

Town of Cardston

Wild and Domestic Animal Bylaw

By-Law # 1549

A By-Law in the Town of Cardston to regulate the keeping, by any person, of wildlife or domestic animals or poultry within the limits of the Town of Cardston.

Whereas the keeping of any species of animal or poultry in the Town of Cardston may constitute a nuisance; and

Whereas, the Council of the Town of Cardston considers it expedient and desirable to regulate the keeping of wild or domestic animals and poultry within the Town of Cardston and pursuant to the Municipal Government Act, statutes of Alberta, 1994 Chapter M26 and amendments therefore to;

Now therefore the council of the Town of Cardston, duly convened, enacts as follows:

Citation

This bylaw may be cited as "The Domestic Animal By-law"

Definitions

In this by-law animal includes all animals, birds, reptiles, amphibians or more precisely:

- a) Wildlife – means all wildlife as defined in the Wildlife Act, or as designated in the regulations thereto, and includes, but not limited to, big game, bird of prey, endangered animals and migratory game birds.
- b) Domestic animal – any animal that has been domesticated or tamed, but does not include animals for which there is a specific bylaw, but includes horses, cattle, sheep, donkeys, pigs, goats, lama, rabbits, and other animals raised in captivity or any degree of confinement.
- c) Poultry – domesticated birds and includes chicken, turkeys, ducks, geese, pigeons, pheasants, ostriches, emus, etc.
- d) Council – is the Mayor and Council of the Town of Cardston
- e) Special Permit – a permit provided by the Town for which there is a fee, to permit the keeping of animals as defined in this bylaw, which permission shall be granted by Council.
- f) Designated Officer – means Public Health Inspector from the Chinook Health Region, RCMP Officer, Town of Cardston Special Constable, Municipal Administrator or other designated individuals appointed by the Town of Cardston for the purpose of enforcing this bylaw.

Applicable

This by-law applies to anyone that wishes to keep wildlife or domestic animals or birds including poultry within the Town of Cardston

Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Article 1

- (1) No person shall keep any wildlife or domestic animals or poultry in any part of the corporate limits of the Town of Cardston without first obtaining a permit from the Municipal Administrator to do so, except for the following:
 - a. Those areas of the Town of Cardston which would be classified Agricultural in the Town of Cardston Land-Use Bylaw that is current.
 - b. The Animal Pound or approved animal rescue facilities
 - c. Pet Shops
 - d. The Agridome Grounds
 - e. Veterinary Clinics or Hospitals
 - f. Those properties under the operation of the Remington Carriage Museum.
- (2) The permit shall
 - a. Designate the length of time for which the permit shall be valid
 - b. Outline the terms and conditions under which the permit is being permitted
 - c. Define the terms and conditions under which the permit may be cancelled.
- (3) No permit may be issued which will allow for the keeping of animals in blocks which are designated for no animals in schedule A, as attached, except as approved by Council.
- (4) Permits granted unless otherwise stated shall be for grazing purposes only.
- (5) The cost of this permit shall be as defined in Appendix A.

Article II

- (1) No person shall maintain wild or domestic animals or poultry in any barn, shed, or corral, or pasture within a distance of 125 feet of any dwelling, excepting the owner's primary residence. Owners of livestock must take measures to ensure that there are no incursions of livestock on neighboring property, with sufficient strands of barbed wire, page wire, or electrified fence.
- (2) Special permits may be allowed if a distance less than 125 feet of any dwelling is requested. With permission of the homeowner involved.
- (3) No person shall keep more than two animals in any area of Town except as otherwise provided in the bylaw, or by special permit.
- (4) Persons who occupy three acres or more shall not be subject to the limit of the two animals, but shall conform to the limits and conditions as outlined in the permit.
- (5) No person, while raising domestic animals or poultry shall create, establish or maintain:

- a. Any stable, byre or other building in which birds or animals are kept in such a manner or in such numbers as to be injurious or dangerous to health, or which may hinder in any manner the prevention or suppression of disease.
 - b. Any accumulation or deposit of refuse, wherever situated, which is injurious or dangerous to health, or which may hinder in any manner the prevention or suppression of disease.
 - c. Persons operating wintering grounds in areas permitted for such, shall not occupy the grounds as such until the 15th day of October, and shall vacate the same the first day of May, at which time the yard shall be cleaned of manure and debris, ready for inspection by the 15th day of May.
 - d. All manure from stables and corrals other than wintering grounds, shall be removed from the premises by the first day of April and shall not be permitted to accumulate manure for more than 7 days until after November first.
- (6) Those areas in which Article 1a through f apply shall remain in effect unless revoked for non-compliance to the bylaw, or the health regulations, or the land use is rezoned.
- (7) All domestic animals or poultry while not under the direct control of a person shall be placed in a fenced or other secure area adequate to prevent any type of incursion on neighboring property, which will prevent the free roaming of such livestock or poultry.
- (8) Where domestic animals trespass within the Town of Cardston on any
- a. Public lands owned by the Town including highways;
 - b. Public lands owned by the crown; or
 - c. Lands privately owned without the consent of the owner of those lands;

while said domestic animals are on such lands, a designated officer may capture and confine such livestock..

- (9) When domestic animals have been captured pursuant to section (8) of this Bylaw, the designated officer shall report the capture and deliver the animals to the Area Livestock Investigator of the Department of Agriculture of the Province of Alberta.

Article III

- (1) Upon receiving an application for a permit or upon receiving a complaint, the Municipal Administrator or designated officer may cause the place to be inspected and hear, if necessary, any evidence of any person in a position to give evidence respecting a complaint.
- (2) When an inspection is carried out, and the opinion of the Municipal Administrator or designated officer making the inspection is that a nuisance exists, or may develop into a nuisance, he may take the necessary steps to require the permit holder to eliminate the problem within a designated time, and upon failure to do so may cancel the permit and require the removal of the animals, until the matter has been properly corrected. Or the Town may remedy the violation

at the expense of the person responsible. Any unpaid expense and cost incurred by the Town in the remedy process may be added to the Tax Roll and collected in a like manner as municipal taxes.

- (3) Upon an inspection being made, by the Municipal Administrator or an authorized designate, who finds that a health condition may exist, the matter may be referred to the Provincial Health Officer, for their attention. Or if any other violation exists, the Town may issue a notice to rectify the situation.
- (4) Should a permit holder feel that they have a grievance with the directive given by the Municipal Administrator or an authorized designate, requiring any action on their part, or of the canceling of their permit, the permit holder may appeal to the Town Council, and its decision shall be final.

Article IV

Penalty

- (1) Any person violating any of the provision of this Bylaw shall be subject to a fine as outline in Appendix A, attached to and forming a par of this Bylaw, the fine is exclusive of costs and in the case of non-payment of the fine and costs, the outstanding amount will be collected in a like manner as municipal taxes.

Upon the passing of 3rd and final reading, By-law #1427 shall hereby be repealed.

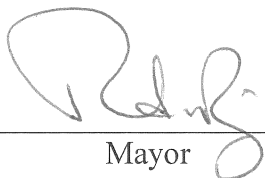
Received 1st reading this 25 day of April, 2006.

Received 2nd reading this 25 day of April, 2006.

Received 3rd and final reading this 25 day of April, 2006.

Signed by the Mayor and the Chief Administrator Officer

this 28 day of April 2006.



Mayor



Chief Administrator Officer

Appendix A Fees and Penalties

Animal Permit Fee \$15.00 annual

Violation Fine (per offence) \$250.00