

**TOWN OF WEMBLEY
PROVINCE OF ALBERTA
BY-LAW NO. 768
Animal Control Bylaw**

**A Bylaw of the Town of Wembley in the Province of Alberta,
to provide for the licensing, regulating, and control of Dogs, and to establish
regulations for Dogs, Cats, and other Animals within the Municipality.**

WHEREAS, the Municipal Government Act, Section 7(a) and 7(h) and 8(a) Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, provides that a Council 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 regulation, prohibition, and licensing thereof; and

WHEREAS the Municipal Government Act: R.S.A. 2000 Chapter M-26, authorizes a Municipality to pass a Bylaw regulating, licensing, and controlling Dogs, Cats, and other Animals.

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

1. This Bylaw to be cited as “The Town of Wembley Animal Control Bylaw”

2. DEFINITIONS

- a. In this Bylaw, including this section, unless contrary to any other Act, these definitions shall apply:

“**Altered**” means a Dog or Cat that has been spayed or neutered.

“**Animal**” shall mean a domestic Cat or a Dog or Urban Hens, domestic animal or small household pet including exotic pets, but shall not include domestic or wild birds, Wildlife, or Livestock.

“**At Large**” or “**Running at Large**” means an Animal, which is off the premises of its Owner and not under the effective, immediate, and continuous control of its Owner, with the exception of areas designated as Off-Leash Areas.

“**Attack**” means an assault resulting in bleeding, bone breakage, sprains, abrasions, bruising, or multiple injuries.

“**Barking**” means howling, whining, whimpering, baying, or barking.

“**Bite**” means a wound to the skin causing an abrasion, bruising, puncture, or break.

“**Cat**” means either male or female of the Feline family.

“Cat License” means a license issued to the Owner of a Cat by the Town pursuant to Schedule “B” of this Bylaw.

“Cat Tag” means a numbered, metal, identification tag issued by the Town for a specific cat. It is intended to be worn on a collar or harness.

“Chief Administrative Officer (CAO)” means the person appointed by Council under the Chief Administrative Office bylaw of the Town of Wembley in the Province of Alberta, or that person’s designate acting lawfully as CAO in any absence.

“Coop” means a fully enclosed weatherproof structure and attached outdoor enclosure used for the keeping of Urban Hens that is no larger than 100 ft² in floor area and no more than 6 ft in height;

“Controlled Confinement” means when an order under Schedule “D” or Schedule “E” is issued by a Peace Officer to confine or seize a Dog in either the Pound or at any other location as specified in the order and confined in a pen, cage or building in a manner that will not allow the Dog to Bite or harm any person, Animal or Livestock.

“Council” means the Council of the Town of Wembley.

“Day” means a continuous period of twenty-four (24) hours.

“Disabled Person” means a person who has any degree of disability except blindness or visual impairment and is dependent on a Service Dog.

“Dog” means any male or female breed of the Canine family.

“Dog License” means a license issued to the Owner of a Dog by the Town pursuant to Schedule “B” of this Bylaw.

“Dog Tag” means a numbered, metal, identification tag issued by the Town for a specific Dog. It is intended to be worn on a collar or harness.

“Domestic Animal” means an animal of a species of vertebrates or invertebrates that has been domesticated by humans so as to live and breed in tame conditions or depend upon humankind for survival and not classified as Livestock.

“Hen” means a domesticated female chicken.

“Impound” means to apprehend, catch, trap in a live trap, or otherwise cause a Dog, Cat, or other Animal to come into the care and custody of a Peace Officer pursuant to an investigation or apparent breach of this Bylaw or other Federal or Provincial legislation concerning Animals.

“Leash” means a line not exceeding two (2) meters in length capable of leading or restraining the Animal on which it is being used.

“Livestock” shall mean:

- (i) any bovine, camelids, caprine, equine, ovine, porcine or ruminant Animal, or
- (ii) save as hereinafter specified, any pigeons, rabbits, chickens, turkeys, goose, guinea, fowl, or poultry of any kind unless such birds or poultry are part of any commercial undertaking which is established with the approval of Town Council, or an Urban Hen License is in place;

“Muzzle” means a device of sufficient strength that when placed over a Dog’s mouth it prevents the Dog from Biting.

“Nuisance Animal” means an Animal in respect of which there have been three (3) or more infractions under this Bylaw and as determined in the sole discretion of a Peace Officer.

“Off Leash Area” means an area designated by Council, where Dogs, excepting Vicious Dogs, are permitted to be off leash, but always under the control of the Owner.

“Owner” means the Owner of an Animal and includes any person or group of people:

- (i) named as Owner on a Dog or Cat License;
- (ii) in possession or control of an Animal; or
- (iii) in possession or control of the property where an Animal appears to reside, either temporarily or permanently.

“Outdoor Enclosure” means a securely enclosed, roofed outdoor area attached to and forming part of a coop having a bare earth or vegetated floor for urban hens to roam;

“Peace Officer” means:

- (i) a member of the Royal Canadian Mounted Police;
- (ii) a Peace Officer appointed under the *Peace Officer Act*;
- (iii) a person appointed by the Town as a Bylaw Enforcement Officer or Animal Control Officer.

“PID” means Premises Identification Number issued by Alberta Agriculture;

“Posted Area” means an area posted by the Town with a sign that prohibits Dogs from being in that area.

“Pound” means the Regional Animal Pound established for the temporary holding of Impounded, captured, stray or other Dogs, Cats, and Animals.

“Recreation Areas” means any area within the Town that is owned, leased, operated, or managed by the Town and is intended for, but not limited to, the use of sporting events and only encompasses the area of the field intended for the activity.

“Rooster” means a domesticated male chicken;

“Sell” means to exchange or deliver for money or its equivalent;

“Service Dog” means a Service Dog as defined in the *Service Dogs Act*, SA 2007, c S-7.5, as amended from time to time.

“Specified Penalty” means the penalty specified in Schedule “A” which may be paid in response to a Violation Ticket, for an alleged offence of any section of this Bylaw.

“Town” means the corporate entity of the Town of Wembley.

“Urban Hen” means a hen that is at least sixteen (16) weeks of age;

“Urban Hen License” means a license issued pursuant to this Bylaw which authorizes the license holder to keep Urban Hens on a specific property within the Town pursuant to Schedule “H” of this Bylaw.

“Vicious Dog” means any Dog whatever its age, whether on public or private property which shows a propensity, disposition, or potential to Attack without provocation.

“Vicious Dog License” means a license issued by the Town for a Vicious Dog pursuant to Schedule “C” of this Bylaw.

“Violation Ticket” means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time.

“Voluntary Payment” means payment pursuant to Sections 26 or 36 of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time.

“Voluntary Penalty” means a penalty specified in this Bylaw for a contravention of a provision of this Bylaw which amount may be paid by a person to whom a voluntary payment summons was issued.

Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or License.

3. DOG LICENSING

- (a) A one-time Dog License is valid for the lifetime of the Animal, starting from date of purchase as per Schedule “G” of this Bylaw.
- (b) No Owner shall keep or allow to be kept more than two (2) Dogs that have reached six (6) months of age on a parcel of land that is ten (10) acres or less in size.
- (c) An Owner desiring to keep more than two (2) Dogs may apply in writing to the CAO to be considered for an exemption.
- (d) No Owner shall keep any Dog over the age of six (6) months within the Town unless such Dog is licensed in accordance with this Bylaw.
- (e) The Owner applying for a Dog License must be at least eighteen (18) years of age.
- (f) The Owner shall ensure that the Dog wears the current Dog Tag issued for that Dog. The Dog Tag must be securely attached to the Dog at all times.
- (g) A Dog License and a Dog Tag is specific to an individual Dog and may not be transferred to another Dog.
- (h) If a Dog Tag is lost, it is the responsibility of the Owner to notify the Town and obtain a new Dog Tag. The Owner must pay a replacement fee to the Town as per Schedule “G”.
- (i) No person shall provide false information on a Dog or Vicious Dog License application.

4. SCATTERING GARBAGE

- (a) The Owner of an Animal shall ensure that the Animal does not upset any waste receptacle or scatter garbage on public or private property not belonging to the Owner of the Animal.

5. CAT LICENSING

- (a) A one-time Cat License is valid for the lifetime of the Animal, starting from date of purchase as per Schedule “G” of this Bylaw.
- (b) No Owner shall keep or allow to be kept more than two (2) Cats that have reached three (3) months of age.

- (c) An Owner desiring to keep more than two (2) Cats may apply in writing to the Town to be considered for an exemption.
- (d) No Owner shall keep any Cat over the age of six (6) months unless such Cat is licensed with the Town in accordance with this Bylaw.
- (e) The Owner shall ensure that the Cat wears the current Cat Tag issued for that Cat. The Cat Tag must be securely attached to the Cat at all times.
- (f) A Cat License and a Cat Tag is specific to an individual Cat and may not be transferred to another Cat.
- (g) If a Cat Tag is lost, it is the responsibility of the Owner to notify the Town and obtain a new Cat Tag. The Owner must pay a replacement fee to the Town as per Schedule "G".
- (h) No Owner shall allow the Cat to disturb the peace by howling or crying.
- (i) No Owner shall allow the Cat to damage property that does not belong to the Owner of the Cat.

6. EXCESSIVE BARKING

- (a) An Owner shall ensure their Dog does not bark in a manner that is reasonably likely to annoy or disturb the peace or the quality of life for others.
- (b) When a Peace Officer is determining whether Barking is reasonably likely to annoy or disturb the peace or the quality of life for others, consideration may be given, but is not limited, to:
 - (i) proximity of the property where the Dog resides;
 - (ii) duration of the Barking;
 - (iii) time of day and day of the week; and
 - (iv) nature and use of the surrounding area.

7. DEFECATION/URINATION

- (a) The Owner or any person having care or control of a Cat or Dog, shall immediately remove any defecation left by it on public or private property other than that of the Owner.
- (b) The Owner or any other person having care or control of a Cat or Dog shall ensure that defecation left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

- (c) The Owner or any other person having care or control of a Cat or Dog shall ensure that the Cat or Dog does not urinate on private property other than that of the Owner.

8. RUNNING AT LARGE/OFF LIMIT AREAS

- (a) No Owner shall permit an Animal or Livestock to be At Large within the Town.
- (b) No Owner shall permit an Animal or Livestock to be unattended or tied to any object when off the property of the Owner. Such Animal or Livestock shall be deemed to be At Large.
- (c) When an Animal or Livestock is within an Off-Leash Area, the Animal or Livestock must be under the control and direction of the Owner.
- (d) No Owner shall permit any Animal or Livestock to trespass on private property whether on or off a Leash.
- (e) An Owner shall not permit an Animal or Livestock, with the exception of Service Dogs, to be on or in any school property play area, playground, or Posted Area.
- (f) An Owner shall not allow an Animal or Livestock to be on or in any Recreation Areas.
- (g) With the exception of Service Dogs, no Animal or Livestock shall be permitted on or to remain in any place where prohibited by posted signage.

9. MOTOR VEHICLES

- (a) No Owner shall permit or allow any Animal or Livestock to ride on the outside of a moving vehicle where the Animal or Livestock is not secured in a manner that prevents the Animal or Livestock from jumping or falling out.

10. THREATENING BEHAVIOURS

- (a) The Owner of a Dog shall ensure that such Dog shall not:
 - (i) chase or bite a person, Dog, Cat, Livestock, Animal, or any type of vehicle, including a bicycle, scooter, or other non-motorized form of transportation.
 - (ii) cause damage to property or Dogs, Cats, Livestock or Animals.
 - (iii) Attack or threaten a person, Dog, Cat, Livestock, or Animal.

- (iv) cause death to a Dog, Cat, Livestock, Fowl or Animal.
- (b) A Peace Officer, who believes an offence has been committed under Section 10 of this Bylaw may order Controlled Confinement of the Dog.
- (c) An Owner shall follow all conditions as stipulated in the Controlled Confinement order.
- (d) An Owner shall not use or direct a Dog to Attack, chase, or threaten a person, Dog, Cat or Animal.

11. NUISANCE ANIMALS

- (a) The Peace Officer may declare an Animal or Rabbit to be a Nuisance Animal.
- (b) The declaration of an Animal or Rabbit as a Nuisance Animal shall be reviewed upon request of the Owner annually by a Peace Officer and may be removed at the Peace Officers' sole discretion.
- (c) A Nuisance Animal or Rabbit may be declared when an Owner has been charged with three (3) or more offences under this Bylaw.
- (d) Only one (1) Nuisance Animal or one (1) Vicious Dog shall be permitted at or on any property within the Town.
- (e) The Owner of a Nuisance Animal or Rabbit shall, within ten (10) days after the Animal or Rabbit has been declared a Nuisance and prior to a License being issued:
 - (i) have a veterinarian tattoo or implant an electronic identification microchip in the Animal or Rabbit if the Animal or Rabbit has not had this done,
 - (ii) provide the information contained on the tattoo or in the microchip to the Peace Officer.
 - (iii) have the Animal or Rabbit neutered or spayed, if the Animal or Rabbit is in an unaltered state, provided the Animal or Rabbit is of appropriate age as determined by a veterinarian licensed in the Province of Alberta.
- (f) The Owner of a Nuisance Animal or Rabbit shall:
 - (i) notify the Peace Officer within five (5) business days when the Animal or Rabbit is sold, gifted, or transferred, and provide new ownership information to Peace Officer; and
 - (ii) remain responsible for the actions of the Nuisance Animal or Rabbit until formal notification of sale, gift or transfer is provided to the Peace Officer.

12. VICIOUS DOGS

- (a) If a Peace Officer determines that a Dog is a Vicious Dog, either through personal observation or, based on facts determined after an investigation initiated by a complaint, the Officer may declare the Dog to be a Vicious Dog and may:
 - (i) give the Owner a verbal and/or written order as seen in Schedule “F” that the Dog has been deemed to be a Vicious Dog, and
 - (ii) require the Owner to keep such Dog in accordance with the provisions of Section 13 of this Bylaw.
- (b) If a Peace Officer believes on reasonable and probable grounds that a dog is a threat to the public or other Animal, the Peace Officer may seize and Impound the Dog.
- (c) Upon receipt of a complaint or recommendation pursuant to Section 12(b), the Peace Officer may declare the Dog to be a Vicious Dog.
- (d) If the Peace Officer has declared a Dog to be a Vicious Dog, written notification of the declaration shall be provided to the Dog’s Owner.
- (e) A Person who receives a declaration pursuant to Section 12(d) may appeal the declaration by giving written notice of the appeal and the reasons therefore to the Town within ten (10) calendar days of receiving the declaration.
- (f) Upon receipt of a notice of appeal pursuant to Section 12(e), an appeal will be scheduled to be heard by Council within forty-two (42) days of the appeal being filed.
- (g) Council, upon hearing the evidence, may uphold the decision of the Peace Officer or allow the appeal, with or without conditions.
- (h) A Vicious Dog designation pursuant to this Bylaw continues to apply if the Dog is sold, given, or transferred to a new Owner.

13. VICIOUS DOG REQUIREMENTS

- (a) The Owner of a Vicious Dog shall within ten (10) days after the Dog has been declared a Vicious Dog obtain a Vicious Dog License from the Town. A one-time Vicious License is valid for the lifetime of the Animal, starting from date of purchase as per Schedule G.
- (b) The Owner of a Vicious Dog shall, within one (1) month after the Dog has been declared vicious, have the Animal neutered or spayed, if the Animal is in an unaltered state, provided the Animal is of appropriate age as determined by a veterinarian licensed in the Province of Alberta.

- (c) The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack, any person whether the person is on public or private property or in a dwelling house.
- (d) The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack, any Animal whether on public or private property.
- (e) The Owner of a Vicious Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any Dog, Cat, or other Animal whether the Dog, Cat or Animal is on public or private property or in a dwelling house.
- (f) When a Vicious Dog is in the dwelling house of its Owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the Dog and to secure the public from harm.
- (g) When a Vicious Dog is off the premises of the Owner, it shall be securely Muzzled, on a Leash, and controlled by the Owner or a competent person, capable of always controlling the Dog.
- (h) The Owner of a Vicious Dog shall ensure that when the Dog is on the Owner's Property, the Dog is:
 - (i) confined indoors and under the control of a competent person who is sixteen (16) years of age or older,
 - (ii) is in a locked pen or other structure when outdoors, constructed pursuant to Section 13(g) to prevent the escape of the Vicious Dog and to prevent the entry of any person not in control of the Dog; or
 - (iii) securely Muzzled, and under the control of a person sixteen (16) years of age or older by means of a Leash.
- (i) The Owner of a Vicious Dog shall ensure that a locked pen or other structure to be used to secure the Vicious Dog when outdoors conforms to the following standards:
 - (i) have secure sides and a secure top, and if it has no bottom secured to the sides, the sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters,
 - (ii) provide the Vicious Dog with shelter from the elements,
 - (iii) be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height; and
 - (iv) be situated more than one (1) metre of any property line or more than five (5) metres of a neighbouring dwelling unit.

- (j) The Owner of a Vicious Dog shall, within ten (10) days of the date of the Vicious Dog declaration, display a sign, at least eight (8) and eleven (11) inches in size, on the Owner's property warning of the presence of the Vicious Dog in a form approved by the Town.
- (k) A sign shall be placed at each entrance to the Owner's property where the Vicious Dog is kept and on the locked pen or other structure in which the Vicious Dog is confined and shall be posted to be clearly visible and capable of being seen by any person accessing the property.
- (l) A Vicious Dog is not permitted in an Off-Leash Area.
- (m) The Owner of a Vicious Dog shall notify a Peace Officer immediately if the Dog is At Large.
- (n) When the Owner of a Vicious Dog produces a certificate annually indicating that the Dog has passed the Canine Good Neighbour Program, as administered by a qualified instructor through the Canadian Kennel Club, the Town may grant an exemption, in writing, from the Muzzling and secure pen requirements of this section.
- (o) The Owner of a Vicious Dog meeting the requirements of Section 13(n) shall produce upon demand of a Peace Officer satisfactory proof that the Vicious Dog has been granted exemption status. Failure to produce proof within twenty-four (24) hours is an offence.

14. CAT OR DOG IN HEAT

- (a) Notwithstanding Section 14(b) an Owner of a Cat or Dog in heat shall, during the entire period that such Cat or Dog is in heat, keep such Cat or Dog confined and housed in the residence of the said Owner, or in a licensed Kennel.
- (b) Where a Cat or Dog in heat is confined and housed in the residence of its Owner, such Cat or Dog shall be permitted outside the said residence for the sole purpose of permitting such Cat or Dog to urinate or defecate on the property of said Owner.

15. ANIMAL CONTROL OPERATION – AUTHORITY

- (a) A Peace Officer may capture, trap, or Impound any cat, chicken, dog, or rabbit found At Large.
- (b) A Peace Officer may enter onto any property, including private property, in pursuit of a cat, chicken, dog, or rabbit which is At Large.

- (c) A Peace Officer, in any case where the Owner of a cat, chicken, dog, or rabbit can be identified through the Town's records, may return the cat, chicken, dog, or rabbit to its Owner where practicable instead of taking the cat, chicken, dog, or rabbit to the Pound.
- (d) A Peace Officer may use any humane method to capture a cat, chicken, dog, or rabbit. Should the cat, chicken, dog, or rabbit be injured during capture or attempted capture, neither the Town nor the Peace Officer shall be liable for such injury.
- (e) A Peace Officer may delegate their powers to any person for the purpose of assisting the Peace Officer in the capture of a cat, chicken, dog, or rabbit in contravention of this Bylaw.
- (f) A Peace Officer may seize any cat, chicken, dog, or rabbit that in the opinion of the Peace Officer poses a threat to the public. When the cat, chicken, dog, or rabbit is seized the Peace Officer may issue a Controlled Confinement order to the Owner of the cat, chicken, dog, or rabbit as seen in Schedule "D" and Schedule "E".

16. OWNER IDENTIFICATION

- (a) An Owner of any cat, chicken, dog, or rabbit found in violation of any provisions of this Bylaw shall, on demand, produce or provide forthwith suitable identification to the Peace Officer.
- (b) For this Bylaw, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth, and current address of the Owner.

17. OBSTRUCTION

- (a) No person shall:
 - (i) interfere with or attempt to obstruct a Peace Officer who is attempting to capture or has captured an Animal which is subject to being Impounded or seized pursuant to the provisions of this Bylaw.
 - (ii) induce an Animal to enter a house or other place where it may be safe from capture or otherwise assist an Animal to escape capture.
 - (iii) unlock, unlatch, or otherwise open the Peace Officer's vehicle to allow or to attempt to allow any Animal to escape.
 - (iv) tamper with, unlock, unlatch, or otherwise open a kennel, humane live trap, or any other Animal control equipment.

- (v) fail, without lawful excuse, to follow any direction under this Bylaw given by a Peace Officer.

18. NEGLIGENCE

- (a) No person shall:
 - (i) untie, loosen, or otherwise free an Animal which has been tied or otherwise restrained, or
 - (ii) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined thereby allowing an Animal to Run at Large within the Town.

19. TRAPPING OF AN ANIMAL

- (a) A person who has humanely trapped an Animal shall:
 - (i) take all reasonable precautions to keep any trapped Animal safe from harm, and
 - (ii) notify and surrender a trapped Animal to a Peace Officer, or where applicable transport the trap and Animal to the Regional Animal Pound for surrender.

20. TORMENT

- (a) No person shall tease, torment, annoy, or otherwise provoke an Animal.

21. IMPOUNDMENT

- (a) A cat, chicken, dog, or rabbit that is Impounded pursuant to this Bylaw may be taken to the Pound and held for a period of five (5) calendar days. Statutory Holidays shall not be included in the computation of the five (5) calendar days.
- (b) A cat, chicken, dog, or rabbit turned into the Pound as a found or stray animal may be held for a period of five (5) calendar days. Statutory Holidays shall not be included in the computation of the five (5) calendar days.
- (c) A cat, chicken, dog, or rabbit that is Impounded or otherwise turned into the Pound shall be subject to a mandatory reclaim fee plus additional daily boarding costs as determined by the Pound.
- (d) At the end of the five (5) day Impoundment period, the cat, chicken, dog, or rabbit shall become the property of the Regional Pound not the Town unless the Owner pays the required impound fees.

- (e) If the requirements under this Bylaw, or other Provincial or Federal animal legislation, have not been met, the Peace Officer will not be required to release the Animal to the Owner and may continue to Impound the cat, chicken, dog, or rabbit for such further period as the Peace Officer deems necessary.
- (f) An cat, chicken, dog, or rabbit that is under a Controlled Confinement order pursuant to this Bylaw may be released back to the Owner on conclusion of the Peace Officer's investigation provided all the requirements of this Bylaw have been met.
- (g) Reclaim and daily boarding cost fees may not be charged for an Animal subject to a Controlled Confinement order.
- (h) If the Owner fails to reclaim an Animal that is under a Controlled Confinement order within ten (10) days of the commencement of the Controlled Confinement order, or sooner pursuant to the direction of a Peace Officer, the Animal will revert to Impound status and the provisions of Section 21(a) will apply.

22. LIVESTOCK

- (a) No person shall keep Livestock within the Town boundaries without the approval of Town Council except for in the case of Urban Hens if the person has a valid Urban Hen License.
- (b) Notwithstanding Section 22.a, two pet rabbits may be kept per household within the dwelling only.

23. URBAN HENS

23.1. APPLICATION PROCESS

A person seeking an Urban Hen License must complete the following process:

- (a) The applicant must submit an Urban Hen License application together with a site plan to indicate the actual dimensions of the rear yard of the property and the proposed location and dimensions of the coop.
- (b) The Urban Hen License Application is attached hereto as Schedule "D". The applicant must pay a license fee as per Schedule G . In the event the application is not approved, the application fee will be refunded.
- (c) Comments from adjacent landowners will be sought by the CAO. Adjacent landowners must have a valid reason for objecting to the application.
- (d) If no negative comments are received, the application is deemed to be approved and the CAO will provide the applicant with written confirmation of the acceptance.
- (e) A pre-inspection must then be completed by the Town's CAO or their delegate.

- (f) Once the pre-inspection has been completed and approved,
- (g) The applicant may then set up the Coop and must notify the CAO immediately upon completion for the purpose of arranging a post-site inspection to ensure compliance. PID Number as set out in the general guidelines must be provided prior to the completion of a post-Inspection. Once the PID Number has been provided, the CAO or their delegate will inspect the completed Coop. If satisfied that the Coop meets all of the requirements, the application is deemed to be complete.
- (h) The CAO may in his or her sole discretion issue an Urban Hen License, with or without conditions, or refuse to issue an Urban Hen License. Failure to comply with an Urban Hen License issued pursuant to this Section 23, or any condition thereof, is an offence.
- (i) Nothing in this Section 23 relieves from the requirement to apply for and obtain a development permit pursuant to the Town's Land Use Bylaw, if so required, or to obtain any other required approvals or licences whether federal, provincial, or municipal.

23.2. GENERAL GUIDELINES

- (a) Urban Hens will be a two-year pilot project with a review after one year.
- (b) Coops shall be permitted in fenced, secure backyards **only**. There is no minimum fence height requirement but should protect against predation.
- (c) Chickens cannot be slaughtered or disposed of on a residential property.
- (d) The sale of eggs, meat & manure is prohibited. Urban hens are to be kept as pets and/or for personal egg consumption. They are not intended to be used for commercial purposes.
- (e) Anyone keeping Urban Hens must comply with all Provincial regulations around the keeping of hens. The Province of Alberta requires all owners of poultry (including small urban flocks) to register their flocks into the provincial database and obtain a Premise Identification (PID) Number.

23.3. SITE REQUIREMENTS AND COOP STANDARDS

- (a) Coops may only be located in backyards of properties that are completely fenced and secured. Chain link fencing may be required to have privacy slats installed on one or more sides of the fencing based on consultation with neighboring properties desires. Coop sites should take into consideration backyard locations that would minimize impact on adjacent landowners (away from any windows, furthest point from the building, etc.).

- (b) The henhouse is made of both a Coop (indoor space) and a run (enclosed outdoor space). An approved site may house only one Coop and Outdoor Enclosure and they must be located:
 - i) a minimum of 10 feet from a dwelling;
 - ii) a minimum of 3 feet from side or rear property line, and
 - iii) a minimum of 2.5 feet from any other buildings on the site;
 - iv) a minimum of 10 feet from any window;
- (c) The maximum Coop size cannot exceed 100 ft² without a building permit for an accessory building. Minimum indoor Coop floor size is 4 ft² per hen and 10 ft² per hen of outdoor enclosure;
- (d) Height of Coop should not exceed rear fence height, excepting the peak portion of the Coop roof;
- (e) All Coops must contain sufficient perch locations, nest boxes, have adequate ventilation and be weather & predator proof. Coops do not need to be insulated unless over-wintering and then should have an adequate, approved heat source;
- (f) The Coop and Outdoor Enclosure must be fully enclosed (i.e. Fencing, chicken wire, roof covering) to provide hens secure access to exercise, sunlight, earth, and vegetation. It is to be constructed to prevent escape and prevent entry by intruders/predators;
- (g) All hens must remain in the Coop or in the Outdoor Enclosure unless directly supervised by a person at least 14 years of age and they must stay on the permitted property while under such supervision;

23.4. NUMBER OF HENS

- (a) No more than four (4) Hens are permitted per residential property.
- (b) Roosters and chicks are not permitted;

23.5. CARE OF HENS

- (a) Consideration shall be given to which breeds of Hens are best suited for Wembley climate;
- (b) Hen waste can be bagged and disposed of along with your weekly household garbage;
- (c) Manure that is intended for backyard composting or fertilizing must be kept within a fully enclosed structure or compost bin and no more than three cubic feet (0.085m³) of manure can be stored at a time;

- (d) Proper care and feeding practices must be followed to ensure the well-being of the Hens. This includes providing each Hen with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviors such as scratching, dustbathing and roosting;
- (e) Thorough, complete cleaning of walls and perches, removal of all bedding and disinfecting of coop and furnishings should be done at least every 6 (six months or unless otherwise directed to reduce presence of unwanted pests;
- (f) All feed is to be kept in airtight, rodent-proof containers and any spilled/uneaten food must be removed;
- (g) Hens must be kept in their Coop between 10 p.m. and 7 a.m. as this helps with both noise mitigation and keeping the hens safe.

23.6. APPEALS

- (a) Any person who is refused an Urban Hen License may appeal the decision of the CAO to Council provided that such appeal is submitted in writing to the CAO within fourteen (14) days of the date of the decision.
- (b) The Peace Officer may recommend, and the CAO may revoke the Urban Hen License upon receipt of two bonafide complaints from two or more neighbours residing within sixty 196 feet of the residence with the Urban Hen License.

25. FINES AND PENALTIES

- (a) No person shall aid, abet, counsel, or encourage a person to contravene any provision of this Bylaw.
- (b) No person shall obstruct, impede, or hinder a Peace Officer or the CAO in carrying out their duties pursuant to this Bylaw.
- (c) Any person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offence and may be issued a Violation Ticket.
- (d) A person who is guilty of an offence pursuant to this Bylaw is liable upon summary conviction to a fine in an amount not less than one hundred dollars (\$100.00) and not exceeding ten thousand dollars (\$10,000.00).
- (e) A Provincial Court Judge, Commissioner or Justice, may in addition to the penalties provided in this Bylaw, direct or order the Owner of an Animal to prevent such Animal from doing mischief or causing a disturbance or a nuisance complained of or to have the Animal removed from the Town of Wembley or to have the Animal destroyed.

- (f) Providing no offence has reoccurred against an Owner within the previous twelve (12) months, an offence shall be considered a first offence unless it is in the public interest pursuant to Section 27 of the *Provincial Offences Procedure Act*.
- (g) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A”.

26. EXEMPTIONS

- (a) This Bylaw does not apply to a Service Dog while it is in active service.
- (b) Service Dogs are exempt from Section 3 of this Bylaw.

27. SEVERABILITY

- (a) Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

28. RESCIND BYLAW 756

- (a) The Town of Wembley Bylaw 756 is hereby rescinded.

29. ENACTMENT

- (a) This Bylaw shall come into full force and effect on the date it is finally passed by Council.

Read a first time this 12th day of August 2024.

Read a second time this 12th day of August 2024.

Read a third and final time this 12th day of August 2024.

Signed

Kelly Peterson, Mayor

Signed

Noreen Zhang, CAO

ATTACHMENTS:

- Schedule "A" – Specified Penalties
- Schedule "B" – Animal License Application Form
- Schedule "C" – Vicious Dog License Application Form
- Schedule "D" – Controlled Confinement Order
- Schedule "E" – Home Controlled Confinement Order
- Schedule "F" – Vicious Dog Order
- Schedule "G" – Schedule of Licensing Fees
- Schedule "H" - Urban Hen License Application

COPY

Schedule “A”

SPECIFIED PENALTIES

Section	Offence (Description)	Specified Penalty (\$)		
		1 st Offence	2 nd Offence within 1 year	3 rd Offence within 1 year
2(Definitions: Leash)	Exceeding two (2) meters in length	100.00	200.00	300.00
3(b)	Keep more than 2 Dogs on land 10 acres or less	300.00	400.00	400.00 & Court
3(d)	Unlicensed dog	200.00	400.00	Court
3(f)	Dog not wearing Dog tag	100.00	200.00	Court
3(g)	Transfer Dog license to another Dog	100.00	200.00	Court
3(i)	Provide false information on license application	200.00	300.00	Court
4(a)	Animal scatter garbage	100.00	200.00	Court
5(b)	Keep more than 2 Cats	300.00	400.00	400.00 & Court
5(d)	Unlicensed cat	200.00	400.00	400.00 & Court
5(e)	Cat not wearing Cat Tag	100.00	200.00	Court
5(f)	Transfer Cat license to another Cat	100.00	200.00	Court
5(h)	Allow Cat to disturb peace	100.00	200.00	Court
5(i)	Allow Cat to damage others property	150.00	300.00	Court
6(a)	Dog barking disturbing the peace of any person	100.00	200.00	200.00 & Court
7(a)	Fail to remove defecation from public or others private property	150.00	300.00	Court
7(b)	Fail to remove defecation from owner’s property	200.00	300.00	Court
7(c)	Urinate on others private property	100.00	200.00	Court
8(a)	Allow Animal to run at large	100.00	300.00	300.00 & Court
8(b)	Unattended Animal left tied while off the property of the owner	100.00	200.00	Court
8(c)	Animal not under control in Off-Leash Area	100.00	200.00	Court
8(d)	Animal trespassing on private property	100.00	200.00	200.00 & Court
8(e)	Animal on school property, play area or Posted Area	100.00	200.00	Court

8(f)	Allow Animal on Recreation Area	100.00	200.00	Court
8(g)	Animal on area prohibited by posted signage	200.00	400.00	400.00 & Court
9(a)	Unsecured Animal on the outside of a vehicle	100.00	200.00	200.00 & Court
10(a)(i)	Chase or bite a person, dog, cat, animal, or any vehicle	500.00	1,000.00	Court
10(a)(ii)	Cause damage to property, dog, cat or other animal	500.00	1,000.00	Court
10(a)(iii)	Dog attack or threaten	500.00	1,000.00	Court
10(a)(iv)	Dog cause death to dog, cat, fowl, or animal	500.00	1,000.00	Court
10(c)	Owners fail to comply with Controlled Confinement Order	500.00	1,000.00	Court
10(d)	An Owner shall not use or direct a dog to attack, chase, or threaten a person, dog, or animal	500.00	1,000.00	Court
11(d)	Allow more than 1 Nuisance/Vicious Animal on property	500.00	1000.00	Court
11(e)(i)	Fail to tattoo or microchip Nuisance Animal	100.00	200.00	Court
11(e)(ii)	Fail to provide tattoo/microchip information to Peace Officer	100.00	200.00	Court
11(e)(iii)	Fail to have the Animal neutered/spayed	200.00	300.00	Court
11(f)(i)	Fail to notify Peace Officer when Animal is sold, gifted, or transferred	100.00	200.00	Court
13(a)	Fail to obtain Vicious Dog License	500.00	1000.00	Court
13(c)	Vicious Dog Bite, Chase, or Attack person	1500.00	3000.00	Court
13(d)	Vicious Dog Bite, Chase, or Attack an animal	500.00	1000.00	Court
13(e)	Vicious Dog Bite, chase or attack in dwelling house	500.00	1000.00	Court
13(f)	Fail to secure a Vicious Dog while in dwelling house of Owner	500.00	1000.00	Court
13(g)	Fail to Muzzle and Leash Vicious Dog off premises	500.00	1000.00	Court
13(h)	Fail to secure a Vicious Dog while on Owner's property or permitted property	500.00	1000.00	Court
13(i)	Fail to comply with pen requirements for Vicious Dog	500.00	1000.00	Court

13(j)	Fail to display a sign for Vicious Dog	500.00	1000.00	Court
13(k)	Fail to post Vicious Dog signage	500.00	1000.00	Court
13(l)	Allow Vicious Dog in Off-Leash Area	500.00	1000.00	Court
13(m)	Fail to notify Peace Office of Vicious Dog At Large	500.00	1000.00	Court
13(o)	Failure to produce proof of exemption to Peace Officer	500.00	1000.00	Court
14(a)	Fail to keep a female cat or dog confined while in heat	100.00	200.00	Court
16(a)	Fail to produce suitable identification	200.00	400.00	Court
17(a)(i)	Interfere or obstruct a Peace Officer who is attempting to capture an Animal.	500.00	1,000.00	Court
17(a)(ii)	Induce the Animal-to enter a house or other place to avoid capture or to allow an Animal to escape	500.00	1,000.00	Court
17(a)(iii)	Unlock or unlatch Peace Officer's vehicle	500.00	1,000.00	Court
17(a)(iv)	Tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other animal control equipment	500.00	1,000.00	Court
17(a)(v)	Fail to comply with direction given by Peace Officer	500.00	1,000.00	Court
18(a)(i)	Untie, loosen, or otherwise free a Animal that has been tied/restrained	100.00	200.00	Court
18(a)(ii)	Open a gate, door or other opening in a fence or enclosure	100.00	200.00	Court
19(a)(i)	Failure to keep trapped animal safe from harm	250.00	Court	Court
19(a)(ii)	Failure to notify or surrender a trapped dog, cat or other animal to a Peace Officer	250.00	500.00	Court
20(a)	Tease/torment/annoy/provoke an Animal.	200.00	400.00	Court
22(a)	Keeping Livestock within the Town without approval	500.00	1000.00	Court
23.1(a)	Fail to provide site plan	250.00	500.00	Revocation
23.1(b)	Fail to submit Urban Hen License Application	250.00	500.00	Revocation
23.2(b)	Set up Coop in unfenced backyard	250.00	500.00	Revocation
23.2(c)	Slaughter chicken on a residential property	**Revocation of License		

23.2(d)	Sell eggs, meat or manure	250.00	500.00	Revocation
23.2(e)	Fail to obtain PID	250.00	500.00	Revocation
23.3(a)	Coop improperly located	250.00	500.00	Revocation
23.3(b)	Having more than one coop and outdoor enclosure	250.00	500.00	Revocation
23.3(c)	Fail to provide adequate coop space for number of hens	250.00	500.00	Revocation
23.3(d)	Coop height exceeds rear fence height	250.00	500.00	Revocation
23.3 (e)	Fail to provide nest box or perch per urban hen	250.00	500.00	Revocation
23.3(f)	Fail to prevent rodents/animals from entering coop	250.00	500.00	Revocation
23.3(g)	Allow hens outside the permitted property	250.00	500.00	Revocation
23.4(a)	Keep more than four (4) Hens	250.00	500.00	Revocation
23.4(b)	Keep Rooster or Chick	250.00	500.00	Revocation
23.5(b)	Fail to properly dispose of manure or	250.00	500.00	Revocation
23.5(c)	Fail to properly store manure	250.00	500.00	Revocation
23.5(d)	Fail to food and water in coop	250.00	500.00	Revocation
23.5(e)	Fail to maintain coop and furnishings	250.00	500.00	Revocation
23.5(f)	Fail to properly store food	250.00	500.00	Revocation
23.5(g)	Allow urban hen to be outside coop	250.00	500.00	Revocation
24.(a)	Aid, abet, counsel or encourage a person to contravene any provision of this bylaw	100.00	200.00	Court
24.(b)	Obstruct, impede, or hinder Peace Officer or the CAO	100.00	200.00	Court
24.(c)	Provisions of this Bylaw, or direction given by a Peace Officer	100.00	200.00	Court
	Section not specified – any other section to which a fine has not been specified	200.00		

Additional explanation for 23.2(c) ** Revocation on first offence. Applicant may re-apply minimum of one year after the first offence. A repeat offender, offending more than one time, will not be eligible to re-apply.



Schedule "B"

ANIMAL LICENSE APPLICATION FORM

TAG #: _____
REPLACES
TAG #: _____
RECEIPT#: _____
IF APPLICABLE
SECTION 3(c) OR 5(c)
COUNCIL MOTION #: _____

PLEASE NOTE THAT **ALL** FIELDS MUST BE COMPLETED

No more than two per property, Animal Control Bylaw sec.:3.b. or sec.:5.b.

Select type of Animal License: **CAT** or **DOG**

Applicant / Owner Name: _____

Mailing Address: _____

Town: _____ Postal Code: _____

Physical Address: (urban address or legal land description of your house)

Phone #: _____ Phone #: _____

Email (optional): _____

Name of Cat/Dog: _____

Breed of Cat/Dog: _____

Sex of Cat/Dog: _____ Neutered: Yes / No Spayed: Yes / No

Age of Cat/Dog: (weeks, months, or years) _____ Color of Cat/Dog: _____

Special Markings or Tattoos: _____

If applying for a Dog License, has the Dog ever been declared as a Vicious Dog in any other jurisdiction? Yes or No . *If YES, you are required to obtain Vicious Dog License (Schedule "C")*

Cost: \$ _____ See Specified Licensing Fees (Schedule "G"). *Proof of alteration at time of registration.*

I have read this bylaw and agree with its contents.

Signature of Applicant: _____ Date: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Office: 780-766-2269 FAX: 780-766-2868 Email: info@wembley.ca

Address: PO Box 89, 9940-101 Street Wembley, Alberta T0H3S0

The personal information requested on this form is being collected due to the required provincial and municipal legislation, under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act and is protected by the FOIP Act.



Schedule "C"

TAG #: _____
REPLACES
TAG #: _____
RECEIPT#: _____

VICIOUS DOG LICENSE APPLICATION FORM

PLEASE NOTE THAT ALL FIELDS MUST BE COMPLETED

Owner Name: _____

Mailing Address: _____

Town: _____ Postal Code: _____

Physical Address (urban address or legal land description):

Phone #: _____ Phone #: _____

Email (optional): _____

Name of Dog: _____

Breed of Dog: _____

Gender of Dog: _____ Neutered: Yes / No Spayed: Yes / No

Age of Dog _____ Color of Dog: _____

Special Markings or Tattoos: _____

Cost: \$ _____ See Specified of Licensing Fees (Schedule "G")

I have read this bylaw and agree with its contents.

Signature of Applicant: _____ Date: _____

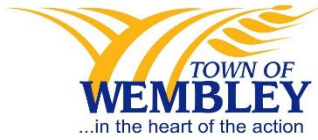
Staff Name: _____ Staff Title: _____

Staff Signature: _____

Office phone: 780-766-2269 Office FAX: 780-766-2868

Email: info@wembley.ca PO Box 89, 9940-101 Street Wembley, Alberta T0H3S0

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Schedule "D"

CONTROLLED CONFINEMENT ORDER

Occurrence #: _____

Confinement Date: _____

Possible Release Date: _____

Date of Incident: _____

Place of Incident: _____

Date AHS Notified: _____

Previous History: Yes / No

Owner Name: _____ Phone Number: _____

Residence: _____ Secondary Number: _____

Instructions for Confinement:

Description of the Dog	
Name:	_____
Breed:	_____
Sex:	_____
Age:	_____
Colour:	_____
License #:	_____
Pound #:	_____

FOR OFFICE USE ONLY

PRE-INSPECTION: Approved Not Approved

Peace Officer Date

POST-INSPECTION: Approved Not Approved

Peace Officer Date

Under the Town of Wembley Bylaw 768 Section 15(f) a Peace Officer may seize any Dog that in the opinion of the Peace Officer poses a threat to the public. The Dog may be released back to the Owner on conclusion of the Peace Officers investigation provided all the requirements of the Bylaw have been met.

The Owner will not be charged boarding or reclaim fees when the Dog is under the Controlled Confinement Order. If the Owner fails to reclaim a Dog on the expiry of the release date the Dog will revert to Impound status.

Date: _____

Owner Signature: _____ Officer Signature: _____

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Schedule "E"

HOME CONTROLLED CONFINEMENT ORDER

Occurrence #: _____

Confinement Date: _____

Date of Incident: _____

Place of Incident: _____

Date AHS Notified: _____

Previous History: Yes / No

Owner Name: _____

Phone Number: _____

Residence: _____

Secondary Number: _____

Description of Incident:

Description of the Dog
Name: _____
Breed: _____
Sex: _____
Age: _____
Colour: _____
License #: _____

Under the Town of Wembley Bylaw #768 Section 15(f) a Peace Officer may serve a Controlled Confinement Order if the dog may pose a threat to the public. Under specific circumstances the Dog may have a Home Controlled Confinement. During the Peace Officer investigation where a Dog is confined such Dog shall be permitted on the property of the Owner for the sole purpose of urinating and defecating.

A Dog subject to a Home Controlled Confinement Order shall be restrained or confined in the dwelling house of its Owner to prevent the escape of the Dog and to secure the public from harm. Any person who contravenes the provisions of this Order or direction given by a Peace Officer pursuant to the Bylaw, is guilty of an offence and may be issued a violation ticket.

Date: _____

Owner Signature: _____

Officer Signature: _____

The personal information requested on this form is being collected due to the required provincial and municipal legislation, under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act and is protected by the FOIP Act.

Schedule "F"



VICIOUS DOG ORDER

Occurrence No. _____

(Date)

(Name)

(Address)

Attention: _____

RE: Vicious Dog

Name: _____

Breed: _____

Sex: _____

Colour: _____

Tag Number: _____

As a result of an incident that occurred on the _____ day of _____ 20__ concerning your dog, you are hereby advised that your Dog is now declared a Vicious Dog as provided by the Town of Wembley Bylaw #768. This Order is effective forthwith and requires you to comply with each requirement contained in Section 13 of the Bylaw.

YOU MUST COMPLY WITH THIS ORDER ON OR BEFORE _____

Please find attached a copy of the Town of Wembley Bylaw #768.

The fine for a Vicious Dog Running at Large is \$500.00 and a fine for a Vicious Dog that Bites, Chases, or Attacks an Animal is \$500.00. The fine for a Vicious Dog that Bites, Chases, or Attacks a person is \$1500.00.

DATED at Wembley, Alberta this _____ day of _____ 20__.

Signature

Witness

The personal information requested on this form is being collected due to the required provincial and municipal legislation, under the authority of the Freedom of Information and Protection of Privacy (FOIP) Act and is protected by the FOIP Act.



Schedule "G"

SPECIFIED LICENSING FEES

FEE (Description)	FEE (\$)
<i>*Must Have Proof of Alteration when registering otherwise defaults to intact cost</i>	
Altered Dog License*	25.00
Intact Dog License	50.00
Bylaw Enforcement Enforced Dog License	Add 5.00
Replacement Dog Tag	10.00
Altered Cat License*	15.00
Intact Cat License	30.00
Bylaw Enforcement Enforced Cat License	Add 5.00
Replacement Cat Tag	10.00
Vicious Dog License	400.00
Bylaw Enforcement Enforced Vicious Dog License	Add 5.00
Replacement Vicious Dog Tag	10.00
Urban Hen License	100.00

SCHEDULE "H" URBAN HEN LICENSE APPLICATION

Applicants must be 18 years of age or older.

****Recommended that owners complete a chicken education course**

Applicant(s): _____

Mailing Address: _____

Civic Address: _____

Contact Info: _____ Cell ___ Home ___ Work /Email: _____

Do you own the home: Yes No *If no, a signed permission letter from owner is required (Attach)_____*

Number of Hens? _____ (Maximum is 4)

PID included? Yes No Submitted to Alberta Agriculture? Yes No

Lot Size: _____ ft² Fenced Yard? Yes No Fence Height: _____

Have privacy slats been requested in chain link fence by neighbor? Yes / No If yes, which side(s):

Provide a site plan of intended Coop location and description/photo of intended Coop including size of Coop and Outdoor Enclosure

Coop Size: _____ Outdoor Enclosure Size: _____ Total Square Footage: _____

Application Fee (\$100.00): paid by _____

I have read the current Animal Control Bylaw and agree with its contents.

Signature of Applicant/Landowner

Date

Any personal information on this form is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act for the purpose of participation in the Backyard Hen Pilot Project and determining the success of the Project. If you have any questions about the collection, use and protection of this information, please call the FOIP Coordinator at 780-766-2269.

FOR OFFICE USE ONLY

PRE-INSPECTION: Approved Not Approved

Authorized Signature

Date

POST-INSPECTION: Approved Not Approved

Peace Officer

Date