

TOWN OF TABER
BYLAW NO. 23 – 2021

BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE CONTROL AND PROHIBITION OF CERTAIN EXOTIC AND WILD ANIMALS WITHIN THE TOWN OF TABER.

WHEREAS Section 7 of the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) permits a Council to pass Bylaws providing for the control and regulation of animals within the municipality;

AND WHEREAS Council may pass a Bylaw dealing with the safety, health and welfare of people and the protection of people and property;

AND WHEREAS it is desirable to pass a Bylaw dealing with the regulation of animals in the Town of Taber;

NOW THEREFORE the Council of the Town of Taber in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Exotic and Wild Animal Bylaw".

2.0 DEFINITIONS

In this Bylaw:

- | | |
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| Act | means the <i>Municipal Government Act</i> , Chapter M-26, Revised Statutes of Alberta 2000, and any amendments thereto; |
| Animal | means any member of the animal kingdom of living beings, excluding humans. Without limitation, "Animal" shall include Mammals, Birds, Reptiles, Amphibians, Arachnids and Insects; |
| Animal Control Officer | means a person or persons appointed by the Chief Administrative Officer of the Town of Taber to carry out the provisions of this Bylaw; |
| Animal Health Act | means the <i>Animal Health Act</i> , Chapter A-40.2, Revised Statutes of Alberta 2007, and any amendments thereto; |
| Apiculture | means the keeping and management of bees; |

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At Large	describes any animal, found in any place away from a place either owned or occupied by its owner, and not under the control of any person;
Bee or Bees	means the insect <i>Apis mellifera L.</i> (commonly referred to as a “honey bee”);
Bee Act	means the <i>Bee Act</i> , Chapter B-2, Revised Statues of Alberta 2000, and any amendments thereto;
Beekeeper	means a person and/or organization who owns and possess bees or beekeeping equipment or both;
Bylaw	means the Exotic and Wild Animal bylaw established by the Municipality;
Bylaw Enforcement Officer	means a person or persons appointed by the Chief Administrative Officer for the Town of Taber pursuant to the provisions of the Municipal Government Act, Sections 555(1) and 556 (a) and (b);
Chief Administrative Officer	means the Chief Administrative Officer for the Town, regardless of the specific title that may be conferred on the Officer by Council from time to time pursuant to Section 205 (1) of the Municipal Government Act;
Council	means the Council for the Town of Taber;
Day	means a continuous period of twenty-four (24) hours;
Exotic Animal	means an animal as set out in Section 3 of this Bylaw, or such other animals as Council may designate by resolution from time to time;
Hive	means an enclosed, man-made structure in which bees live and raise their young;

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Livestock

means:

A horse, mule, ass, swine, emu, ostrich, llama, alpaca, or sheep;

Domestically reared or kept deer, reindeer, moose, elk or bison;

Farm bred fur bearing animal including foxes or mink;

Animals of the bovine species;

Animals of the avian species, including chickens, turkeys, ducks, geese, or pheasants; and,

All other animals that are kept for agricultural purposes, but does not include cats, dogs, or other domestic animals.

Municipality

means the Town of Taber;

Officer

includes a peace officer or police officer or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil processes; and includes any person assigned the responsibility of administering and enforcing this Bylaw and all persons acting under their instructions;

Owner

includes any person, including the parent or legal guardian of a minor person, who possesses, keeps or harbours one or more animals, or who has legal title to the animal and includes any person who has possession or custody of the animal either temporarily or permanently, or harbours the animal or suffers the animal to remain on property they occupy or in a vehicle in their possession;

Person

includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, and a natural person;

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Regulation	means the <i>Wildlife Regulation</i> 143/1997, and any amendments thereto;
Town	means the Town of Taber, a Municipal Corporation, in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Taber, as the context may require;
Violation Ticket	means any ticket which is authorized by the <i>Municipal Government Act</i> , R.S.A. (2000), Chapter M-26, or under the <i>Provincial Offences Procedure Act</i> , R.S.A. (2000), Chapter P-34, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer a summons;
Wild Animal	means an animal of wild, untamed, uncultured, feral, or brutal nature or disposition. For purposes of this Bylaw an animal which was once a domesticated animal, can become a wild animal.

3.0 CONTROL AND REGULATION OF EXOTIC AND WILD ANIMALS

- 3.1 Within the Municipality, no person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule 5 of the Alberta *Wildlife Regulation* for any purpose, unless licensed under Section 3.3.
- 3.2 Within the Municipality, no person, partnership or corporation, whether operated separately or in connection with another business enterprise, shall operate a pet store that buys, sells, trades, exhibits or harbours any animal or hybrid or any animal of the kind listed in Schedule 5 of the Alberta *Wildlife Regulation* (143/1997) or as amended from time to time.
- 3.3 Within the Municipality, anyone holding a license under any statute of the Legislature of Alberta or the Government of Canada is permitted to harbour an animal or a hybrid of an animal of the kind listed in Schedule 5 of the Alberta *Wildlife Regulation*.
- 3.4 The following animals are prohibited within the Municipality:
- 3.4.1 Snakes:
- 3.4.1.1 All venomous snakes.
- 3.4.1.2 Snakes over one meter in length.

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3.4.1.3 More than three snakes under one meter in length.

3.4.2 All spiders.

3.4.3 All venomous insects.

3.4.4 All venomous and poisonous animals.

3.4.5 Bees, unless permitted pursuant to Section 7.0.

3.4.6 Pigeons.

4.0 LIVESTOCK

4.1 No person shall keep Livestock in any area of the Town of Taber except where the keeping of Livestock is permitted within the Town of Taber Land Use Bylaw, Rural Agriculture (RA) or Rural Urban Fringe (RUF), otherwise identified in an annexation order, or authorized by agreement with the Town of Taber with prior permission from the Chief Administrative Officer.

5.0 OTHER ANIMALS

5.1 All other animals, not classified as Exotic Animals or Wild Animals must be kept caged or in pens, and not permitted to be at large, off the owners' property occupied by the owner of such animal, and shall not exceed five (5) animals in total regardless of the species.

5.1.1 These other animals are as follows, but not limited to:

5.1.1.1 Rabbits

5.1.1.2 Iguanas

5.1.1.3 Gerbils

5.1.1.4 Guinea Pigs

5.1.1.5 Hamsters

5.1.1.6 Domesticated Mice

5.1.1.7 Domesticated Birds (Parrots, Budgies)

5.1.1.8 Ferrets

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6.0 EXCEPTIONS

This Bylaw does not pertain to:

- 6.1 The Town of Taber Animal Control Facility.
- 6.2 The premises of an accredited veterinary hospital under the care of a licensed veterinarian.
- 6.3 Professionally produced film production sets that are being made by film professionals and film production companies, and only temporarily during filming.
- 6.4 The areas of the Town in which educational programs are being conducted with animals, if the animals are owned by an accredited institution and only while the educational programs are actually being conducted, provided that such programs be limited to a maximum of three days at any one location.
- 6.5 The premises of slaughterhouses.
- 6.6 Events being hosted by or held on lands leased to the Agricultural Society.
- 6.7 A parade as approved by the Town of Taber.
- 6.8 Circuses licensed by the Town of Taber.
- 6.9 Agricultural operations in existence on the day of the passing of this Bylaw.

7.0 APICULTURE FOR ACCREDITED EDUCATIONAL INSTITUTIONS

- 7.1 Further to Section 6.4 and notwithstanding any other sections within this bylaw, accredited educational institutions are hereby permitted to conduct apiculture (beekeeping) programming on their own property provided they adhere to the *Bee Act* and the *Animal Health Act*, and their respective regulations.
- 7.2 As per the *Bee Act*, the educational institution will be required to annually register their hive(s) with the appropriate Provincial Department.
- 7.3 Notwithstanding Section 6.4, apiculture programming for accredited institutions are allowed to be conducted for a period longer than the three (3) days maximum.
- 7.4 The apiculture programming must be approved in writing by the institution's superintendent.
- 7.5 The apiculture programming must be vetted by the institution's insurers and given approval by the insurers to proceed.

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- 7.6 The accredited institution must submit their plans in writing to the Town of Taber prior to implementing their apiculture programming and structures so Town Departments are adequately notified. The written submission must be done no later than ten (10) business days prior to the proposed implementation date, and must include the written approval of the superintendent, notification of approval from the insurers, and the date in which the hives are anticipated to be installed and/or the program will begin.
- 7.7 The institution must take all reasonable safety measures to ensure minimal impact to neighbours.
- 7.8 The institution must ensure proper steps and strategies are taken towards risk mitigation, good husbandry and maintenance to prevent swarming, aggressive behaviour, and disease. They must also ensure adequate water is provided at all times for the bees in order to deter the bees from seeking water from alternate sources.
- 7.9 The institution shall not allow the hive(s) to become unsightly or in poor repair. The hive(s) shall be kept neat and tidy at all times.
- 7.10 The institution has the duty to take reasonable measures to ensure that all immediately-adjacent neighbours be notified in writing that hives will be present and must outline the safety measures undertaken to ensure minimal impact to neighbours. The notification shall include contact information for the institution should the neighbor have any questions or concerns.
- 7.10.1 Immediately-adjacent neighbours shall be defined as a property that is contiguous to another site along a common property line or adjacent across a rear lane. If the subject site is located on a corner, an adjoining site includes a site that is adjacent across a rear lane, but not across a street.
- 7.10.2 The notification to neighbours is not a request for permission. Neighbours have two (2) weeks from the date of notification to respond to the educational institution for any questions or concerns.
- 7.10.3 In the case of a dispute by a neighbour, the educational institution shall be tasked with working to mitigate any reasonable concerns.
- 7.11 Hive entrances are to be directed away from neighboring properties, and hives must have reasonable protection from access by animals.
- 7.12 Hives must be located a minimum of three (3) metres from all property lines.
- 7.13 The educational institution is not authorized to provide hives and/or bees to students or staff for their own private properties. Beekeeping shall only be allowed on school property as per the regulations within this bylaw.

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- 7.14 The educational institution is not authorized to sell hives or bees. They may sell bee by-products (i.e.: honey, pollen, royal jelly, etc.).
- 7.15 Should an educational institution wish to discontinue apiculture programming, they must dispose of the hive(s) in a humane fashion, with care to provide the bees the least amount of disruption. The bees must not be killed.
- 7.16 Should an educational institution breach the conditions of this bylaw, Council may by resolution bar the institution from apiculture programming until such time where Council feels the institution has taken appropriate steps to adhere to the bylaw's strictures.

8.0 OBSTRUCTURE AND INTERFERENCE

- 8.1 The Owner of an animal which is being or has been pursued or capture shall not:
 - 8.1.1 Interfere with or attempt to obstruct an Officer who is attempting to capture or who has captured an animal(s) which is subject to impoundment;
 - 8.1.2 Attempt to release an animal(s) that has been captured for impoundment; or,
 - 8.1.3 Remove, or attempt to remove any animal from the possession of an Officer.
- 8.2 No person shall:
 - 8.2.1 Interfere with or attempt to obstruct an Officer who is attempting to capture or who has captured an animal(s) which is subject to impoundment;
 - 8.2.2 With the exception of the Owner; untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
 - 8.2.3 Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to Run At Large in the Town; or,
 - 8.2.4 Entice an animal to Run At Large.

9.0 COMPLIANCE

- 8.1 Failure to comply with any Section of the Bylaw may result in prosecution, or in lieu thereof payment of a voluntary fine, or fees as set out in Schedule "A" which is attached and forms part of this Bylaw.

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10.0 OFFENCES AND PENALTIES

10.1 If an animal is involved in a contravention of this Bylaw or any provisions of this Bylaw, the Owner of that animal is guilty of an offence.

10.2 Penalties:

10.2.1 Where a person authorized to carry out the provisions of the Bylaw believes that a person has contravened any provisions of this Bylaw, they may serve upon such person a Violation Ticket of form commonly called a Bylaw Tag, having printed wording approved by the Chief Administrative Officer, or a Provincial Part 2 Summons or Part 3 Offence Notice.

10.2.2 Upon production of any such Bylaw Tag within twenty-one (21) days from the date of service of such notice, together with a payment of the sum specified in Schedule "A", to a person authorized by the Chief Administrative Officer of the Town of Taber to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution.

If the person upon whom any such Bylaw Tag is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply and a violation ticket will be issued.

10.3 Summary Conviction:

10.3.1 A person who contravenes any provision of the Bylaw is guilty of an offence and is liable upon summary conviction, to a maximum penalty of ten thousand dollars (\$10,000) and a minimum penalty equal to the specified penalty as listed in Schedule "A" for that offence.

10.3.2 In addition to the penalties in this Section, a Provincial Court Judge may, if he/she considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbours the animal, to prevent such animal from doing mischief or causing a disturbance or nuisance complained of, may issue an order for the animal to be destroyed.

11.0 INTENTION OF TOWN COUNCIL

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

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12.0 RESCINDED OR AMENDED BYLAWS


Bylaw No. 6-2007 is hereby repealed in its entirety.

13.0 EFFECTIVE DATE

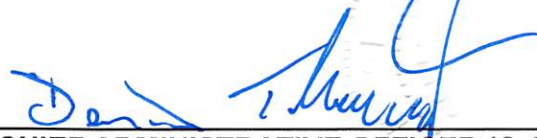
This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 507/2021	Read a first time this 22 nd day of November, 2021.
RES. 508/2021	Read a second time this 22 nd day of November, 2021.
RES. 3/2022	Read a third time and finally passed this 10 th day of January, 2022.


TOWN OF TABER



MAYOR



CHIEF ADMINISTRATIVE OFFICER (C.A.O)



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**Schedule “A”
 Penalties**

Offence	Penalties	Second or subsequent Offence Within One year	Subsection
Possession or harbouring wild or exotic animals	\$250.00	\$500.00	3.1
Operating a pet store that sells or harbours any prohibited animal	\$250.00	\$500.00	3.2
Possession of prohibited animals	\$250.00	\$500.00	3.4
Unauthorized keeping of livestock within the Town	\$250.00	\$500.00	4.1
Failure to keep animals caged or in pens	\$250.00	\$500.00	5.1
Exceeding limits for other animals	\$250.00	\$500.00	5.1
Owner of an animal interfering with capture/seizure	\$375.00	\$750.00	7.1
Interference with enforcement of this Bylaw	\$375.00	\$750.00	7.1
Untying, loosening or otherwise freeing an animal without authorization	\$300.00	\$600.00	7.2.2
Willfully opening a gate/door and allowing an animal to Run At Large	\$300.00	\$600.00	7.2.3
Enticing animal to Run At Large	\$300.00	\$600.00	7.2.4
An offence under this Bylaw, for which a penalty is not otherwise provided	\$250.00	\$500.00	

Impound Cost Penalty:

Non-Town Facilities: The actual cost when facilities other than those owned by the Town are used	\$Actual Cost
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Veterinary Cost Penalty:

In the event that an impounded animal needs veterinary care, the cost of such care shall be charged to the animal's owner.