

## **Public Hearing - Bylaw 1437-23:**

**A G E N D A:** Public Hearing to be held on  
Thursday, June 29, 2023 at 9:00 A.M.  
Virtual - Meeting ID: 118422661

<https://video.businessconnect.telus.com/join/118422661>

And with Council physically present in the County Council Chambers, Smoky Lake.

### **1. Opening:**

- Public Hearing is called to order.
- Public wishing to be heard sign in on the sign-in sheet.
- Confirmation is provided that the Public Hearing was advertised and notice was provided in accordance with the applicable legislation.
- Purpose of the hearing is summarized:  
**To obtain public input in regard to Bylaw No. 1437-23: a Bylaw of Smoky Lake to amend Smoky Lake County Land Use Bylaw No. 1272-14, for the purposes of regulating hamlet chickens**
- Ground rules of the hearing and order of speaking are reviewed.

### **2. Staff Presentation:**

- Smoky Lake County Planning Staff make their presentation(s).  
**Bylaw 1437-23: was given first reading on June 1, 2023.**
- Council asks questions and/or request points of clarity.

### **3. Public Presentations via Written Submissions:**

- Written submissions are read.
- Council asks questions and/or request points of clarity.

### **4. Public Presentations at the Public Hearing:**

- Persons signed in whom are **in opposition** to the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Persons signed in whom are **in support** of the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Anyone else who has not spoken and wishes to speak is called upon to speak.
- Council asks questions and/or request points of clarity

### **5. Questions and Answers:**

- Any Council member having any additional questions of any speaker or of the staff or those who have spoken may speak.

### **6. Closing Remarks:**

- Declare the Public Hearing closed.



**Public Hearing Date:** June 29, 2023  
**Public Hearing Time:** 9:00 a.m. (or as soon as practical thereafter)

**BYLAW NO. 1437-23  
PUBLIC HEARING BACKGROUND**

**PROPOSED BYLAW NAME & NO.:** Smoky Lake County Bylaw 1437-23: A Bylaw of Smoky Lake to amend Smoky Lake County Land Use Bylaw No. 1272-14, for the purposes of regulating hamlet chickens.

**BACKGROUND:**

- In Fall 2021, Smoky Lake County undertook a Public Participation opportunity, dealing with Lake RVs, Urban Chickens, and Dark Skies.
- Since that time, the County has hired a Bylaw Officer, enhancing our ability to conduct enforcement.
- The existing Land Use Bylaw (LUB) dating from 2014 currently regulates and restricts the keeping of animal units and restricts keeping any chickens within hamlets.
- In April 2023, Planning & Development Services prepared a Land Use Bylaw Amendment which would require a statutory Public Hearing prior to considering its adoption.
- In May 2023, Enforcement and Protective Services, and Agricultural Services collaborated in preparing an accompanying Animal Control Bylaw for consideration.
- The proposed changes are as follows:
  - To remove the animal control provisions from the Land Use Bylaw to be in a new stand-alone enforcement Bylaw:
    - To allow a minimum of 2 and up to 4 chickens to be kept on parcels of less than 5 acres in area.
    - This bylaw shall not apply to Agriculture General (AG) or Victoria Agriculture (A1) districts.
    - This bylaw shall not apply to the ownership of domestic dogs and cats.
  - To add a definition of "Kennel" or Boarding/Breeding Facility" to the Land Use Bylaw
- Council gave First Readings to both bylaws at its Regular Meeting of June 1st, 2023.

**ATTACHMENTS:**

1. Draft Bylaw No. 1437-23 and 1438-23
2. Written Submissions
3. Relevant Legislation
4. Notice of Public Hearing

**SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1437-23**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of Amending Land Use Bylaw (LUB) 1272-14 as it relates to Hamlet Chickens.

\*\*\*\*\*

**WHEREAS** Council has adopted Smoky Lake County Bylaw 1272-14 to be the Land Use Bylaw;

**WHEREAS** it is deemed expedient to amend Bylaw 1272-14 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

**WHEREAS** a Public Hearing has been held pursuant to Section 230 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

**WHEREAS** said Public Hearing has been advertised pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

**NOW THEREFORE** under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

**1. Title**

- a. This Bylaw may be cited as: ‘Land Use Bylaw 1272-14 and amendment for Hamlet Chickens.’

**2. Smoky Lake County Land Use Bylaw 1272-14 is hereby amended:**

**a. The following is struck:**

***Section 7.19 PET KEEPING, LIVESTOCK AND KENNELS***

- 1. *The total number of domestic pets shall be in conformity with the County’s Animal Control Bylaw.*
- 2. ***No animals*** other than domestic pets shall be allowed:
  - A. *on lots located within the Multi-lot Country Residential (R1) and Residential (Cluster) Conservation (R2) Districts, located within the Garner Lake, Mons Lake, Bonnie Lake, Whitefish Lake and/or Hanmore Lake Area Structure Plan Areas on parcels less than or equal to 2.03 ha (5.0 ac.) in area; and*
  - B. *on lots located within Hamlet General (HG) District on parcels less than or equal to 2.03 ha (5.0 ac.) in area.*
- 3. *Additional livestock units shall be allowed:*
  - A. *on lots located within the Multi-lot Country Residential (R1) and Residential (Cluster) Conservation (R2) Districts, located within the Garner Lake, Mons Lake, Bonnie Lake, Whitefish Lake and/or Hanmore Lake Area Structure Plan Areas on parcels greater than 2.03 ha (5.0 ac.) in area; and*
  - B. *on lots located within Hamlet General (HG) District on parcels greater than or equal to 2.03 ha (5.0 ac.) in area*

*In accordance with the following:*

**Bylaw No. 1437-23**

<b>Animal Unit Calculation</b>		
<i>* Effecting lots in the HG District and lots within the R1 and R2 Districts located within the Garner Lake, Mons Lake, Bonnie Lake, Whitefish Lake and/or Hanmore Lake Area Structure Plan Areas</i>		
<b>Residential Parcel Size</b>		<b>Allowable Number of Animal Units</b>
<b>Residential Parcel Size Requirements</b>		<b>Allowable Number of Animal Units</b>
0-2.05 hectares	(0 – 5.0 ac.)	0
2.06 - 2.42 hectares	(5.1 - 5.99 acres)	1
2.43 - 4.04 hectares	(6.0 - 9.99 acres)	2
4.05 hectares or greater	(10.0 acres or greater)	3*

*\*Plus - the number of animal units permitted for that portion of the parcel in excess of 4.05 hectares (10.0 acres).*

*Example: 8.08 hectares (20.0 acres) = 3+3=6 total animal units.*

3. *The keeping of animals not in accordance with **Section 6.20(3)** shall only be allowed upon issuance of an approved development permit, in those circumstances considered exceptional or unique by the Municipal Planning Commission.*
  
5. *For the purposes of this Section, "one animal unit" means the following:*
  - (A) 1 horse, donkey, mule or ass (over one year old);
  - (B) 2 colts up to one year old;
  - (C) 1 llama, alpaca;
  - (D) 2 ostrich, emu, or other ratite;
  - (E) 1 cow or steer (over one year old);
  - (F) 2 calves up to one year old;
  - (G) 3 pigs;
  - (H) 15 chickens;
  - (I) 10 ducks, turkeys, pheasants, geese or other similar fowl;
  - (J) 3 sheep or goats; or
  - (K) 20 rabbits or other similar rodents.
  
6. *The keeping of more than two (2) dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where kennels are listed as a discretionary use in this Bylaw.*
  
7. *The maximum number of dogs to be kept on-site in each of the above Districts shall be at the discretion of the Development Authority.*
  
8. *In determining the number of dogs, pups less than six months of age shall not be included.*
  
9. *An exercise area shall be provided for each dog as follows:*
  - A. *breeds weighing 16 kg (35 lbs.) or less - at least 2.3 sq. m. (25.0 sq. ft.) per dog; and*
  - B. *breeds weighing more than 16 kg (35 lbs.) - at least 4.6 sq. m. (50.0 sq. ft.) per dog.*
  
10. *No building or exterior exercise area to be used to accommodate the dogs shall be allowed within 25.0 m (82.0 ft.) of any lot line of the lot for which an application is made.*
  
11. *All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 1.8 m (6.0 ft.).*
  
12. *All dogs in kennels shall be kept within buildings or a fenced area at all times when not leashed.*
  
13. *All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.*
  
14. *Pens, rooms, exercise runs, and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.*
  
15. *A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.*
  
16. *All facilities and kennel operations shall be in compliance with the applicable Provincial regulations.*

**Bylaw No. 1437-23**

17. All development permits issued shall be subject to cancellation if any of the above requirements, or any other condition of the development permit, is not followed.

**b. And the same is replaced and renumbered with:**

***PET KEEPING AND KENNELS***

1. The keeping of domestic pets shall be accordance with the County's Dog Control and/or Animal Control Bylaw(s), as amended.
2. Subject to the County's Animal Control Bylaw:
  - a. The keeping of non-domestic dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where kennels are listed as a Discretionary Use in this Bylaw.
  - b. The maximum number of dogs to be kept on-site in each of the above Districts shall be at the discretion of the Development Authority.
  - c. In determining the number of dogs, un-weaned pups of less than six months of age shall not be included.
  - d. An exercise area shall be provided for each dog as follows:
    - i. breeds weighing 16 kg (35 lbs.) or less - at least 2.3 sq. m. (25.0 sq. ft.) per dog; and
    - ii. breeds weighing more than 16 kg (35 lbs.) - at least 4.6 sq. m. (50.0 sq. ft.) per dog.
  - e. No building or exterior exercise area to be used to accommodate the dogs shall be allowed within 25.0 m (82.0 ft.) of any lot line of the lot for which an application is made.
  - f. All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 1.8 m (6.0 ft.).
  - g. All dogs in kennels shall be kept within buildings or a fenced area at all times when not leashed.
  - h. All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.
  - i. Pens, rooms, exercise runs, and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.
  - j. An air circulation or extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.
  - k. All facilities and kennel operations shall be in compliance with the applicable Provincial regulations.
3. In the case of a conflict between this Land Use Bylaw and the County's and/or Animal Control Bylaw(s), the latter shall prevail.

**c. Section 1.7 INTERPRETATION/DEFINITIONS is amended by adding and renumbering the following:**

*“Kennel” or Boarding/Breeding Facility means the breeding or boarding of dogs, excluding un-weaned pups in return for remuneration or kept for the purposes of sale.*

**d. The following Districts are amended to include ‘Kennel’ as a Discretionary Use:**

***Section 8.2 – Agriculture General (AG) District***

***Section 8.3 – Victoria Agriculture (AI) District***

***Section 8.7 – Hamlet General (HG) District***

***Section 8.8 – Highway Commercial (CI) District***

**Bylaw No. 1437-23**

**3. Severability**

- a. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

**4. Effect**

- a. This Bylaw takes effect upon Third Reading.

**5. Amendment**

- a. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

READ a First Time this \_\_\_\_ day of \_\_\_\_\_, **AD 2023.**

S E A L

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

A Statutory Public Hearing having been held this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023.**

READ a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023.**

READ a Third and Final Time this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023** and finally passed by Council.

S E A L

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1438-23**

A Bylaw of Smoky Lake County, in the Province of Alberta to provide for the keeping and care of animals in Smoky Lake County.

\*\*\*\*\*

**Whereas**, the Council of Smoky Lake County may, pursuant to the provisions of the Municipal Government Act, 2000, Chapter M-26 with amendments thereto, establish a bylaw respecting domestic animals and activities in relation to them and the enforcement of bylaws made under this or any other enactment; and

**Whereas**, Council has deemed it desirable to put into effect a process whereby the control of domestic animals can be enforced to ensure the safety, health and welfare of people and animals;

**Now Therefore**, Council of Smoky Lake County, in the Province of Alberta, duly assembled, enacts as follows:

**1. Short title**

**1.1** This bylaw may be cited as the Animal Control Bylaw.

**2. Definitions**

(a) **“Agriculture General (AG) District”** means those areas defined under the County’s Land Use Bylaw to permit and regulate development within the prescribed district.

(b) **“Victoria Agriculture (A1) District”** means those areas defined under the County’s Land Use Bylaw to permit and regulate development within the prescribed district.

(c) **“Agricultural land”** means the land upon which an agricultural operation operates;

(d) **“Bylaw Enforcement Officer”** means

- i) Any member of the ~~Royal Canadian Mounted~~ Police of jurisdiction.
- ii) Any Community Peace Officer.

**Bylaw No. 1438-23**

- iii)** Bylaw Enforcement Officer appointed as per the County's Bylaw Enforcement Officer Bylaw, as amended from time to time.
  - iv)** The Chief Administrative Officer of the County or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.
- 
- (e)** “**Coop**” means a fully enclosed, weatherproof structure and attached outdoor chicken run utilized for the keeping of chickens;
  - (f)** “**Council**” means the Council for Smoky Lake County.
  - (g)** “**County**” means Smoky Lake County.
  - (h)** “**Domestic Pet**” means a dog, a cat or any other animal that is tamed or domesticated and is kept as a companion or for assistance and is under the control of a human and does not include any type of farm animal.
  - (i)** “**Domestic Pig**” is a large, domesticated, even-toed ungulate that traces its ancestry to the wild boar.”
  - (j)** “**Fowl**” means a bird of any kind including domestic and exotic birds.
  - (k)** “**Hamlet General (HG) District**” means those areas defined under the County's Land Use Bylaw to permit and regulate development within the Hamlets of Bellis, Edward, Spedden and Warspite.
  - (l)** “**Hen Keeper**” means a person having any right of custody, control, or possession of an Urban Hen(s).
  - (m)** “**Livestock**” means livestock (excepting wild boars) as defined in the Agricultural Operation Practices Act.
  - (n)** “**Pot bellied Pig**” is any breed of small pigs originating in southeastern Asia and having a straight tail, potbelly, swayback and black, white or black and white coat.
  - (o)** “**Poultry**” means domestic birds kept in captivity for the production of eggs, meat and other by-products.
  - (p)** “**Residential Use**” means a development comprising a single detached dwelling, manufactured home or other residential building located on a parcel



**Bylaw No. 1438-23**

used for residential uses and uses accessory to residential uses. The dwelling may be occupied permanently or seasonally.

(q) **“Rooster”** means a male chicken.

(r) **“Urban Hen”** means a female chicken.

(s) **“Violation Tag”** means a tag or similar document issued by the County pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended.

(t) **“Violation Ticket”** means a ticket issued pursuant to Part 2 or Part 3 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended and regulations thereunder.

**3. Exemptions**

**3.1** This bylaw shall not apply to Agriculture General (AG) or Victoria Agriculture (A1) districts.

**3.2** This bylaw shall not apply to the ownership of domestic dogs and cats.

**4. Property Animal Restrictions**

**4.1** The keeping of all animals is subject to the regulatory provisions of this Animal Control Bylaw and the Smoky Lake County Dog Control Bylaw.

**4.2** No livestock except for dogs, cats, and a maximum of 2 pot bellied pigs or other such domestic pets shall be kept on lots less than 1.2 hectares (3.0 acres) in size.

**4.3** Notwithstanding 4.2, Urban Hens, with the exclusion of Roosters, may be kept on Hamlet General (HG), parcels less than 1.2 hectares (3 acres) in size, subject to the following regulations:

(a) A minimum of two (2) Urban Hens must be kept and shall not exceed four (4) Urban Hens on site;

(b) Hen Keepers must comply with all Provincial regulations around the keeping of Urban Hens;

(c) Hen Keepers of Urban Hens must reside on the parcel where the Urban Hens are being housed;

**Bylaw No. 1438-23**

(d) Coops must be built to Provincial standards and meet all requirements for accessory buildings under the Land Use Bylaw;

(e) Coops shall be in the rear yard only and must be setback a minimum of 3 metres (9.8 feet) from the side and rear property boundaries;

(f) The Urban Hens cannot be free range, the Hen Keeper must ensure that by keeping chickens they are not unreasonably interfering with the use and enjoyment of neighbouring properties - this includes disturbance from noise and or odour. Regular cleaning and proper disposal of waste is required;

(g) Hen Keepers shall make themselves available and their coops available for inspection on a reasonable request from provincial authorities and/or a Bylaw Enforcement Officer.

**4.4** On Hamlet General (HG) parcels 1.2 hectares (3.0 acres) or larger in size, the maximum allowable livestock quantities shall be determined by animal units as defined below:

<u>Number of Animals Equivalent</u> <u>Type of Livestock</u>	<u>To One Animal Unit</u>
Cow/Steer (plus calves up to 12 months)	1
Sheep (plus lambs up to 6 months)	5
Goat (plus kids up to 6 months)	5
Horse (plus foal up to 12 months)	1
Poultry: Urban hen, quail, pheasant and turkey	10
Rabbit plus kits up to 2 months	15

The maximum allowable livestock quantities shall be determined by lot sizes as defined below:

<u>Lot Area</u>	<u>Maximum Number of Animal Units</u>
1.21 ha (3.00 ac) - 2.42 ha (5.99 ac)	3 animal units
2.43 ha (6.00 ac) – 3.23 ha (7.99 ac)	5 animal units
3.24 ha (8.00 ac) and over	7 animal units

**4.5** Subject to section 4.4, any person who houses any type of livestock, must construct suitable fencing to ensure the livestock remains within the confines of the property.

## 5. Penalties

**5.1** Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to penalty as set out in **Schedule “A”: Fines and Penalties**.

## 6. Violation Tags and Tickets

**6.1** A Bylaw Enforcement Officer is authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

**6.2** A Violation Tag may be issued:

- (a) personally, or
- (b) by mailing a copy of the Violation Tag to the person at their last known mailing address.

**6.3** The Violation Tag shall state:

- (a) the name of the person; and
- (b) the offence; and
- (c) the appropriate penalty for the offence as set out in the Schedule “A”: Fines and Penalties section, as amended from time to time;
- (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
- (e) any other information as may be required by the Bylaw Enforcement Officer.

**6.4** Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

**6.5** Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County, the penalty specified on the Violation Tag.

**6.6** If the penalty specified on the Violation Tag is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2

**Bylaw No. 1438-23**

or Part 3 of the *Provincial Offences Procedure Act, S.A. 2000, c. P-34*, as amended from time to time.

**6.7** Notwithstanding anything in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act, S.A. 2000, c. P-34*, as amended from time to time, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

**7. Effect**

**7.1** This bylaw shall come into effect upon the final passing thereof.

**8 Severability**

**8.1** Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

READ a First Time this \_\_\_\_ day of \_\_\_\_\_, **AD 2023**.

S E A L

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

READ a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023**.

READ a Third and Final Time this \_\_\_\_\_ day of \_\_\_\_\_, **AD 2023** and finally passed by Council.

S E A L

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**Bylaw No. 1438-23**

**SCHEDULE "A"**

**Fines and Penalties**

Any person who contravenes any of the provisions within Bylaw No. 1438-23 is guilty of an offence and is liable to pay a fine as follows:

<b><u>ITEM DESCRIPTION</u></b>	<b><u>Violation Tag Fine Amount</u></b>
First offence	\$100.00
Second offence	\$200.00
Third and any subsequent offence	\$500.00

## Kyle Schole

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**From:** Victoria Rigler <victoria.r@lamontcounty.ca>  
**Sent:** June 14, 2023 11:46 AM  
**To:** Kyle Schole  
**Subject:** Intermunicipal Development Plan

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

I am not sure if I missed the deadline or not, I have been away, but here is a comment from our Ag Fieldman in regarding to the IDP. "In relation to this I really like the breakdown on how Smoky lake County has developed it. The only exception that I have is the rabbit population. Due to the breeding cycle of this species, we can be poised with a big outbreak if not managed. 15 rabbits is a max in my opinion"

Kind Regards,

Victoria



*Cradle of Ukrainian Settlement in Canada*

**Victoria Rigler**  
*Development Officer, Planning & Development*

a: Administration Office | t: 780-895-2233  
5303 50th Avenue, | tf: 1-877-895-2233  
Lamont, AB | f: 780-895-7404  
T0B 2R0 | e: victoria.r@lamontcounty.ca

***Make it Safe! Make it Personal! Make it Home!***

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Public Hearing Date: May 11, 2023  
Public Hearing Time: 1:15 p.m.

## BYLAW 1437-23 RELEVANT LEGISLATION

### PUBLIC HEARINGS

*Municipal Government Act, R.S.A. 2000*

#### **When to hold public hearing**

**216.4(1)** When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

(a) before second reading of the bylaw, or

(b) before council votes on the resolution.

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

(a) give notice of the public hearing in accordance with section 606, and

(b) conduct the public hearing during a regular or special council meeting.

(3) A council may, by bylaw, establish procedures for public hearings.

(4) In the public hearing, council

(a) must hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and

(b) may hear any other person who wishes to make representations and who the council agrees to hear.

(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council

(a) pass the bylaw or resolution,

(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or



(c) defeat the bylaw or resolution.

(6) The minutes of the council meeting during which a public hearing is held must record the public hearing to the extent directed by council.

## **REQUIREMENTS FOR ADVERTISING**

*Municipal Government Act, R.S.A. 2000*

**Section 606(1)** The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

(2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be

- (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or
- (b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.

(3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.

(4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.

(5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.

(6) A notice must contain

- (a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
- (b) the address where a copy of the proposed bylaw resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
- (c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
- (d) in the case of a meeting or public hearing, the date, time and place where it will be held.

(7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in that certificate.

(8) The certificate is admissible as evidence without proof of the appointment or signature of the person who signed the certificate.

## **PLANNING BYLAWS**

*Municipal Government Act, R.S.A. 2000*

**Section 692(1)** Before giving second reading to

- (a) a proposed bylaw to adopt an intermunicipal development plan,
- (b) a proposed bylaw to adopt a municipal development plan,
- (c) a proposed bylaw to adopt an area structure plan,
- (d) a proposed bylaw to adopt an area redevelopment plan,
- (e) a proposed land use bylaw, or
- (f) **a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),**

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

- (2) Despite subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.
- (3) Despite subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,
  - (a) councils may hold a joint public hearing to which section 184 does not apply, and
  - (b) municipalities may act jointly to satisfy the advertising requirements of section 606.
- (4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),
  - (a) include in the notice described in section 606(2)
    - (i) the municipal address, if any, and the legal address of the parcel of land, and
    - (ii) a map showing the location of the parcel of land.
  - (b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown on the assessment role of the municipality, and
  - (c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment role of the municipality.
- (5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- (6) Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical or grammatical or typographical errors and does not materially affect the bylaw in principle or substance.
- (6.1) Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land use bylaw to specify the purposes of a community services reserve.

(7) In this section,

- (a) “adjacent land” means land that is contiguous to the parcel of land that is being re-designated and includes
  - (i) land that would be contiguous if not for a highway, road, river or stream, and
  - (ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;
- (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(8) If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must,

- (a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and
- (b) decide whether or not to proceed with consultation.

(9) If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

**NOTICE – PUBLIC HEARING**  
**on Proposed Smoky Lake County**  
**Bylaws 1437-23 and 1438-23**



**TAKE NOTICE THAT** in accordance with sections 606 of the Municipal Government Act, the Council of Smoky Lake County is giving consideration of *Proposed Bylaw*



*1437-23 which would amend Land Use Bylaw 1272-14, in relation to the keeping of Chickens in Hamlets, and Proposed Animal Control Bylaw 1438-23.*

**A Statutory Public Hearing will be held in relation to Bylaw 1437-23, both in-person and via videoconference on Thursday June 29, 2023, at 9:00 a.m. (or as soon as practical thereafter) at: Smoky Lake County Council Chambers, 4612 McDougall Drive, Smoky Lake, AB T0A 3C0 or online: <https://video.businessconnect.telus.com/join/562911198> / Meeting ID: 562911198**

**In-person Speakers:**

If you intend on participating in person, you are encouraged to pre-register for the Public Hearing by contacting Legislative Services at 780-656-3730.

**Speakers participating through Telus Business Connect videoconference:**

If you wish to speak at the Public Hearing via videoconference, you are asked to register 24 hours prior to the opening of the Public Hearing by contacting Legislative Services at 780-656-3730. This is to ensure that virtual participants receive instructions to access the videoconference.

**Requirements for all Speakers:**

All speakers will be given a 5-minute time limit and are encouraged to provide a written copy of their submission in advance of the Public Hearing.

**Written Submissions:**

All interested parties are encouraged to express their views by providing a written submission to Legislative Services by email at [patti.priest@smokylakecounty.ab.ca](mailto:patti.priest@smokylakecounty.ab.ca).

Persons wishing to view the Bylaw and/or the Public Hearing are invited to attend in person or view the Meeting at the County website at <http://www.smokylakecounty.ab.ca>.

**Questions? Contact:**

Jordan Ruegg or Kyle Schole, of Planning & Development Services, Smoky Lake County at 780-656-3730 / [pd@smokylakecounty.ab.ca](mailto:pd@smokylakecounty.ab.ca)

Freedom of Information and Protection of Privacy Act: By submitting comments on this bylaw, either orally or in writing, the personal information you provide may be recorded in the minutes of the Public Hearing, or otherwise made public. This information is collected in line with section 33(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions, please contact the Smoky Lake County Access and Privacy Officer at 4612 McDougall Drive Box 310, Smoky Lake, AB T0A 3C0, 780-656-3730, or [county@smokylakecounty.ab.ca](mailto:county@smokylakecounty.ab.ca).

