

TOWN OF BRUDERHEIM

BYLAW 13-2013

A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING ANIMALS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF BRUDERHEIM

WHEREAS it is deemed advisable to regulate animals within the municipal boundaries of the Town of Bruderheim;

NOW THEREFORE the Council of the Town of Bruderheim, in the Province of Alberta, enacts as follows:

Section 1 – Short Title

THIS BYLAW MAY BE CITED AS THE “TOWN OF BRUDERHEIM ANIMAL CONTROL BYLAW”

Section 2 – Definitions

2.1 “Act” means the Wildlife Act, RSA 2000, c. W-10 and regulations made thereunder, as amended from time to time.

2.2 “Adjacent” means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right of way, power line, railway or similar feature.

2.3 “Animal” means any live creature, both domestic and wild, and includes fowl, fish and reptiles, but does not include humans or dogs.

2.4 “Animal Unit” means:

2.4.1 one horse, (exemption for lands historically used for grazing cattle)

2.5 “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act, RSA 2000, c. M-26, as amended, to enforce the Town’s Bylaws and includes a member of the Royal Canadian Mounted Police, and, when authorized, a Special Constable.

2.6 “Chief Administrative Officer” means the person appointed by Town Council to oversee the daily operations of the Town.

2.7 “Dog” means either the male or female of any domesticated canine species.

2.8 “Dog Control Bylaw” means the Town’s Dog Control Bylaw 14-2013, as amended or replaced from time to time.

2.9 “Fowl” means a bird of any kind except wild birds and poultry, and which, without limiting the generality of the foregoing shall include domestic and exotic birds.

2.10 “Land Use Bylaw” means the Town’s Land Use Bylaw 788-2008, as amended or replaced from time to time.

2.11 “Large Controlled Animals and Wildlife” means controlled animals and wildlife as defined pursuant to the Act and exceeding 18.14 kilograms (40 pounds) in weight.

2.12 “Livestock” means bison, horses, cattle, swine, donkeys, mules, oxen, large controlled animals and wildlife, sheep, goats, medium controlled animals and wildlife.

2.13 "Medium Controlled Animals and Wildlife" means controlled animals and wildlife as defined pursuant to the Act and exceeding 9.07 kilograms (20 pounds) but equal to or less than 18.14 kilograms (40 pounds) in weight.

1214 "Nuisance" means any fowl, poultry, livestock or other animals, which by reason of:

2.14.1 accumulation of waste;

2.14.2 accumulation of material contaminated by animal waste;

2.14.3 disposal of animal waste;

2.14.4 disposal of material contaminated by animal waste;

2.14.5 trespass upon property;

2.14.6 threat to public safety, or

2.14.7 noise

is, in the opinion of a Bylaw Enforcement Officer and having regard for all circumstances, injurious or obnoxious or likely to unreasonably injure, endanger or detract from the comfort, repose, health, peace or safety of persons or property within the boundary of the Town.

2.15 "Offspring" means the progeny of any livestock while dependent upon its parents for the necessities of life, and which, without the generality of the foregoing shall mean progeny under the age of six months.

2.16 "Owner" means any person, partnership, association or corporation owning, possessing or having charge or control over any animal.

2.17 "Other Animals" means animals commonly known as domestic pets and small controlled animals and wildlife as defined pursuant to the Act but shall not include livestock as defined in Section 2.12 herein or dogs.

2.18 "Over-limit Permit" means a permit, in the form attached as Schedule "B" to this Bylaw, and issued to an owner pursuant to Section 5 of this Bylaw permitting the keeping or harbouring on land or premises by an owner of livestock in excess of the number permitted pursuant to Section 4 of this Bylaw.

2.19 "Poultry" means domestic birds kept in captivity for the production of eggs, meat and other by-products.

2.20 "Small Controlled Animals" means controlled animals and wildlife as defined pursuant to the Act and weighing 9.07 kilograms (20 pounds) or less.

2.21 "Town" means the Town of Bruderheim.

2.22 "Violation Tag" means a tag or similar document issued by Bylaw Enforcement Officers pursuant to the Municipal Government Act, RSA 2000, c. M-26, as amended.

2.23 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended or replaced from time to time.

Section 3 – Applicability of Bylaw

3.1 Nothing in this Bylaw shall be construed to apply to dogs within the Town or to supersede the provisions of the Town of Bruderheim Dog Control Bylaw 14-2013, as amended or replaced from time to time.

3.2 The provisions of Section 4 of this Bylaw shall apply to property located within the municipal boundaries of the Town which are classified by the Land Use Bylaw as follows:

3.2.1 Agriculture

3.2.2 Urban Reserve

Section 4 – Animal Regulation

4.1 Subject to any non-conforming land use presently allowed by the Land Use Bylaw or Over-Limit Permit issued pursuant to Section 5 of this Bylaw, any person who keeps or harbours any livestock to which this Bylaw applies in contravention to the provisions of Schedule "A" hereby, is guilty of an offence.

4.2 Section 4.1 shall not apply to:

4.2.1 Offspring, and

4.2.2 Holders of a valid development permit, issued pursuant to the Land Use Bylaw, authorizing operation of a Veterinary Service or similar facility.

Section 5 - Over-limit Permits

5.1 Notwithstanding Section 4, the Chief Administrative Officer or designate may issue to an owner an over-limit permit.

5.2 Any person wishing to obtain an Over-limit Permit must complete an Over-limit Permit application form as set out on the attached Schedule "B" and submit the completed form, together with the fee identified, to the Chief Administrative Officer or designate.

5.3 Upon receipt of a completed Over-limit Permit application form the Chief Administrative Officer or designate shall consider the Over-limit Permit application, and may, in his sole and absolute discretion:

5.3.1 refuse to grant the Over-limit Permit;

5.3.2 grant an Over-limit Permit;

5.3.3 grant an Over-limit Permit upon such additional terms and conditions as the Chief Administrative Officer or designate deems appropriate

5.4 An Over-limit Permit shall not be transferrable.

5.5 The Chief Administrative Officer or designate may revoke an Over-limit Permit if:

5.5.1 the Chief Administrative Officer or designate receives bona fide complaints from two or more residents living adjacent to the Over-limit Permit holder's residence, or

5.5.2 the permit holder harbours livestock in excess of the number permitted by the Over-limit Permit, or

5.5.3 the permit holder is guilty of an offence pursuant to Section 6 of this Bylaw.

5.6 If the Chief Administrative Officer or designate revokes an Over-limit Permit, no refund of the Over-limit Permit fee shall be made.

Section 6 – Nuisance

6.1 Any person who keeps or harbours livestock, poultry, other animals or fowl within the municipal boundaries of the Town which livestock, poultry, other animals or fowl constitute a nuisance is guilty of an offence.

6.2 Notwithstanding the provisions of Section 6.1, herein, nothing in this Bylaw shall preclude the operation of the Stray Animals Act, RSA 2000, c. S-20 as amended from time to time or the operation of any applicable Alberta legislation.

Section 7 – Penalties

7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule “C”, herein.

7.2 Under no circumstances shall any person contravening any provision of this Bylaw be subject to penalty of imprisonment.

Section 8 – Violation Tags

8.1 A Bylaw Enforcement Officer is hereby 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.

8.2 A Violation Tag may be issued to such person:

8.2.1 either personally; or

8.2.2 by mailing a copy to such person at his last known post office address.

8.3 The Violation Tag shall be in a form approved by the Bylaw Enforcement Coordinator and shall state:

8.3.1 the name of the person;

8.3.2 the offence;

8.3.3 the appropriate penalty for the offence as specified in Schedule “D” of this Bylaw

8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

8.3.5 any other information as may be required by the Bylaw Enforcement Coordinator.

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

8.5 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 Bylaw Enforcement office the penalty specified on the Violation Tag.

8.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

Section 9 – Violation Ticket

9.1 If the penalty specified on a 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 II of the Provincial Offences Procedure Act, RSA 2000, c. P-34

Section 10 – Existing Rights Affected

10.1 The terms and provisions of this Bylaw shall apply with respect to any and all rights, interests and property, both real and personal, existing both prior and subsequent to the date of the enactment of this Bylaw.

Section 11 – Severability Provision

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

Section 12 – Repeal and Effective Date

12.1 This Bylaw repeals Bylaw 44-2002

12.2 This Bylaw shall come into force upon third and final reading.

Read a first time this 15th day of May, 2013.

Read a second time this 5th day of June, 2013.

Read a third and final time this 5th day of June, 2013.



MAYOR



TOWN ADMINISTRATION

June 5, 2013

Date Signed:

SCHEDULE "A"

Number of Livestock

1. No person shall keep or harbor any livestock on any parcel of land that is classified as one of the following Land Use Districts by the Land Use Bylaw:

- a) Downtown Commercial (C1)
- b) General Commercial (C2)
- c) General Industrial (GI)
- d) Parks and Recreation (P)
- e) Institution and Public Service (IPS)
- f) Single Detached Residential (R1)
- g) General Residential (R2)
- h) Multiple Residential (R3)
- i) Manufactured Home Subdivision (MHS)
- j) Manufactured Home Park (MHP)
- k) Business Service Transition (BST)
- l) Utilities (U)
- m) Direct Control (DC)

2. Unless the holder of a valid and subsisting Over-limit Permit issued under this Bylaw, no person shall keep or harbour any livestock:

- a) In excess of one animal unit per .4 hectares (1 acre) on a parcel of land that is classified Agriculture or Urban Reserve

SCHEDULE "B"

Over-limit Permit Application and Permit Form

TOWN OF BRUDERHIEM - Over-limit Permit – Animal

Chief Administrative Officer 5017 Queen Street Bruderheim, AB T0B 0S0

Phone: (780)796-3731

Permit # _____ Permit Issuer _____
Include Job Title and Signature

Start Date _____ End Date _____

Permit Holder's Name(s) _____

Contact Name (If different) _____

Property Address _____

Legal Description: Lot or Unit _____ Block _____ Plan _____

¼ Section _____ Township _____ Range _____ W4M

The following number of each animal type has been approved for the property
(includes those presently on site)

_____ horses

Conditions of permit

The Chief Administrative Officer may withdraw in Over-limit Permit if:

- the Chief Administrative Officer receives bona fide complaints from two or more residents living adjacent to the Over-limit Permit holder's residence, or
- the permit holder shelters livestock in excess of the number permitted by the Over-limit Permit
- the permit holder is guilty of an offence pursuant to Section 6 of this Bylaw.

If the Chief Administrative Officer revokes an Over-limit Permit, no refund of the Over-limit Permit fees shall be made.

All permits issued shall be valid for a period not exceeding twelve (12) months from the date of issue.

Privacy Statement

The privacy provisions of the Freedom of Information and Privacy Act (FOIP) protect this information. Permit application information may be shared with internal departments for the purposes of processing the applications and enforcing the Bylaw. If you have any questions about the collection and use of your information, contact the FOIP Coordinator, Town of Bruderheim at (780) 796-3731

SCHEDULE "C"

Penalties

OFFENCE	SECTION	PENALTY
Keeping or harbouring any livestock where prohibited In Schedule "A" , herein	4.1	\$100.00
Keeping or harbouring any livestock in numbers in excess of those described in Schedule "A" herein without a valid Over-limit Permit	4.1	\$100.00
Keeping or harbouring any livestock, poultry, other animals or fowl which constitutes a nuisance	6.1	\$150.00 minimum