



VILLAGE OF EDBERG
Bylaw#492-2024

**A BYLAW TO REGULATE THE KEEPING OF POULTRY AND/OR LIVESTOCK
WITHIN THE VILLAGE OF EDBERG**

WHEREAS, pursuant to Section 7 of the *Municipal Government Act*, the Council of a municipality may pass bylaws for municipal purposes, respecting the safety, health and welfare of people and the protection of people and property, wild and domestic animals and activities in relation to them; and the enforcement of bylaws; and

WHEREAS, pursuant to Section 8 of the *Municipal Government Act*, the Council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licenses, permits and approvals.

NOW THEREFORE, the Council of the Village of Edberg, in the province of Alberta, enacts as follows:

1. **Citation**

This bylaw shall be cited as the “Livestock and Poultry Bylaw” of the Village of Edberg.

2. **Severability**

It is declared that if any section or sections of this bylaw or any other part thereof is found by a court of competent jurisdiction to be invalid for any reason, such section or sections, or part thereof, will be severed from the rest and shall not affect the validity of the remainder of the bylaw.

3. **Definitions**

- a) **“Animal Control Officer”** means a person employed under contract between the Village and its Contractor to enforce the provisions of this bylaw.
- b) **“Caged Bird”** means any bird normally kept confined to a cage within a residence, but does not include chickens or any other poultry as described in Section 3.
- c) **“Coop”** means a henhouse and run.
- d) **“Council”** means the municipal Council of the Village of Edberg.
- e) **“Hen”** mean a female chicken over four months of age.
- f) **“Livestock”** includes, but is not limited to:
 - i. a horse, mule, ass, 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 rabbits, foxes, weasels or minx;
 - iv. animals of the bovine species;
 - v. all other animals that are kept for agricultural purposes;
 - vi. but does not include cats, dogs or other domesticated household pets.
- g) **“Municipal Administrator”** means the person appointed as Chief Administrative Officer by the Council of the Village of Edberg, or his or her designate.
- h) **“Municipal Tag”** means a document alleging an offence issued pursuant to a bylaw of the Village

- i) **“Owner”** includes any person, partnership, association or corporation;
 - i. owning, possessing, having charge of or control over any Livestock or Poultry;
 - ii. harbouring any Livestock or Poultry; and
 - iii. suffering or permitting any Livestock or Poultry to remain about his or her house or premises; and
 - iv. any person to whom a Poultry License has been issued under this bylaw.
- j) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a County Officer or Community Peace Officer, a Constable appointment pursuant to the provisions of the *Police Act* (Alberta) or a Bylaw Enforcement Officer.
- k) **“Poultry”** includes, but is not limited to
 - i. animals of the avian species, including turkeys, ducks, geese, pigeons, pheasants, peacocks and roosters, **excluding** laying hens which are to not exceed six (6) in total.
 - ii. or wild bird of any kind
- l) **“Poultry License”** means a license issued by the Municipal Administrator pursuant to this bylaw, authorizing the license holder to keep chickens on a specific property within the Village of Edberg.
- m) **“Rooster”** means a male chicken.
- n) **“Village”** means the Village of Edberg in the Province of Alberta.

4. **Prohibitions**

- a) No person shall keep within the Village of Edberg:
 - i. a Rooster;
 - ii. any other Livestock or Poultry other than a Hen as described in Section 2 for which a valid Poultry License has been issued to the Owner.
- b) No person who keeps Hens within the Village shall:
 - i. Sell eggs, manure, meat or other products derived from Hens;
 - ii. Slaughter any Hen or any chicken within the Village;
 - iii. Dispose of a Hen or any chicken except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens or chickens; and
 - iv. keep a Hen in a cage, kennel, dwelling or any shelter other than a Coop.

5. **Poultry License**

- a) A person may apply to keep no more than six (6) Hens by:
 - i. Submitting a completed application, on the form approved by the Municipal Administrator, and
 - ii. paying an annual fee regarding the Poultry License (Schedule “B”) in the amount of fifty (\$50.00) dollars.
- b) The Municipal Administrator may not issue or renew a Poultry License (Schedule “B”) unless satisfied that:

- i. 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 application.
 - ii. that upon first application, there is no objection from adjacent landowners within forty five (45) meters / one hundred fifty (150) feet of the property of the poultry operation.
 - iii. the applicant resides on the property on which the Hens will be kept;
 - iv. the applicable fee has been paid;
 - v. all required information has been provided.
- c) For all new Poultry License application, the Municipal Administrator will provide a copy of the letter of application notification (Schedule “C”) to all adjacent landowners within forty five (45) meters / one hundred fifty (150) feet of the property of the proposed poultry operation.
 - i. Specific reasons for objection to the application must be received in writing from the adjacent landowner and received by the Village of Edberg Office within 14 days of the date of the letter.
 - ii. If there is no response from the adjacent landowner in response to the letter, it will be considered as consent to the operation.
- d) The Municipal Administrator may refuse to grant or renew a Poultry License for the following reasons:
 - i. The applicant or license holder does not or no longer meets the requirements of the bylaw for a Poultry License;
 - ii. The applicant or license holder:
 1. Furnishes false information or misrepresents any fact or circumstance to the Municipal Administrator, Peace Officer or Animal Control Officer;
 2. Has, in the opinion of the Municipal Administrator based on reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;
 3. Fails to pay a fine of the bylaw or any other applicable bylaw related to the keeping of Hens;
 4. Fails to pay any fee required by this or any applicable bylaw;
 5. A Poultry License is valid only for the period of January 1 to December 31 in the year for which it is issued. There will be no pro-rating of the license fee.
 6. A Poultry License is not transferrable from one person to another or from one property to another.
 7. A person to whom a Poultry License has been issued shall produce the license at the request of the Municipal Administrator, Peace Officer or Animal Control Officer.
 8. Any person who fails to renew a Poultry 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 the bylaw, including the refusal of the issuance of a Poultry License.

9. A copy of the Application Form (Schedule “B”) signed and completed by the applicant and Village of Edberg will be considered a valid license for the term indicated on the form.

6. **Keeping of Hens**

A person or persons who keep Hens must:

- a) Provide each Hen with at least 0.37m² (4ft²) of interior floor area, and at least 0.92m² (10ft²) of outdoor enclosure within the Coop;
- b) Ensure that the Coop is located in the rear yard of the property and must be in accordance with the regulations of the Land Use Bylaw;
- c) Maintain the Coop in good repair and sanitary conditions; and free from vermin and noxious or offensive smells and substances;
- d) Provide essential care and accommodation to the Hens to maintain good health;
- e) Ensure that all waste, manure or any other material that would be considered waste that is associated with the poultry operation is stored in a fully enclosed container and any manure, waste, or other materials considered to be waste are removed in accordance with the bylaws of the Village of Edberg or taken to the landfill by the Owner;
- f) Ensure that Hens are contained in a Coop at all times;
- g) Ensure that poultry operations do not cause a disturbance to neighbouring residents due to noise, odour or any other nuisance, including a risk to public health;
- h) In accordance with the *Animal Health Act*, apply for a Premises Identification Number through Alberta Agriculture and Development.

7. **General**

- a) Animals participating in an authorized parade or procession and under the care and supervision of a qualified handler are exempt for this bylaw for the duration of the event.

8. **Responsibilities**

- a) The Village of Edberg shall arrange for a pound to be established for the keeping and impounding of any Livestock or Poultry or other animal and may do so by entering into an agreement with a contractor.
- b) The Animal Control Officer or Peace Officer may seize any Livestock or Poultry, Hen, Bird or other animal that is found to be in contravention of this bylaw.
- c) In the active pursuit of any Livestock or Poultry, Hen, Bird or other animal that is in contravention of this bylaw, the Animal Control Officer or Peace Officer is empowered to apprehend such animal under this Part and is hereby authorized to enter upon any lands surrounding any building at all reasonable times.

- d) No person, whether the Owner of such Livestock or Poultry, Hen, Bird or any other animal which is being or has been pursued or captured shall:
 - i. interfere with or attempt to obstruct a Peace Officer or Animal Control Officer who was attempting to capture or who has captured any such animal in accordance with the provisions of this bylaw;
 - ii. unlock or unlatch or otherwise open the motor vehicle in which such animals captured for impounding have been placed;
 - iii. remove or attempt to remove any such animal from the possession of the Animal Control Officer or Peace Officer.

9. **Notice of Violation**

- a) If the Municipal Administrator, Animal Control Officer or Peace Officer believes that a person has violated any provision of this bylaw, the Municipal Administrator, Animal Control Officer or Peace Officer may serve upon such person, a written notice requiring such person to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.
- b) Service of a notice shall be sufficient if it is:
 - i. personally served;
 - ii. served by mail; or
 - iii. left with a competent person residing with the person alleged to have violated a provision of this bylaw.
- c) Such notice shall be deemed to have been received five days from the date of mailing.
- d) Each notice shall:
 - i. describe the location at which a violation of any provision of this bylaw occurs by its municipal address and legal description;
 - ii. state the contravention of this bylaw;
 - iii. give reasonable particulars of the actions required to be made;
 - iv. state the time within which the actions are to be done;
 - v. state that if the required actions are not done within the time specified, the Village may:
 - 1) carry out the actions required and charge the cost thereof against the owner, or;
 - 2) have a Peace Officer or Animal Control Officer issue a Municipal Tag to any Person whom the Peace Officer or Animal Control Officer has a reasonable and probable grounds to believe has contravened any provision of this bylaw.

10. **Release of Impounded Animals**

- a) The contractor shall keep all impounded animals as described in Section 8 for a period of no less than three (3) days, not including the day of impounding.

Saturdays, Sundays and holidays shall not be included in the computation of the three (3) day period. During this period, any healthy animal may be redeemed by its Owner, upon payment to the contractor of:

- i. any unpaid license fees; and
 - ii. impounding and boarding fees as per the contract rate; and
 - iii. any penalties associated with this bylaw.
- b) At the expiration of the three (3) day period, any animal as described in Section 8 may be destroyed or sold.
- c) The Peace Officer or Contractor shall report any apparent illness, communicable disease, injury or unhealthy condition of any animal as described in Section 8 to a veterinarian and act upon his/her recommendation. The owner, if known, shall be held responsible for all expenses so incurred.
- d) Any fees or penalties described in Section 10a that are unpaid by the Owner will be added to the tax roll of the property where violation of this bylaw has occurred.

11. **Violation Tag**

- a) A person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a penalty of no less than three hundred dollars (\$300.00).
- b) Notwithstanding Item 11a) of this bylaw, any person who commits a second or subsequent offence under this bylaw within twelve (12) months of committing a first offence under this bylaw, may be liable to an increased fine of not less than five hundred dollars (\$500.00).
- c) A Peace Officer or Animal Control Officer is hereby authorized and empowered to issue a Municipal Tag, to any person whom the Peace Officer or Animal Control Officer has a reasonable and probable grounds to believe has contravened any provision of this bylaw.
- d) A Municipal Tag may be issued to such person:
- i. either personally;
 - ii. or by mailing a copy to such person at his or her last known post office address.
- e) The Municipal Tag shall be in a form approved by the Municipal Administrator and shall state:
- i. the name of the person;
 - ii. the offence;
 - iii. the specified penalty established by this bylaw for the offence;
 - iv. that the penalty shall be paid within fourteen (14) days of the Municipal Tag; and
 - v. any other information as may be required by the Municipal Administrator.

12. **Payment in Lieu of Prosecution**

- a) Where a Municipal Tag is used pursuant to this bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village, the penalty specified within the time period on the Municipal Tag.
- b) If a person served with a Municipal Tag fails to pay the penalties associated with the Municipal Tag, the Village of Edberg reserves the right to:
 - i. take the issue of unpaid penalties to collections; or
 - ii. apply unpaid penalties to the tax roll of the property where the contravention of this bylaw took place.

Read a first time on this 29th day of May, 2024

Read a second time on this 29th day of May, 2024

Moved unanimously to third reading this 29th day of May, 2024

Read a third time, and passed on this 29th day of May, 2024

In the Village of Edberg

Mayor

CAO

Application to Bylaw 458-2017

Village of Edberg - Poultry License Application

POULTRY LICENSES ARE REQUIRED TO BE RENEWED ANNUALLY AND ARE EFFECTIVE FROM
JANUARY 1 TO DECEMBER 31

New Renewal

Poultry Owner: _____

Mailing Address: _____

Phone: _____ Email: _____

Number of hens at this locations (maximum 6): _____

I acknowledge that I am required to apply for a Premise Identification Number through Alberta Agriculture and Rural Development. I certify that I will abide by all regulations related to this license, knowing that failure to comply may result in cancellation of this license. A signed copy of this license by the Village of Edberg will serve as proof of a current Poultry License for the term specified on this form.

Applicant (please print): _____ Owner: Tenant:

Signature: _____ Date: _____

If this applicant is the tenant of the property a letter of approval is required from the registered property owner, to be attached to this application form.

The granting of this license shall in no way relieve the owner from complying with the requirements of any other provincial or federal statutes/regulations in force.

The personal information on this form is being collected for the purpose of processing your application and is governed, authorized and protected by the Freedom of Information and Protection of Privacy Act (FOIP). By providing this information, you consent to its use for the above purposes. If you have any questions with respect to the collection of this information, please contact the Village of Edberg at (780)877-3999.

FOR OFFICE USE ONLY

New applicant: Opposition received from adjacent landowners since date of notice? Yes No

Term of license: _____ to _____

Office signature: _____ Title: _____

Date: _____ Application Fee: _____



Village of Edberg

POULTRY LICENSE APPLICATION NOTICE TO ADJACENT LANDOWNERS

Date:

Address:

Dear Sir/Madam:

RE: Application for Poultry License

Please be advised that your adjacent landowner at _____ has applied to the Village of Edberg for a Poultry License in conjunction with the Livestock and Poultry Bylaw #492-2024.

Per Section 5 of Bylaw #492-2024:

- c. For all new Poultry License application, the Municipal Administrator will provide a copy of the letter of application notification (Schedule “C”) to all adjacent landowners within forty five (45) meters / one hundred fifty (150) feet of the property of the proposed poultry operation.
 - i. Specific reasons for objection to the application must be received in writing from the adjacent landowner and received by the Village of Edberg Office within 14 days of the date of the letter.
 - ii. If there is no response from the adjacent landowner in response to the letter, it will be considered as consent to the operation.

Please contact the Village of Edberg office for a copy of Bylaw #492-2024 or visit our website at www.villageofedberg.com.

Sincerely,

Courtney Wold
CAO, Village of Edberg