



VILLAGE OF EDBERG

Bylaw#458-2017

A BYLAW TO REGULATE THE KEEPING OF POULTRY AND/OR LIVESTOCK WITHIN THE VILLAGE OF EDBERG

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 Council of the Village of Edberg, in the province of Alberta, enacts as follows:

1. **Citation**

This bylaw shall be cited as the “Livestock and Poultry Bylaw” of the Village of Edberg

2. **Severability**

It is declared that if any section or sections of this bylaw or any other part thereof is found by a court of competent jurisdiction to be invalid for any reason, such section or sections, or part thereof, will be severed from the rest and shall not affect the validity of the remainder of the bylaw.

3. **Definitions**

- a) **“Animal Control Officer”** means a person employed under 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 3.
- c) **“Council”** means the municipal Council of the Village of Edberg
- d) **“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 kept for agricultural purposes;
 - vi. but does not include cats, dogs or other domesticated household pets including Caged Birds.
- e) **“Municipal Administrator”** means the person appointed as Chief Administrative Officer by the Council of the Village of Edberg, or his or her designate.
- f) **“Municipal Tag”** means a document alleging an offence issued pursuant to a bylaw of the Village
- g) **“Owner”** includes any person, partnership, association or corporation;
- i. owning, possessing, having charge of or control over any Livestock or Poultry;
 - ii. harbouring any Livestock or Poultry; and
 - iii. suffering or permitting any Livestock or Poultry to remain about his or her house or premises.
- h) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a County Officer or Community Peace Officer, a Constable appointment pursuant to the provisions of the *Police Act* (Alberta) or a Bylaw Enforcement Officer.
- i) **“Poultry”** includes, but is not limited to
- i. animals of the avian species, including chickens, turkeys, ducks, geese, pigeons, pheasants and peacocks
 - ii. or wild bird of any kind
- j) **“Village”** means the Village of Edberg in the Province of Alberta

3. **Prohibitions**

- a) No person shall keep within the Village:
- i. Livestock; or
 - ii. Poultry

4. **General**

- a) Animals participating in an authorized parade or procession and under the care and supervision of a qualified handler are exempt for this bylaw for the duration of the event.

5. **Responsibilities**

- a) The Village of Edberg shall arrange for a pound to be established for the keeping and impounding of any Livestock or Poultry or other animal and may do so by entering into an agreement with a contractor.
- b) The Animal Control Officer or Peace Officer may seize any Livestock or Poultry or any other animal that is found to be in contravention of this bylaw.
- c) In the active pursuit of any Livestock or Poultry or other animal that is in contravention of this bylaw, the Animal Control Officer or Peace Officer 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 Livestock or Poultry or any other animal which is being or has been pursued or captured shall:
 - i. interfere with or attempt to obstruct a Peace Officer or Animal Control Officer 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 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 or Peace Officer.

6. **Notice of Violation**

- a) If the Municipal Administrator, Animal Control Officer or Peace Officer believes that a person has violated any provision of this bylaw, the Municipal Administrator, 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 which are to be done;
 - iv. state the time within the actions are to be taken;
 - v. state that if the required actions are not done within the time specified, the Village may:
 - (1) carry out the actions 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 Animals

- a) The contractor shall keep all impounded animals as described in Section 5 for a period of no less than three (3) days, not including the day of impounding. Saturdays, Sundays and holidays shall not be included in the computation of the three (3) day period. During this period, any healthy animal 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 (3) day period, any animal as described in Section 5 may be destroyed or sold.
- c) The Peace Officer or Contractor shall report any apparent illness, communicable disease, injury or unhealthy condition of any animal 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 the bylaw has 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 no less than three hundred dollars (\$300.00).
- b) Notwithstanding Item a) of Section 8 of this bylaw, any person who commits a second or subsequent offence under this bylaw within twelve (12) months of committing a first offence under this bylaw, may be liable to an increased fine of not less than five hundred dollars (\$500.00).
- c) A Peace Officer or Animal Control Officer is hereby authorized and empowered to 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.
- 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 known post office address.
- e) The Municipal Tag shall be in a form approved by the Municipal Administrator 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 fourteen (14) days of the Municipal Tag; and
 - v. any other information as may be required by the Municipal Administrator.

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 on 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 Edberg reserves the right to:
 - i. take the issue of unpaid penalties to collections; or

- ii. apply unpaid penalties to the tax roll of the property where the contravention of this bylaw took place.

10 **Coming into Force**

- a) This Bylaw shall come into force upon receipt of its third and final reading.

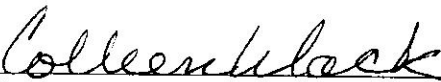
Read a first time on this 18th day of September, 2017

Read a second time on this 18th day of September, 2017

Moved unanimously to third reading this 18th day of September, 2017

Read a third time, and passed on this 18th day of September, 2017

In the Village of Edberg



Mayor,

CAO, Leslie