

Priorities Committee Meeting_Nov13_2018

STRATEGIC INITIATIVE AND UPDATE

Bylaw 18-2011 Animal Control Bylaw - Proposed Amendments

Report Purpose

To provide an overview of the Animal Control Bylaw and seek input from the Priorities Committee on possible amendments.

Our Prioritized Strategic Goals

Goal 1 - Build strong communities to support the diverse needs of residents
Goal 4 - Ensure effective stewardship of water, land, air and energy resources
Goal 8 - Foster an environment for safe communities
Governance Requirement

Report

What is the purpose of the Animal Control Bylaw?

All three orders of government play a part in the regulation of animal species in Canada. At the federal level, Environment Canada, the Canadian Food Inspection Agency and the Canadian Border Service Agency all have legislation regarding which animals can be brought into the country and how they can be transported. Provincially, Fish and Wildlife plays the biggest part in jurisdiction over exotic animals. They curate a detailed list of over 613 exotic animals and wildlife, which includes a detailed review process. Further, animals are also controlled using the *Public Health Act* and the *Agricultural Pests Act*, both of which outline detailed species that remain controlled. Alberta remains one of the most restrictive provinces for regulating controlled animals.

There are only a few types of animals that are not included in the provincial and federal regulations. These include the majority of domesticated animals and municipalities have a role in regulating these species. Strathcona County has two bylaws that outline our regulations: Bylaw 37-2017 Responsible Dog Ownership Bylaw and Bylaw 18-2011 Animal Control Bylaw. The Animal Control Bylaw (Enclosure 1) regulates the ownership of domesticated livestock and poultry species within the County. Livestock and poultry are defined within the bylaw as:

Livestock: bison, horses, cattle, swine, donkeys, mules, oxen, Large or Medium Controlled Animals and Wildlife (as defined under the Wildlife Act), sheep and goats.

Poultry: domestic or wild birds raised for the production of eggs, meat and/or other by-products.

How does the Animal Control Bylaw work?

Decisions on animal control restrictions are based upon Land Use Districts as outlined in the Land Use Bylaw 6-2015. There are three categories of possible restrictions that a land use district can have within this Bylaw:

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Category
Land Use

No Restrictions

- Agriculture: Future Development (AD) where a parcel of land is not within the boundary of a Hamlet
- Agriculture: Future Development (AD) where a parcel of land is within the boundary of a Hamlet and the parcel is greater than or equal to 10 hectare (24.7 ac.) in area
- Agriculture: General (AG)
- Agriculture: River Valley (AR)
- Agri-business (IA)
- Heavy Industrial (IH)
- Medium Industrial (IM)
- Rural Residential/Agriculture (RA) where the parcel of land is greater than or equal to 8 hectares (20 ac.) in area

Some Restrictions - 1 animal unit per 0.4 ha (1 ac.) of land

- Country Residential (RC)
- Rural Residential/Agriculture (RA) where the parcel is smaller than 8 hectares (20 ac.) in area

No Livestock or Poultry Allowable

- 26 primarily urban land uses listed in Schedule "A" (Enclosure 1)

An animal unit is defined as one large animal (such as a horse), two medium animals (such as a sheep) or 20 small animals (such as a chicken). If a landowner would like to have more than the allowable number of animals on their property, they can apply for an Over-limit Permit. To qualify for an Over-limit Permit residents must file an application (Enclosure 2) and describe their site plan for the animals, which includes location, size of buildings, exercise areas and fencing on the property. Animal and human health, as well as environmental considerations are also taken into account prior to approving the application. Over-limit Permits are only used for the Land Use Districts in the category "Some Restrictions" above.

No livestock or poultry are currently permitted in the urban areas or Hamlets of Strathcona County.

What steps have been taken in reviewing the Animal Control Bylaw?

The Animal Control Bylaw was reviewed as part of the development of the Urban Agriculture Strategy. The bylaw was reviewed at this time as topics explored in development of the Urban Agriculture Strategy had the potential to trigger changes to the Animal Control Bylaw. During the strategy development, there was over 97 hours of public engagement, with 3,824 participants contributing 8,896 ideas.

In May 2017, as part of the Urban Agriculture Strategy, Strathcona County completed a review of local impacts of an urban chicken pilot program and Council determined it was not suitable for the needs of our specialized municipality.

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Following this outcome, research and analysis of provincial and federal legislation regulating livestock species was conducted in order to examine the need for an Alternative Pets Bylaw – a suggestion of the Urban Agriculture Strategy. Due to the robust nature of these regulations it was determined that rather than developing a new bylaw, amendments if required could be made to the existing Animal Control Bylaw. Upon this determination, administration investigated comparable municipalities and did further key stakeholder engagement to inform potential bylaw amendments.

What changes are currently required to the Animal Control Bylaw?

Upon the review of this bylaw, some changes have been noted that are required.

- Various Land Use Districts listed throughout the bylaw need to be updated to reflect recent changes that have been made to the Land Use Bylaw;
- An appeal process needs to be created for Over-limit Permits that have been denied or revoked or for Over-limit Permits that have had terms, conditions or restrictions applied to them;
- Clarify the allowance for animals to participate in parades, community events, or other community functions within urban areas.

What other changes could be made to the Animal Control Bylaw?

As described above, this bylaw bans livestock and poultry from being kept in or on various properties, notably within urban areas. While changes are being made to the bylaw, Strathcona County could also include an Exemption Permit to be issued when circumstances warrant it.

Criteria for an Exemption Permit could include considerations such as:

Criteria	Examples
Type, size, species of animal	<ul style="list-style-type: none"> • How big will the animal grow? • Is the animal known to be invasive? • Is the animal regulated by some other level of government? • Is the animal dangerous?
Reason for having the animal	<ul style="list-style-type: none"> • What purpose will the animal serve? • Is the animal visiting or is the animal permanently residing with the applicant? • Is it an emotional support animal?
Property details for specific species	<ul style="list-style-type: none"> • Is there adequate space for the animal to exercise and live? • Does the animal have any special fencing or containment requirements? • Does the size of the proposed accommodations for the animal meet its needs? • Are there other animals on the property?

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| Animal or human health considerations | <ul style="list-style-type: none">• Is the animal a known carrier of a human disease?• Is there a risk that either humans or other animals could contract a disease due to the animal's presence?• How will manure/feces be handled? |
| Animal owner history and knowledge | <ul style="list-style-type: none">• Does the owner demonstrate knowledge regarding how to care for the animal?• Is there a history of concern regarding animal care or abuse?• Has the owner recently moved from a property or other municipality where the animal was allowed? |

Based on the input received from the Priorities Committee, Administration plans to bring forward a proposed bylaw in order to amend the Animal Control Bylaw in Q1 of 2019.

Council and Committee History

October 11, 2011 Bylaw 18-2011, Animal Control Bylaw received three readings.

Other Impacts

Policy: GOV-002-021 Mandatory review of bylaws and policies

Legislative/Legal: *Public Health Act* and the *Agricultural Pests Act*

Interdepartmental: Transportation and Agriculture Services, Enforcement Services, Planning and Development Services, Legislative Legal Services

Master Plan/Framework: n/a

Enclosures

- 1 Bylaw 18-2011 Animal Control Bylaw
- 2 Animal Over-limit Permit – Application
- 3 Bylaw 18-2011 Animal Control Bylaw Presentation