\$250	\$500
7.2	Nuisance Animal in an Off-Leash Area	\$250	\$500	\$1,000
7.2	Restricted Animal in an Off-Leash Area	\$1,000	court	court
7.3	Fail to carry a Leash in an Off-Leash Area	\$100	\$250	\$500
7.4	Fail to adequately supervise a Dog in an Off-Leash Area	\$100	\$250	\$500
7.5	Fail to adequately control a Dog in an Off-Leash Area	\$250	\$500	\$1,000
7.6	Fail to obey the direction of a Peace Officer in an Off-Leash Area	\$500	\$1,000	\$2,000
7.7	Fail to comply with a ban from an Off-Leash Area	\$500	\$1,000	\$2,000
8.1	Fail to notify a Peace Officer of an Animal with a Communicable Disease	\$1,000	\$1,000	court
8.2	Fail to turn over carcass of an Animal with a Communicable Disease to the appropriate health official	\$1,000	\$1,000	court
8.3	Fail to confine an Animal during an outbreak as directed	\$1,000	\$1,000	court
8.4	Fail to seek treatment for an Animal with a Communicable Disease	\$1,000	\$1,000	court
8.5	Fail to surrender the carcass of an Animal with a Communicable Disease as requested	\$1,000	\$1,000	court
9.3	Person using trap or similar device	\$125	\$250	\$500
4.1.a	Rooster on premises	\$250	\$500	\$1,000
4.1.b	Unlicensed Hens on premises	\$250	\$500	\$1,000
4.1.c	Keeping more than 4 Hens	\$250	\$500	\$1,000
4.3	Fail to obtain Urban Hen license	\$250	\$500	\$1,000
4.8	Fail to produce a valid Urban Hen license	\$250	\$500	\$1,000
5.27	Fail to follow regulations for keeping of Urban Hens	\$250	\$500	\$1,000
5.28.a	Sale of products derived from an Urban Hen	\$250	\$500	\$1,000
5.28.b	Slaughter Urban Hen on property	\$500	\$1,000	\$2,000
5.28.c	Fail to dispose of deceased Hen properly	\$500	\$1,000	\$2,000

**BYLAW 818/2023 SCHEDULE B
ANIMAL LICENSE FEES**

Annual License Fees	Fee
1. Unaltered Animal - Male or Female	\$60
2. Altered Animal - Male or Female	\$45
3. Early renewal rate: If the license fee is paid between October 1 and December 31 prior to the renewal year, it shall be reduced to:	
3.a) Unaltered Animal - Male or Female	\$30
3.b) Altered Animal - Male or Female	\$15
3.c) Nuisance and Restricted Animals	No Fee Reduction
4. Unaltered Nuisance Dog	\$100
5. Altered Nuisance Dog	\$75
6. Unaltered Restricted Dog	\$150
7. Altered Restricted Dog	\$125
8. Tag replacement	\$10
9. Urban Hen (flat fee regardless of number of Urban Hens	\$70



BYLAW 818/2023 SCHEDULE C URBAN HEN LICENSE PROCESS



1. Town of Penhold

POLICY TITLE: Urban Chicken Permit/Licence Application Process

POLICY #: 1.8

EFFECTIVE DATE: February 28, 2022

ADOPTED BY COUNCIL ON: February 28, 2022

Policy Statement:

This procedure provides the process for the issuance of an Urban Chicken Permit and Urban Chicken Licences for the Town of Penhold. This procedure establishes authority, procedure, timelines, and provides direction and consistency for all staff and permit applicants associated with the issuance and application of Urban Chicken Permits and Urban Chicken Licences.

ACTION STEPS

Things to Know Before You Apply

- The intention of the program is to support urban chicken keeping in the Town of Penhold as a hobby and non-commercial activity. Licensed urban chicken keepers cannot sell chickens or any products, produced by one's chicken(s) as they are for personal use only.
- It is in your best interest not to invest in chickens, equipment, etc. until you obtain your permit.
- An application is not a guarantee that you will obtain a permit but instead is a request for a permit.
- The Town of Penhold has the discretion and authority to deny a request for a Permit due to documentation of medical concerns from neighbouring properties and/or any other concerns.

- There is a cap of **no more than twenty-five (25)** urban chicken sites within the Town of Penhold:
 - A maximum of four (4) urban chickens per site;
 - Roosters **are not** permitted;
 - A maximum size of one hundred (100) sq ft and 1.8 metres in height;
 - Outdoor enclosure must be a minimum of eight (8) to ten (10) sq. ft.;
 - There will be no relaxations permitted.
- The Town of Penhold has the discretion and authority to revoke and/or not renew an Urban Chicken licence.
- Residential areas permissible to house urban chickens include R1, R2, and R4 zoning.

Step 1: Reviewing Town of Penhold Bylaws:

- It is important to understand the commitment and responsibilities required to become a successful and safe urban chicken keeper. These documents will ensure applicants understand the expectations that the Town of Penhold has for urban chicken keepers.
 - Review Community Standards Bylaw Amendment 807/2022

Step 2: Urban Chicken Keeping Course:

- Complete any one of the below urban chickens keeping courses:
- *Alberta Farm Animal Care (AFAC), Backyard Chicken and Small Flock Care Workshop or email AFAC for further information*
- *River City Chickens (or University of Alberta Botanic Garden), Chickens 101*
 - This is important as it allows applicants to learn and understand how to properly provide and care for their urban chickens.
 - The certificate or documentation obtained from the completed course is required to be presented throughout the application process. Without which the applicant will not be approved for a permit.

Step 3: Alberta's Premises Identification Program (PID)

- Register with Alberta's Premises Identification Program (PID).
 - As part of the Animal Health Act, owners of chickens must register with the Animal Premise Identification Program <https://www.alberta.ca/register-with-the-animal-premises-identificationprogram.aspx> and obtain a premise identification number for the urban chickens.

- This requirement is a part of a traceability system designed to address potential threats of disease outbreaks that could affect animal health, public health, and food safety.

Step 4: Obtaining your Development Permit:

- An electrical permit may be required for the construction of your chicken coop. Under the Alberta Safety Codes Act and Permit Regulations, and to ensure proper set up of your urban chicken coop and safety of urban chickens, an Electrical Permit is required to install, alter, or add to an electrical system.
 - This applies to the installation of a heat lamp, light fixture, or any other type of electrical components in an urban chicken coop.
 - If an applicant plans to install electrical fixtures in the coop, please apply for an electrical permit through **IJD Inspections Ltd.**
- Applicants will be required to submit the following:
 - Site plan showing the dimension of the rear/side yard of the proposed property location and the dimensions of the chicken coop and run (example: Appendix I);
 - Certificate obtained from urban chicken keeping course;
 - Provincial Premise Identification (PID) number from the Province of Alberta;
 - The number of urban chickens (maximum of four (4));
 - Owner authorization if property is not owned by applicant;
- Once the application has been received, including the Urban Chicken Neighbour Acknowledgement document (Appendix II), it will be provided to the Business Licence Officer, as a Request for Decision (RFD), for approval.

Step 5: Obtaining your Urban Chicken Licence:

- Once you have received an approved Permit you are ready to license your Urban Chicken(s) (Appendix III).
- Applicants are required to show their approved Permit to the Town of Penhold before a license will be issued.
 - Urban Chicken Keepers are required to pay an annual Urban Chicken licence fee of \$70.00. This is a flat rate fee regardless of number of urban chickens.
 - Urban Chicken licenses are valid for the period of January 1 – December 31 of the year in which it has been issued.
 - Urban Chicken licenses must be renewed annually prior to February 28th of each subsequent year.



- Urban Chicken license fees will not be reduced, prorated, or refunded no matter the month of purchase.
- Urban Chicken license holders must produce the licence upon request of a Peace Officer.

Once the applicant has paid for the Urban Chicken license fee, a certificate will be given to the applicant and they can begin to enjoy being an Urban Chicken Keeper

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Town of Penhold

Urban Chicken Neighbour Acknowledgement Form

As outlined in the Urban Hen Permit/License Application Process, a person wishing to get an Urban Hen license must inform their neighbours on each side of their residence.

By informing your neighbours and having them complete this form, you are compliant with the process to acquire an Urban Chicken license.

Resident interesting in obtaining an Urban Chicken license:

Name: _____ **Street**

Address: _____ **Penhold**

Mailing Address: _____ **Postal Code:** _____

Email Address: _____

Phone Number: _____ **Cell Number:** _____

I, _____ a neighbour of _____ and
residing at _____

Penhold, have been advised of _____ wish to have Urban Chickens.

Date

Signature

I, _____ a neighbour of _____ and
residing at _____

Penhold, have been advised of _____ wish to have Urban Chickens.

Date

Signature

M
12/12



2022 URBAN HEN LICENSE

In accordance with:

Responsible Pet Ownership Bylaw 818/2023

This is to certify that:

Name of Applicant

Has this day been approved for Urban Hen
Keeping at "Applicant's physical address" of
the Town of Penhold Urban Hen Keeping

License # "0000"

until 12/31/2024

unless the license be sooner suspended or forfeited, and this license is issued to the said applicant and held by the Town of Penhold subject to any and all Bylaws, rules and regulations that are now or hereinafter may be in force. This license is non-transferrable to any persons and/or property.

License Officer

A handwritten signature in blue ink, appearing to be "M. [unclear]", located in the bottom right corner of the page.