

BYLAW NUMBER 614/16

BYLAW NUMBER 614/16 OF THE VILLAGE OF BAWLF IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REGULATE THE KEEPING OF POULTRY AND LIVESTOCK WITHIN THE VILLAGE OF BAWLF CORPORATE LIMITS.

WHEREAS, pursuant to section 7 of the *Municipal Government Act* the Council of a municipality , may pass Bylaws for municipal purposes, respecting the safety, health and welfare of people and the protection of people and property, wild and domestic animals and activities in relation to them; and the enforcement of Bylaws; and

WHEREAS pursuant to Section 8 of the *Municipal Government Act*, the Council of a municipality may, in a Bylaw, regulate or prohibit and to provide for a system of licenses, permits and approvals

NOW THEREFORE, the municipal council of the Village of Bawlf, in the Province of Alberta, enacts a bylaw referred to as the "Poultry and Livestock" Bylaw.

1. Citation

This Bylaw may be cited as the "Poultry and Livestock Bylaw"

2. Definitions

- a) "**Animal Control Officer**" means a person employed under the contract between the Village and its Contractor to enforce the provisions of this Bylaw.
- b) "**Caged Bird**" means any bird normally kept confined to a cage within a residence, but does not include chickens or any other poultry as described in Section 2.
- c) "**Coop**" means a henhouse and run.
- d) "**Council**" means the municipal Council of the Village of Bawlf.
- e) "**Hen**" means a female chicken over four months of age.
- f) "**Livestock**" 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 rabbits, foxes, weasels or minx;
 - iv. animals of the bovine species;
 - v. all other animals that are kept for agricultural purposes,

vi. but does not include cats, dogs or other domesticated household pets.

- g) **“Municipal Administrator”** means the person appointed as Chief Administrative Officer by the Council of the Village of Bawlf, or his or her designate.
- h) **“Municipal Tag”** means a document alleging an offence issued pursuant to a Bylaw of the Village.
- i) **“Owner”** includes any person, partnership, association or corporation:
 - i) owning, possessing, having charge of or control over any Livestock or Poultry;
 - ii) harboring any Livestock or Poultry;
 - iii) suffering or permitting any Livestock or Poultry to remain about his or her house or premises.
- j) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a County Officer or Community Peace Officer, a Constable appointment pursuant to the provision of the Police Act (Alberta), or a Bylaw Enforcement Officer.
- k) **“Poultry”** includes, but is not limited to:
 - i) animals of the avian, aquatic and wildfowl species, including chickens, roosters, turkeys, ducks, geese, pigeons, pheasants, peacocks, partridge, quail, peafowl, doves, swans, cranes and all other species; or
 - ii) wild bird of any kind.
- l) **“Rooster”** means a male chicken
- m) **“Village”** means the Village of Bawlf in the Province of Alberta

3. Prohibitions

- (a) No person shall keep within the Village:
 - i. a Rooster;
 - ii. any other Poultry and Livestock as described in Section 2 of this Bylaw;

4. **General**

- (a) Animals participating in an authorized parade or procession and under the care and supervision of a qualified handler are exempt from this bylaw for the duration of the event.
- (b) Any Poultry and Livestock Operations currently in existence at the time of the passing of this bylaw will be exempt.

5. **Responsibilities**

- (a) The Village of Bawlf shall arrange for a Contractor that is employed by the Village in a contractual agreement, to impound any Poultry or Livestock as described in Section 2.
- (b) The Animal Control Officer, Peace Officer or Contractor may seize any Poultry or Livestock that is found to be in contravention of this Bylaw.
- (c) In the active pursuit of any Poultry or Livestock that is in contravention of this Bylaw, the Animal Control Officer, Peace Officer or Contractor is empowered to apprehend such animal under this Part and is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
- (d) No Person, whether the Owner of such Poultry or Livestock which is being or has been pursued or captured shall:
 - i. Interfere with or attempt to obstruct a Peace Officer, Animal Control Officer or Contractor who was attempting to capture or who has captured any such animal in accordance with the provisions of this Bylaw;
 - ii. Unlock or unlatch or otherwise open the motor vehicle or trailer in which such animals captured for impounding have been placed;
 - iii. Remove or attempt to remove any such animal from the possession of the Animal Control Officer, Peace Officer or Contractor.

6. **Notice of Violation**

- (a) If the Chief Administrative Officer, Animal Control Officer or Peace Officer believes that a person has violated any provision of the Bylaw, the Animal Control Officer or Peace Officer may serve upon such person, a written notice requiring such person to abate the same within a time to be specified in the notice and to execute such works and do such things as may be necessary for that purpose.
- (b) Service of a notice shall be sufficient if it is:
 - i. personally served;
 - ii. served by mail; or

- iii. left with a competent person residing with the person alleged to have violated a provision of this Bylaw.
- c) Such notice shall be deemed to have been received five days from the date of mailing.
- d) Each notice shall;
 - i. describe the location at which a violation of any provision of this Bylaw occurs by its municipal address and legal description;
 - ii. state the contravention of this Bylaw;
 - iii. give reasonable particulars of the actions required to be made;
 - iv. state the time within which the actions are to be done;
 - v. state that if the required actions are not done within the time specified, the Village may;
 - 1) carry out the action required and charge the cost thereof against the owner; or
 - 2) have a Peace Officer or Animal Control Officer issue a Municipal Tag to any person whom the Peace Officer or Animal Control Officer has a reasonable and probable grounds to believe has contravened any provision of this Bylaw.

7. Release of Impounded Livestock and Poultry

- a) The Contractor shall keep all impounded Poultry and Livestock as described in Section 5 for a period of no less than three days, not including the day of impounding. Saturdays, Sundays and holidays shall not be included in the computation of the three day period. During this period, any healthy Livestock or Poultry may be redeemed by its Owner, upon payment to the Contractor of:
 - i. impounding and boarding fees as per the contract rate; and
 - ii. any penalties associated with this Bylaw.
- b) At the expiration of the three day period, any Poultry or Livestock as described in Section 5 may be destroyed or sold.
- c) The Peace Officer, Animal Control Officer or Contractor shall report any apparent illness, communicable disease, injury or unhealthy condition of any Poultry or Livestock as described in Section 5 to a veterinarian and act upon his/her recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.
- d) Any fees or penalties described in Section 7 (a) that are unpaid by the Owner will be added to the tax roll of the Property where violation of this Bylaw occurred.

8. **Violation Tag**

- a) A Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a penalty of not less than \$300.00.
- b) Notwithstanding Section 1 of this Part of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within twelve months of committing a first offence under this Bylaw, may be liable to an increased fine of not less than \$500.00.
- c) A Peace Officer, Animal Control Officer or Contractor is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer, Animal Control Officer or Contractor has a reasonable and probable ground to believe has contravened any provision of this Bylaw.
- d) A Municipal Tag may be issued to such person:
 - i. either personally;
 - ii. or by mailing a copy to such person at his or her last know post office address.
- e) The Municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - i. the name of the Person;
 - ii. the offence;
 - iii. the specified penalty established by this Bylaw for the offence;
 - iv. that the penalty shall be paid within 14 days of the Municipal tag; and
 - v. any other information as may be required by the Chief Administrative Officer.

9. **Payment in Lieu of Prosecution**

- (a) Where a Municipal Tag is used pursuant to this Bylaw, the Person to whom the Municipal Tag is issued, may, in lieu of being prosecuted for the offence, pay to the Village, the penalty specified within the time period o the Municipal Tag.
- (b) If a Person served with a Municipal Tag fails to pay the penalties associated with the Municipal Tag, the Village of Bawlf reserves the right to apply unpaid penalties to the tax roll of the property where the contravention of this Bylaw took place.

10. **Severability and Coming Into Force**

- (a) Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of this Bylaw shall be maintained;
- (b) This Bylaw shall come into force upon receipt of its third and final reading.

Commencement Of Enforcement

Read a first time in Open Council this 19th day of October, 2016.

Read a second time in Open Council this 19th day of October, 2016.

Read a third time in Open Council and finally passed this 16th day of November, 2016.

This Bylaw shall come into full force and effect on the

MAYOR

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