

## BYLAW 23-24

### A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE THE KEEPING OF LIVESTOCK EMOTIONAL SUPPORT ANIMALS

**WHEREAS** pursuant to provisions of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council of the Town of Okotoks (Council) may pass a bylaw for municipal purposes respecting the safety, health and welfare of people, the protection of people and property, wild and domestic animals, and certain activities in relation to them; and

**WHEREAS** pursuant to provisions of the *MGA* Council has the authority to provide for a system of licenses, permits, and approvals; and

**WHEREAS** Council deems it desirable to regulate the keeping of Livestock Emotional Support Animals in urban areas of the Town of Okotoks;

**NOW THEREFORE** Council enacts as follows:

#### 1. SHORT TITLE

This Bylaw may be known as the "Livestock Emotional Support Animal Bylaw".

#### 2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1. **Chief Administrative Officer (CAO)** means the person appointed to the position of chief administrative officer for the Town of Okotoks within the meaning of the *MGA*;
- 2.2. **License** means the Owner of a LESA has provided Okotoks Municipal Enforcement with a letter from a mental health care professional that and is on file and the address at which the LESA will be harboured has been recorded;
- 2.3. **Livestock Emotional Support Animal (LESA)** means a companion animal under 180 kilograms in weight that is otherwise prohibited under the Responsible Pet Ownership Bylaw section 2, subsection q, with the exception of honey bee colonies, as determined by a mental health professional to provide a benefit for an individual with a disability and such determination can be provided to a Peace Officer upon request;

- 2.4. **Owner** means:
- 2.4.1. a person who has the care, charge, custody, possession or control of a LESA;
  - 2.4.2. a person who owns or who claims any proprietary interest in a LESA;
  - 2.4.3. a person who harbours, suffers or permits a LESA to be present on any property owned, occupied or leased by him or which is otherwise under his control;
  - 2.4.4. a person to whom License authorization was issued for the LESA in accordance with this Bylaw;
- 2.5. **Peace Officer** means:
- 2.5.1. a member of the Royal Canadian Mounted Police;
  - 2.5.2. a Community Peace Officer as appointed by the Solicitor General of Alberta;
  - 2.5.3. a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;
- 2.6. **Town** means the Corporation of the Town of Okotoks in the Province of Alberta and where the context so requires, means the area of land within the corporate boundaries thereof;
- 2.7. **violation tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;
- 2.8. **violation ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

### 3. PROHIBITIONS

- 3.1. No Owner shall be permitted to harbour more than one (1) LESA.

### 4. LIVESTOCK EMOTIONAL SUPPORT ANIMAL LICENSES

- 4.1. A LESA license is not transferrable from one property to another, except on a temporary basis less than 24 hours. Any permanent change of address within Town must be updated with Okotoks Municipal Enforcement and notice provided if the LESA will no longer be harboured in Town.
- 4.2. A LESA license is not transferrable from one LESA to another and documentation and notification must be provided to Okotoks Municipal Enforcement.

- 4.3. A LESA shall continue to be licensed within the Town at the address provided until such time as:
  - 4.3.1. the owner provides notice to the Town that the LESA is no longer required to be harboured at the residence;
  - 4.3.2. the owner provides notice to the Town of relocating the LESA to a different property within Town limits;
  - 4.3.3. the owner provides notice to the Town of relocating outside of the Town;
  - 4.3.4. the owner provides notice to the Town of the death of the animal; or
  - 4.3.5. the Town provides notice to the owner that sufficient complaints have been received by the Town of contraventions or infractions of this Bylaw or any other applicable bylaw that warrant revoking the license and applicable permission to harbor the LESA within Town limits.
  
- 4.4. A LESA license may be revoked by the CAO if:
  - 4.4.1. the owner does not meet or no longer meets the requirements for a license as set out in this Bylaw;
  - 4.4.2. the owner furnishes false information or misrepresents any fact or circumstance required pursuant to this Bylaw;
  - 4.4.3. the owner has failed to take corrective measure to address issues or concerns received by Okotoks Municipal Enforcement regarding smell, noise, vermin, unkept premises, mistreatment of the LESA, aggressive behaviour, or any other contravention of this Bylaw;
  - 4.4.4. the owner has, in the opinion of the CAO, based on reasonable grounds, contravened any part of this Bylaw whether or not the contravention has been prosecuted;
  - 4.4.5. the owner fails to pay a fine imposed by a court for a contravention of this Bylaw or any applicable Bylaw related to the keeping of livestock;
  - 4.4.6. the owner fails to pay any fee required by this Bylaw or any other applicable legislation; or
  - 4.4.7. in the opinion of the CAO, based on reasonable grounds, it is in the public interest to do so.

## **5. KEEPING OF LIVESTOCK EMOTIONAL SUPPORT ANIMALS**

- 5.1. A person who keeps a LESA must:
  - 5.1.1. ensure that the LESA is not kept in such a manner that causes or permits a nuisance or is reasonable likely to disturb the peace of any other individual;
  - 5.1.2. provide each LESA with food, water, shelter, light, ventilation, care, and exercise, all sufficient to maintain the LESA in good health;
  - 5.1.3. maintain the rear yard or enclosure in which the animal will be harboured in good repair and sanitary condition, free from vermin, noxious or offensive smells, and substances;

- 5.1.4. ensure the LESA enclosure is located in the rear yard of the residence;
- 5.1.5. keep the rear yard or enclosure secured at all times to prevent the unintended release of the LESA;
- 5.1.6. store manure with a fully enclosed container, and store no more than 85 litres (three (3) cubic feet) of manure at any time;
- 5.1.7. remove all other manure not used for composting or fertilizing and dispose of such in accordance with Town Bylaws.

## **6. AUTHORITY OF CAO**

- 6.1. In determining if the LESA is a nuisance or is reasonably likely to disturb the peace of any other individual the CAO may consider one or more of the following:
  - 6.1.1. a demonstrated impact on the health or well-being of others;
  - 6.1.2. repeated incidents of unruly or aggressive behaviour;
  - 6.1.3. repeated complaints of offensive odours, messy, untidy, or unkept rear yard or enclosure;
  - 6.1.4. repeated complaints of the LESA defecating while off property of the license holder;
  - 6.1.5. repeated complaints of the LESA running at large; and
  - 6.1.6. demonstrated damage to neighbouring properties.

## **7. PENALTIES AND ENFORCEMENT**

- 7.1. No person shall willfully obstruct, hinder, or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.
- 7.2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) Dollars, imprisonment for a term not exceeding one (1) year, or both.
- 7.3. Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.
- 7.4. Where a person contravenes the same provision of this Bylaw two (2) or more times within one 12 month period, the specified penalty payable in respect of the second or subsequent contravention shall be the amount stated in Schedule "A" for such offences.
- 7.5. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.

- 7.6. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other bylaw.
- 7.7. Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
- 7.7.1. a violation tag allowing a payment of the specified penalty to the Town; or
  - 7.7.2. a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 7.8. Service of a violation tag will be sufficient if it is:
- 7.8.1. personally served; or
  - 7.8.2. served by regular mail to the person's last known mailing address.
- 7.9. If a violation ticket is issued in respect to an offence, the violation ticket may:
- 7.9.1. specify the fine amount established by this Bylaw for the offence; or
  - 7.9.2. require a person to appear in court without the alternative of making a voluntary payment.
- 7.10. A person who commits an offence may:
- 7.10.1. if a violation ticket is issued in respect of the offence; and
  - 7.10.2. if the violation ticket specified the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the provincial courthouse specified on the violation ticket.
- 7.11. Schedule "A" PENALTIES shall form a part of this Bylaw and may from time to time be amended.

## **8. SEVERABILITY**

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

This Bylaw shall come into full force and effect upon third and final reading,

READ A FIRST TIME this 24<sup>th</sup> day of June 2024.

READ A SECOND TIME this 24<sup>th</sup> day of June 2024.

READ A THIRD TIME AND PASSED this 24<sup>th</sup> day of June 2024.

\_\_\_\_\_  
ORIGINAL SIGNED  
Mayor

\_\_\_\_\_  
ORIGINAL SIGNED  
Chief Administrative Officer

## SCHEDULE "A" PENALTIES

SECTION	OFFENCE	PENALTY 1 <sup>st</sup> Offence	PENALTY 2 <sup>nd</sup> & Each Subsequent Offence
2.2	Harbour an unlicensed LESA	\$250	\$500
3.1	Harbour more than one (1) LESA per Owner	\$250	\$500
4.1	Transfer a LESA license to another property within Town without notifying Okotoks Municipal Enforcement	\$250	\$500
4.2	Transfer a LESA license to another LESA without providing documentation and notification to Okotoks Municipal Enforcement	\$250	\$500
4.3.1	Fail to provide notification that the LESA is no longer required	\$250	\$500
4.3.2	Fail to provide notification of permanent relocation of the LESA within Town	\$250	\$500
4.3.3	Fail to provide notification of relocation of LESA outside of the Town	\$250	\$500
4.3.4	Fail to provide notification of the death of the LESA	\$250	\$500
4.4.2	Provide false information or misrepresents a fact or circumstance	\$250	\$500
4.4.3	Fail to take corrective measures to address a complaint received	\$250	\$500
5.1.1	LESA kept in a manner that causes or permit a nuisance or disturbs the peace of any other individual	\$250	\$500
5.1.2	Fail to provide sufficient water, food, shelter, light, ventilation, care and exercise to maintain the health of the LESA	\$250	\$500
5.1.3	Fail to keep the rear yard or enclosure in good repair and sanitary condition, free from vermin, noxious or offensive smells and substances	\$250	\$500
5.1.4	Harbour a LESA in the front yard of a residence	\$250	\$500
5.1.5	Fail to ensure rear yard and enclosure are secured at all times	\$250	\$500
5.1.6	Fail to properly store manure	\$250	\$500
5.1.7	Fail to remove manure in a timely manner	\$250	\$500