

## **TOWN OF BASHAW**

### **BY-LAW NO. 685-2005**

**BY-LAW 685-2005** BEING A BY-LAW OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL OF LIVESTOCK AND FOWL.

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, RSA 2000, AND AMMENDMENTS THERETO:

**WHEREAS** Section 7 (a) of the Municipal Government Act allows a Council to pass By-Laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** Section 7 (h) of the Municipal Government Act allows a Council to pass By-Laws for municipal purposes respecting wild and domestic animals and activities in relation to them;

**NOW THEREFORE** The Council of the Town of Bashaw, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

#### **TITLE**

1. This By-Law may be cited as the "Bashaw Livestock and Fowl By-Law".

#### **DEFINITIONS**

2. In this By-Law:

- (a) "Livestock" shall mean and include but not be limited to horses, mules, donkeys, cattle, goats, sheep, llamas, alpacas, pigs, deer, elk, bison and any other animal that would be ordinarily associated as being a commercially farm raised animal.
- (b) "Fowl" shall mean and include but not be limited to chickens, turkeys, ducks, geese, grouse, ostriches and any other bird that would ordinarily be associated as being a commercially farm raised bird.
- (c) "By-Law Enforcement Officer" means a designated officer given the responsibility and authority to enforce provisions of this By-Law, or member of the Royal Canadian Mounted Police.
- (d) "Keeper or Keeps" shall mean to own, possess, harbour, maintain or have control or custody of Livestock or Fowl.
- (e) "Owner" shall mean the occupier of a house or premises, or where there are more occupiers than one in a house or premises living in separate apartments or lodgings, or otherwise, the occupier of that particular part of the house or premises in which Livestock or Fowl is kept, harboured or permitted to live or remain at the time of committing a breach of this By-Law, shall be presumed to be the owner of the Livestock or Fowl and "Owner" shall include any person who admits to the Poundkeeper, ownership or control of impounded Livestock or Fowl or any other Domestic Animal and any keeper of Livestock or Fowl or other Domestic Animal.
- (f) "Pound" shall mean such place as may, from time to time, be established for the impounding and keeping of Livestock and Fowl in accordance with the provisions of this By-Law.
- (g) "Poundkeeper" shall mean any person or persons duly authorized to operate a pound and may include a By-Law Enforcement Officer.

- (h) "Special Events" shall mean and include but not be limited to parades, fairs, circuses, livestock shows, rodeo schools and auctions.

### SUBSTANTIVE PROVISIONS

3. The keeping of Livestock and Fowl in the Town is strictly prohibited except in accordance with the provisions of the Town Land Use By-Law or as herein provided.
4. The keeping of pigeons and rabbits is not permitted in numbers greater than four (4) on residential property.
  - (a) Any person keeping pigeons or rabbits pursuant to Section (2) shall keep same in pens that are kept in a clean and sanitary condition and are situated not closer than forty (40) feet from any dwelling on the property, nor closer than forty (40) feet from any other person's property and further providing that if complaints arise from keeping of said pigeons or rabbits or damage by said pigeons or rabbits on another person's property is proven, the Council may direct the person owning said pigeons or rabbits to restrain, dispose of or destroy same.
5. Any person may keep horses in the Town so long as such person keeps horses in compliance with the Town Land Use By-Law.
6. A By-Law Enforcement Officer may impound at the pound any Livestock or Fowl found in the Town in contravention of this bylaw.
7. When any Livestock or Fowl, except Dogs and Cats, is impounded, the Poundkeeper shall immediately after the impounding and before any sale thereof:
  - (a) post in his office and the nearest post office, a notice describing the animal impounded, including the estimated age, the sex, colour, and brand or other mark of identification of the animal and that he intends to sell the animal at a public auction to be held on the day stated therein; and
  - (b) mail a copy of the notice described in subsection (a) to the person believed to be the owner of the animal.
8. Except as provided in the Dog or Cat By-Law, the Poundkeeper shall:
  - (a) Retain all impounded Livestock and Fowl for a period of at least seven (7) days including the day of mailing of the notice referred to in Section 5(b). During this period, any healthy impounded animal may be redeemed by its Owner upon the Owner paying to the Town the appropriate fine where applicable, plus impoundment fees in the sum set out in **Schedule "A"**: hereto for every twenty-four (24) hour period or portion thereof that the impounded animal has been impounded plus where the impounded animal is required to be registered and is not registered, the appropriate licence fee.
  - (b) Any impounded animal which, in the sole discretion of a By-Law Enforcement Officer, required and received Veterinarian care may not be redeemed except upon payment of the cost of such care.
  - (c) Any impounded animal which appears to be suffering from any disease shall be held subject to the jurisdiction of the Health of Animals Branch of the Department of Agriculture for an appropriate action under the ANIMAL CONTAGIOUS DISEASES ACT.
9. Any person removing or attempting to remove any impounded animal from the possession of the Poundkeeper without payment of all fines and fees, shall be guilty of an offence and liable under conviction to a fine as provided in **Schedule "A"** attached hereto.

10. On the date fixed in the notice described in Section 5 the animal described therein shall, unless redeemed, be sold at public auction and the proceeds of such sale shall, after paying the cost of impounding, maintaining and selling the animal, be paid by the Poundkeeper:
  - (a) to the former Owner of the animal, if he files with the Poundkeeper within thirty (30) days of the sale a statutory declaration stating that he was the Owner of the animal sold; or
  - (b) to the Town on the expiration of thirty (30) days from the date of the sale, if the former owner of the animal does not file a statutory declaration describing in subsection (a) hereof within the time mentioned therein.
11. A By-Law Enforcement Officer may:
  - (a) Order the holder of a permit to remove from the town any livestock owned by that holder that, in the opinion of the By-Law Enforcement Officer, is dangerous to the public; or
  - (b) If the holder of a permit does not obey an order of a By-Law Enforcement Officer made pursuant to subsection (a), the By-Law Enforcement Officer may impound the livestock in respect of which the order was made.
12. Domestic Animals or any other animals found within the Town in contravention of this By-Law which animals are not otherwise dealt with in this By-Law may be impounded and kept, sold or destroyed by the Poundkeeper as if they were Dogs and Cats.
13. In the event of an outbreak or a threatened outbreak of rabies or any disease affecting any animal and which may be transmitted to human beings, Council may, by resolution, order and direct that all animals shall be securely tied up by the Owner or shall be otherwise effectively confined. Any animal found Running At Large in contravention of this section shall be impounded.
14. When an animal under quarantine has been diagnosed as rabid, or is suspected by a licenced veterinarian as being rabid, and dies while under such observation, the Poundkeeper shall immediately send the head of such animal to the appropriate health department for pathological examination and shall notify the Public Health Officer or reports, human contacts and the diagnosis made of the suspected animal.
15. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the Owner's expense and option, shall be treated for rabies infection by a licenced veterinarian or held under quarantine by the Owner in the same manner as other animals are quarantined.
16. Except as provided herein or in any other applicable legislation, no person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human; nor remove the same from the Town without written permission from the Poundkeeper.
17. The carcass of any dead animal exposed to rabies, shall upon demand, be surrendered to the Poundkeeper.
18. The Poundkeeper shall direct the disposition of any animal found to be infected with rabies.
19. When, in the judgment of a licenced veterinarian an animal should be destroyed for humane reasons, such animal may not be redeemed.
20. The Livery Stable Keepers Act applies mutatis mutandis for the purpose of recovering such expenses and disposing of any surplus monies.
21. Notwithstanding Section 3, any person wishing to bring animals associated with farming or circuses into the Town for special events

shall do so only in accordance with special events. Animals brought into the Town for special events shall only be housed in areas in accordance with the Town Land Use By-Law. Persons under this section shall only be permitted to keep the animals in the Town one week before the event, the day(s) of the event and one week after the event.

## **PENALTIES**

22. Any person who contravenes this By-Law is guilty of an offence.
23. Persons contravening certain sections of this By-Law shall be liable for the penalties set out in such section or set out in **Schedule "A"** hereto.
24. A notice or form commonly called a Ticket having printed wording approved by the Chief Administrative Officer of the Town, may be issued by a By-Law Enforcement Officer to any person alleged to have breached any provision of this By-Law, and the said notice shall require the payment to the Town of Bashaw in the amount specified in this By-Law or the regulations pursuant to the PROVINCIAL OFFENCES PROCEDURE ACT, (Alberta), as amended.
25. A ticket shall be deemed to be sufficiently served:
- (a) if served personally on the accused; or
  - (b) if mailed to the address of the Owner or person accused.

## **GENERAL**

26. No action shall be taken against any person acting under authority of this By-Law for damages for destruction or other disposal of any animal.
27. Any person who shall hinder, delay or obstruct any person or persons engaged in enforcing any provision of this By-Law, or impounding any other animal liable to be impounded under the provisions of this By-Law, shall, for each and every hindrance, delay or obstruction, be guilty of an offence and liable upon conviction to a fine as provided in **Schedule "A"** attached hereto.
28. Any person who shall deliberately or willfully and with malicious intent, injure, hurt or otherwise harm any animal shall be guilty of an offence and liable upon conviction to a fine as provided in **Schedule "A"** attached hereto.
29. **Schedule "A"** to this By-Law may be amended, from time to time, by resolution of Council and any such amendment shall form part of this By-Law.

## **SEVERABILITY**

30. If any portion of this By-Law is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the By-Law is deemed valid.

## **REVIEW**

31. For the purpose of ensuring that this By-Law is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, the By-Law expires on March 1, 2010.

**AUTHENTICATION**

32. This By-Law shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed in accordance with the Municipal Government Act.

**READ** a First time this 1<sup>st</sup> day of  
March, A.D. 2005

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MAYOR

\_\_\_\_\_  
TOWN MANAGER

**READ** a Second time this 1<sup>st</sup> day of  
March, A.D. 2005

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN MANAGER

**READ** a Third time and finally passed  
this 1<sup>st</sup> day of March, A.D. 2005

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MAYOR

\_\_\_\_\_  
TOWN MANAGER

## **SCHEDULE "A"**

### **Penalties**

Impoundment fees (per day for each 24-hour period or part thereof).	\$25.00
Attempting to remove a Livestock or Fowl from the pound.	\$200.00
The keeping of animals in contravention of this bylaw.	\$100.00
Harm or abuse of animals.	\$500.00