

TOWN OF TOFIELD
BYLAW NO. 1338

BEING A BYLAW OF THE TOWN OF TOFIELD, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE KEEPING OF LIVESTOCK AND OTHER ANIMALS IN THE TOWN OF TOFIELD

WHEREAS pursuant to Section 7 of the *Municipal Government Act* R.S.A. 2000, c. M-26 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

WHEREAS pursuant to Section 8 of the *Municipal Government Act* R.S.A. 2000, c. M-26 the council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licenses, permits and approvals; and

WHEREAS it is deemed advisable to regulate the keeping of livestock and other animals within the municipal boundaries of the Town of Tofield.

NOW THEREFORE, the Council of the Town of Tofield in the Province of Alberta duly assembled hereby enacts as follows:

1: NAME

- 1.1. This Bylaw may be cited as the "Keeping of Livestock Bylaw".

2: DEFINITIONS

- 2.1. **"Animal"** means, any living organism, other than a human, having sensation and the power of voluntary movement including but not limited to a Dog, Cat, Livestock, or Domesticated Animal.
- 2.2. **"Cat"** means, a member of the domesticated feline family.
- 2.3. **"Domesticated Animal"** means, an Animal kept as a pet, but does not include a Dog, Cat, Chicken or Livestock.
- 2.4. **"Dog"** means, a member of the domesticated canine family.
- 2.5. **"Livestock"** means, such Animal that is generally kept for agricultural use including but not limited to; horse, cattle, sheep, swine, goat, mule or ass, but does not include Dogs, Cats, Chickens or Domesticated Animals.
- 2.6. **"Owner"** means, any person, partnership, association or corporation owning, possessing or having charge of or care and control over any Animal; or harboring any Animal; or suffering or permitting any Animal to remain about the Owner's private property.
- 2.7. **"Peace Officer"** means, a member of a police service as per the *Police Act*, R.S.A. 2000, c. P-17, a Community Peace Officer appointed by the Town as per the *Peace Officer Act*, S.A. 2006, c. P-3.5, and a Bylaw or Animal Control Officer, appointed by the Town, pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- 2.8. **"Town"** means the Town of Tofield.
- 2.9. **"Violation Notice"** means, a tag or similar documents issued by the Municipality pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- 2.10. **"Violation Ticket"** means, a ticket issued pursuant to Part II or III as applicable, of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 and the regulations there under.

3: RESPONSIBILITIES

3.1 No person shall keep any of the following within Town:

- (a) Livestock, other than Livestock kept on property zoned Urban Reserve under the Town of Tofield Land Use Bylaw for which a valid development permit authorizing the keeping of Livestock exists, where the Livestock is kept in compliance with the terms and conditions of the development permit;
- (b) Chickens;
- (c) Bees;
- (d) A poisonous Animal; and/or
- (e) Any other Animal deemed dangerous or objectionable, by reason of being or having the potential to become a nuisance or for any other reason, in the opinion of a Peace Officer.

3.2 Dogs, Cats and Domesticated Animals are permitted to be kept in the Town in accordance with applicable Town Bylaws and provincial regulations.

3.3 A Peace Officer may give written notice to the Owner of an Animal listed in subsection 3.1, specifying that the Animal shall be removed from the property and, where applicable, the Town, by a specified date.

3.4 No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure, structure, or otherwise release an Animal which has been confined, thereby allowing said Animal to escape and run at large.

3.5 No person shall willfully or negligently tease, torment, or annoy any Animal.

3.6 No person shall willfully or negligently harm or injure any Animal. No violation shall have occurred if the harm or injury caused was a result of self-defense.

3.7 Every Owner of an Animal shall provide sufficient food, water, and shelter including protection from the atmospheric elements such as the sun, snow, rain, wind, cold or hot temperatures.

3.8 Every Owner of an Animal shall ensure the Animal remains confined within the boundaries of the property and does not escape and run at large, except for Cats.

3.9 Every Owner of an Animal shall provide care and medical attention when required.

3.10 No person shall obstruct or hinder a Peace Officer in the execution of their powers and duties pursuant to this Bylaw.

4: SEIZURE, IMPOUNDMENT AND DISPOSITION

4.1 A Peace Officer may enter any private or public land, or place, other than a dwelling house if necessary, for the purposes of carrying out their duties under this Bylaw as per Section 542 of the *Municipal Government Act*, R.S.A. 2000.

4.2 A Peace Officer may utilize bait, live traps, nets, catch poles, snappy snares and/or any other humane equipment or technique to assist in the seizure or capture of a Dog, Cat, Livestock or Domesticated Animal in accordance with this Bylaw. Said equipment or technique shall be used in a humane manner.

4.3 A Peace Officer may capture and impound any Animal found running at large.

5.4 A person who has captured an Animal at large shall turnover said Animal to a Peace Officer.

4.5 If in the opinion of a Peace Officer, an Animal is found to be in distress and where an Owner is not able to be contacted and immediately relieve the distress or is

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unlikely to do so, a Peace Officer may immediately seize the Animal by reasonable means. A Peace Officer may then either impound the Animal to provide adequate food, water and shelter, or in the case of more severe distress, transport the Animal to a Veterinarian.

- 4.6 A Peace Officer who takes custody of an Animal shall take all reasonable steps to:
- (a) ensure the Animal is provided with adequate care, food, water, shelter; and
 - (b) locate the Owner of the Animal; and
 - (c) in the case of any apparent illness or injury where the Peace Officer is unable to locate and contact the Owner within a reasonable time, transport the Animal to a Veterinarian, and act upon the Veterinarian's recommendation including but not limited to medical care and euthanasia. If located, the Owner shall be liable for any associated medical costs incurred.
- 4.7 A Peace Officer may seize and impound an Animal in violation of subsections 3 . 1 until the Owner:
- (a) meets conditions requested by a Peace Officer and applies for and obtains the required development permit and/or license;
 - (b) finds appropriate accommodations outside of Town; and/or
 - (c) in writing, voluntarily relinquishes Ownership of the Animal to the Town through a Peace Officer.

5: PENALTIES AND ENFORCEMENT

- 5.1 A person who contravenes any provision of this Bylaw is guilty of an offence.
- 5.2 A person who is guilty of an offence is liable to a fine in an amount not less than \$100.00.
- 5.3 A Peace Officer is hereby authorized to issue a Violation Notice or a Violation Ticket with a specified penalty pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000.
- 5.4 Nothing in this Bylaw shall preclude a Peace Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravenes any provision of this Bylaw.
- 5.5 Nothing in this Bylaw precludes a Peace Officer from laying charges under alternate legislation including, but not limited to, the *Animal Protection Act*, R.S.A. 2000.
- 5.6 Charges, conditions or rulings under Provincial legislation including, but not limited to, the *Animal Protection Act*, R.S.A. 2000 shall overrule similar sections of this Bylaw.
- 5.7 It is the intention that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

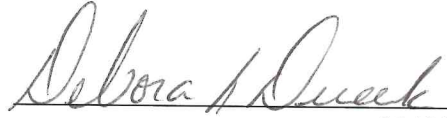
6: EFFECTIVE DATE AND REPEAL

- 6.1 This Bylaw shall come into force upon third and final reading and signing by the Mayor and Chief Administrative Officer.
- 6.2 Upon third and final reading and signing of this Bylaw, Bylaw 1267 is hereby repealed.

READ a first time in Council this 27th day of June 2022.

READ a second time in Council this 27th day of June 2022.

READ a third and final time in Council this 27th day of June 2022.


MAYOR


CHIEF ADMINISTRATIVE OFFICER