

Bylaw No. 1081-Amended

BEING a Bylaw of the Town of Carstairs in the Province of Alberta, the purpose of this bylaw is to control the livestock within the limits of the Town of Carstairs.

WHEREAS Section 7. (a) of the Municipal Government Act, RSA 2000, Ch. M-26 as amended: A Council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

WHEREAS Section 7. (h) of the Municipal Government Act, RSA 2000, Ch. M-26 as amended: A Council may pass bylaws for municipal purposes respecting the following matter of wild and domestic animals and activities in relation to them;

WHEREAS it is deemed expedient to enact a bylaw for the regulation and control of livestock within the boundaries of the Town of Carstairs;

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

1. This Bylaw shall be referred to as the **"Livestock Control Bylaw"**.
2. In this Bylaw:
 - a. **"Livestock or Animal"** includes, but is not limited to:
 - i. a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
 - ii. domestically reared or kept deer, reindeer, moose, elk, or bison,
 - iii. farm bred fur bearing animals including foxes or mink,
 - iv. animals of the bovine species,
 - v. animals of the avian species including chickens, turkeys, ducks, geese, or pheasants and
 - vi. all other animals that are kept for agricultural purposes, but does not include cats, dogs, or other domesticated household pets;
 - b. **"Municipal Tag"** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:
 - i. Personally, serving the municipal tag on the person; or
 - ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person's last known postal address

A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:

- i. The name of the person to whom the municipal tag is issued;
 - ii. The particulars of the contravention of the bylaw;
 - iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
 - iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
 - v. Any other information as may be required by the CAO.
- c. **"Owner"** means a person who has legal title to a livestock animal, and includes any person who has actual or apparent possession or custody of the livestock, either permanently or temporarily or harbors livestock or allows livestock to remain on their property.
- d. **Peace Officer** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.
- e. **"Person"** means a natural person, partnership or body corporate;
- f. **"Town"** means the Town of Carstairs or the area contained within the boundaries thereof, as the context requires;
- g. **"Town Property"** means all parcels of land owned and registered in the name of the Town of Carstairs and includes the following public places;

- i. playground areas
 - ii. all ball diamonds and park areas including the cemetery
 - iii. parking lots
 - iv. rodeo grounds
 - v. skate park
 - h. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued
 - i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
 - ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
 - iii. If a violation ticket is issued it must be in the prescribed form and must state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.
3. No person shall keep livestock in any area of the Town of Carstairs except where the keeping of livestock is allowed under the Town of Carstairs Land Use Bylaw, or upon approval by Council.
- a. Any person who keeps pigeons and is a member in good standing with either the Canadian Racing Pigeon Club or the Canadian Pigeon Fanciers Association, and whose birds are banded with a seamless Club or Association band on their leg is exempt from Section 3.
 - b. Section 3 shall not apply to Livestock kept on a temporary basis on the Rodeo Grounds or in the Memorial Arena for the purpose of a Rodeo or Cow and Calf Sale conducted on the noted premises.
 - c. Section 3 shall not apply to horses when a parade permit has been issued for a parade occurring within the Town of Carstairs.
4. There will be no riding or driving of cows or horses on any sidewalks within the Town of Carstairs.
5. **RUNNING AT LARGE**
- a. The owner of an animal shall ensure that such animal is not running at large.
6. **UNATTENDED ANIMAL**
- a. The owner of an animal shall ensure that such animal shall not be left unattended while tethered or tied on premises where the public has access, whether the access is expressed or implied.
 - b. The owner of an animal shall ensure that such animal shall not be left unsupervised while tethered or tied on private property.
 - c. The owner of an animal left unattended in a motor vehicle or trailer shall ensure;
 - i. The animal is restrained in a manner that prevents contact between the animal and any member of the public; and
 - ii. The animal has suitable ventilation and water.
 - iii. The owner of an animal shall not leave an animal unattended in a motor vehicle if the weather conditions are not suitable for the containment of an animal.
7. **SEIZURE OF AN ANIMAL**
- a. A Peace Officer may enter onto any private land, other than buildings located thereon, in pursuit of an animal running at large. The Animal Control Officer has the ability to seize any animal that is running at large.
 - b. A Peace Officer has the ability to seize any animal that is in contravention of the Livestock Control Bylaw, as required.
 - c. An Inspector will be contacted for any animal found running at large. As per the Stray Animals Act.

8. RESIDENTIAL URBAN BEE KEEPING;

- a. A Residential Urban Beekeeping application form must be completed and approved prior to having a hive.
- b. All Residential Urban Beekeeping Guidelines must be adhered to. Failing to do so may result in a fine as outlined in the Rates and Fees Bylaw.

9. NOTIFICATIONS

- a. If a Peace Officer knows or can ascertain the name of the owner of the impounded animal, he or she shall serve the owner notice, either personally or by leaving at, or mailing it to the last known address of the owner.
- b. An owner of an animal whom a notice is mailed pursuant to the provisions of Section 7 is deemed to have received a Notice within seven (7) days from the time it was mailed.
- c. A Peace Officer is not required to make any investigation as to the owner of an impounded animal other than to search any applicable Town records.

10. OBSTRUCTION AND INTERFERENCE

- a. No person, whether or not that person is the owner of an animal which is being or has been pursued or captured shall;
 - i. Interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured an animal which is subject to impoundment or seizure.
 - ii. Open the vehicle or trailer in which animals have been captured for impoundment or seizure: or
 - iii. Remove, or attempt to remove any animal from the possession of a Peace Officer.
- b. No person shall;
 - i. untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
 - ii. negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town.
 - iii. entice an animal to run at large;
 - iv. tease an animal caught in an enclosed space;
 - v. throw or poke any object into an enclosed space when an animal is caught or confined therein.

11. RECLAIMING

- a. The owner of any impounded animal may reclaim the animal from the Town by paying the fees set out in the Rates and Fees Bylaw.
- b. A Peace Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded animal, to the owner of the animal, if known, and to a veterinarian and the Peace Officer shall take into account any recommendations of such veterinarian in dealing with the animal while impounded.
- c. A owner of an impounded animal shall be liable to the Town of Carstairs for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such an impounded animal.

12. DISPOSAL

- a. A Peace Officer shall not sell, destroy or otherwise dispose of an impounded animal until the following conditions are met;
 - i. The impounded animal has been retained by the Town of Carstairs for at least five (5) days after the owner has received or has been deemed to have received notice that his or her animal has been impounded, where the name and address of the owner is known;

- ii. The impounded animal has be retained by the Town for seventy-two (72) hours, where the name of the owner is not known; or
- iii. A person having the authority orders the destruction of the impounded animal.

13. FINES AND PENALTIES

A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

14. GENERAL PROVISIONS

- a. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- b. 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.

This Bylaw hereby Amends Bylaw No. 1081 which repealed Bylaw No. 248 and Bylaw 413.

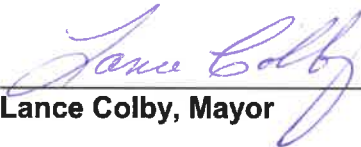
This Bylaw comes into full force and effect on the date of its final passing.

READ A FIRST TIME THIS 28TH DAY OF OCTOBER A.D., 2024

READ A SECOND TIME THIS 28TH DAY OF OCTOBER A.D., 2024

UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS 28TH DAY OF OCTOBER A.D., 2024

READ A THIRD AND FINAL TIME THIS 28TH DAY OF OCTOBER A.D., 2024


Lance Colby, Mayor


Rick Blair, CAO