

**TOWN OF TOFIELD  
BYLAW NUMBER 1267**

**THIS BYLAW BEING BYLAW OF THE TOWN OF TOFIELD, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A DOMESTIC AND WILD ANIMAL CONTROL BYLAW**

**WHEREAS**, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended from time to time a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS**, it is deemed advisable to regulate animals within the municipal boundaries of the Town of Tofield

**WHEREAS**, it is desirable to establish a bylaw to regulate animal control that may have a negative impact on the enjoyment of public and private spaces within the municipal boundary;

**NOW THEREFORE, THE COUNCIL OF THE TOWN OF TOFIELD ENACTS AS FOLLOWS;**

**1. NAME**

This bylaw shall be cited as the "Domestic & Wild Animal Control Bylaw"

**2. DEFINITIONS**

- 2.1 **"Act"** means the *Wildlife Act*, RSA 2000, c. W-10 and regulations made thereunder, as amended or replaced from time to time.
- 2.2 **"Adjacent"** means lands that abut 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, bees and reptiles, but does not include humans, cats or dogs.
- 2.4 **"Cat"** means any member of a domesticated feline species.
- 2.5 **"Council"** means the Council of the Town of Tofield.
- 2.6 **"Dog"** means either the male or female of any domesticated canine species.
- 2.7 **"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.
- 2.8 **"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.
- 2.9 **"Livestock"** means bison, horses, cattle, swine, donkeys, mules, oxen, Large Controlled Animals and Wildlife, sheep, goats, Medium Controlled Animals and Wildlife.



- 2.10 **"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.
- 2.11 **"Nuisance"** means any Fowl, Poultry, Livestock, Bees or Other Animals, which by reason of:
- 2.11.1 accumulation of animal waste
  - 2.11.2 accumulation of material contaminated by animal waste;
  - 2.11.3 disposal of animal waste;
  - 2.11.4 disposal of material contaminated by animal waste;
  - 2.11.5 trespass upon property;
  - 2.11.6 threat to public safety, or
  - 2.11.7 noise
- 2.12 **"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 2.11 herein or dogs.
- 2.13 **"Owner"** means any person, partnership, association or corporation owning, possessing or having charge of or control over any Animal.
- 2.14 **"Poultry"** means domestic or wild birds raised for the production Of eggs, meat and/or other by-products.
- 2.15 **"Peace Officer"** shall mean a member of the Royal Canadian Mounted Police OR a designated officer of the Town of Tofield.
- 2.16 **"Public Place"** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access within the corporate limits of the Town of Tofield.
- 2.17 **"Small Controlled Animals and Wildlife"** means Controlled Animals and Wildlife as defined pursuant to the Act and weighing 9.07 kilograms (20 pounds) or less.
- 2.18 **"Town"** means the Town of Tofield.
- 2.19 **"Violation Ticket"** means, and shall have the same meaning as the *Provincial Offences Procedure Act*.

### **3. APPLICABILITY OF BYLAW**

- 3.1 Nothing in this Bylaw shall be construed to apply to dogs or cats within the Town of Tofield.
- 3.2 Nothing in this Bylaw shall be construed to apply to a veterinary hospital under the care of a licensed veterinarian.



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- 3.3 Nothing in this Bylaw shall be construed to apply to an auction mart harbouring Livestock, or other animals for the intent of sale.
- 3.4 Nothing in this Bylaw shall be construed to apply to a circus or any like performance that has been approved by the Town of Tofield.
- 3.5 Nothing in this Bylaw shall be construed to apply for special events or other circumstances in which Town Council has granted an exemption.
- 3.6 Notwithstanding the provision of Section 4.1, herein, occupants of lands containing not less than four (4) hectares located on the outer boundaries of the Town, may apply to Council, for permission to harbour Livestock within the municipal Boundaries of the Town of Tofield.

**4. NUISANCE**

- 4.1 Any person who keeps or harbours Livestock, Poultry, Other Animals, Bees or Fowl within the municipal boundaries of the Town of Tofield with Livestock, Poultry, Other Animals or Fowl constitute a Nuisance and are guilty of an offence.
- 4.2 Notwithstanding the provisions of Section 4.1, 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.

**5. PENALTIES AND ENFORCEMENT**

- 5.1 Any person who contravenes any of the provisions of this bylaw is guilty of an offence.
- 5.2 The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "A" of this bylaw in respect of that provision.
- 5.3 When a Peace Officer believes that a person has contravened any provision of this bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c-P-34 or from laying information instead of issuing a violation ticket.

**6. SCHEDULES**

Fines as set out in Schedule "A" may be changed by resolution of Town Council from time to time.



**7. EFFECTIVE DATE OF BYLAW**

This bylaw comes into force on the day it is finally passed.

READ for a first time this 13<sup>th</sup> day of October, 2015

READ for a second time this 9<sup>th</sup> day of November, 2015

READ for a third time this 9<sup>th</sup> day of November, 2015

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A"**

**Schedule of Fines**

<b>OFFENCE</b>	<b>SECTION</b>	<b>PENALTY</b>
Keeping or harbouring any Livestock, Poultry Other Animals or Fowl which constitutes a minimum Nuisance	4.1	\$150.00

