

Bylaw No. 1081

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, Chapter M-26 RSA 2001 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. (i) of the Municipal Government Act, Chapter M-26 RSA 2011 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 known as "The Livestock Control Bylaw".
2. In this Bylaw:
 - a. **"Animal Control Officer"** means a person engaged by the Town to administer and enforce the provisions of this bylaw.
 - b. **"Bylaw Enforcement Officer"** means a person appointed by the Town in accordance to the provisions of 555.1 of the Municipal Government Act and will also include Community Peace Officers as well as members of the Royal Canadian Mounted Police.
 - 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. **"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;
 - 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

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.
7. The owner of an animal left unattended in a motor vehicle or trailer shall ensure;
 - a. The animal is restrained in a manner that prevents contact between the animal and any member of the public; and
 - b. The animal has suitable ventilation and water.
 - c. 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.
8. Seizure of an Animal:
 - a. An Animal Control 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. An Animal Control Officer has the ability to seize any animal that is in contravention of the Livestock Control Bylaw, as required.
9. Notifications;
 - a. If an Animal Control 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 9 is deemed to have received a Notice within seven (7) days from the time it was mailed.
 - c. An Animal Control 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 an Animal Control Officer, Bylaw Enforcement Officer or 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 an Animal Control Officer, Bylaw Enforcement Officer or 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. An Animal Control 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 Animal Control Officer shall take into account any recommendations of such veterinarian in dealing with the animal while impounded.
- c. An 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. An animal Control 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. Penalties – Voluntary Payment

- a. Where an Animal Control Officer, believes that a person has contravened any provisions of this bylaw he or she may in his or her absolute discretion serve upon a person a ticket as provided by this section either personally or by mailing by ordinary mail addresses to or leaving the ticket at the last known address of such person and such services shall be good and sufficient for the purpose of this bylaw.
- b. A ticket under this section shall in such form as determined by the Town and shall state the section of this bylaw which the person to whom such ticket is issued is accused of having violated, and the amount from Schedule "Q" of the current rates and fees bylaw that will be accepted by the Town in lieu of prosecution.
- c. Upon the production of a ticket issued pursuant to this section within ten (10) days

from the issue, together with the payment to the Town of the fee provided in the current rates and fees bylaw. The person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.

- d. Nothing in this section shall prevent a person to whom a ticket has been issued from defending any prosecution commenced by the Town for any contravention of the provisions of this bylaw.
- e. If an Animal Control Officer believes that a person has contravened any provisions of this bylaw, he or she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedures Act. S. A. 1988, Chapter P21.5.
- f. The specified penalty payable in respect of a contravention of a provision of this Bylaw in proceedings commenced under the Provincial Offences and Procedures Act is the amount shown in the current rates and fees bylaw in respect of that provision.

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

15. This bylaw repeals Bylaw 248 and Bylaw 413.

READ A FIRST TIME THIS 25TH DAY OF MARCH A.D., 2019

READ A SECOND TIME THIS 25TH DAY OF MARCH A.D., 2019

READ A THIRD AND FINAL TIME THIS 25TH DAY OF MARCH A.D., 2019



Mayor, Lance Colby



CAO, Carl McDonnell

SCHEDULE Q