

## VILLAGE OF THORSBY

### BYLAW 2016-08

#### A BYLAW OF THE VILLAGE OF THORSBY, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING AND CONTROLLING THE KEEPING OF LIVESTOCK WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF THORSBY

**WHEREAS** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, for the Province of Alberta, provides that the Council of a Municipality may pass Bylaws for Municipal purposes

**AND WHEREAS** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, for the Province of Alberta, provides that the Council of a Municipality may pass Bylaws for Municipal purposes respecting wild and domestic animals and activities in relation to them;

**AND WHEREAS** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, for the Province of Alberta, provides that the Council of a Municipality may pass Bylaws for Municipal purposes with respect of the enforcement of Bylaws made under the Municipal Government Act Revised Statutes of Alberta 2000, Chapter M-26, or any other enactment:

THEREFORE: The Council of the Village of Thorsby in the Province of Alberta in open meeting assembled, hereby enacts as follows:

#### PART 1 – BYLAW TITLE

This Bylaw may be cited as the “Livestock Bylaw”

#### PART II – DEFINITIONS

1. For the purposes of the Bylaw the following words will have the meanings assigned:

Act: Means the *Municipal Government Act*, R.S.A. of Alberta 2000, Chapter M-26, as amended

Livestock: a) Horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;  
b) Domestically reared or kept deer, reindeer, moose, elk, or both species of bison (wood and plain);  
c) Farm bred fur bearing animals including foxes, mink, chinchilla, et al;  
d) Animals of the bovine species;  
e) Animals of the avian species including chickens, roosters, turkeys, ducks, geese  
f) All other animals that are kept for agricultural purposes but does not include dogs, cats or other inside domesticated household pets

Inside domesticated household pets; Means animals that have been domesticated for companionship as a household pet, and live indoors in the primary residence of the property owner, this includes but is not limited to dogs or cats

Peace Officer: Means a Bylaw Enforcement Officer appointed by the Village, a Special Constable or a member of the RCMP, pursuant to the Peace officer Act R.S.A 2006, 7(1)

#### PART III – REGULATION

2. Livestock shall not be permitted within the corporate boundaries of the Village of Thorsby:

#### PART IV – EXCEPTIONS

3. The following listed exceptions shall be permitted:

Livestock partaking in events held at the Thorsby Haymakers grounds  
Livestock held/for sale at the Thorsby Stockyards

Livestock temporarily housed/displayed/working for less than forty-eight (48) hours duration at Municipally approved pre-authorized public events/festivals for such purposes as petting zoos/parades/pony rides or Sleigh rides.

Pet Stores within the limitations as outlined in their business license.

#### **PART V – OFFENCE**

4. Anyone who fails to comply with the provisions of this Bylaw is guilty of an offence and is liable to the fines and penalties imposed under this Bylaw.
5. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect to each day or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

#### **PART VI – FINES AND PENALTIES**

6. Council shall establish a Schedule of Fines and Penalties to be levied for offences under this Bylaw
7. The fines and penalties shall be those set out in Schedule “A” attached to and forming part of this Bylaw as amended from time to time.

#### **PART VII – ENFORCEMENT**

8. A person who is guilty of an offence under this Bylaw is liable to a fine in an amount not less than that established in Schedule “A” and not exceeding \$10,000.00 and to imprisonment for not more than six months for non-payment of a fine.
9. If a Peace Officer believes that an offence has been committed under this Bylaw, they may issue:
  - a) A Municipal Bylaw Ticker: or
  - b) A summons under the Provincial Offences Procedures Act, R.S.A. 2000 c P-34 as amended, by means of a Violation Ticket”

In respect of the alleged offence.

10. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may:
  - a) Specify the fine amount established under the Bylaw for the offence: or
  - b) Require a person to appear in court without the alternative of making a voluntary payment.
11. A person who commits an offence may:
  - a) If a Municipal Bylaw Ticket is issued in respect of the offence; or
  - b) If a Violation Ticket is issued in respect of the offence, and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

Make a voluntary payment equal to the fine specified.

12. Voluntary payment of a fine levied under a Municipal Bylaw Ticket or a Violation Ticket shall be deemed to be a conviction of the offence specified.
13. A Peace Officer may seize and impound:
  - a) Any prohibited livestock found in contravention of the bylaw
14. Any animal seized and impounded pursuant to Section 2 shall be dealt with in a manner consistent with the provision of the Animal Protection Act R.S.A. 2000 Chapter A-41
15. Any animal seized and impounded pursuant to Section 13 shall be released to the Owner upon payment of any fees due with respect to shelter, care and treatment and any license fee, if not already paid.
16. The Village shall not be required to enforce any provision of the Bylaw, in deciding whether to enforce the Bylaw the Village may take into account any practical concerns regarding enforcement including the funds available under the Municipal Budget and available personnel resources.

**PART VIII – SEVERABILITY**

17. If at any time any provision of this Bylaw is declared or held to be illegal, invalid or *ultra vires*, in whole or in part, then that provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and shall be construed as if it had been enacted without the illegal, invalid or *ultra vires* provision

**PART IX – REPEAL**

18. That Bylaw no. 94-10 and all subsequent amendments or Bylaws pertaining to the control of Livestock be repealed when this Bylaw received third reading and is duly signed.

**PART X – ENACTMENT**

19. This Bylaw shall come into effect when it received Third Reading and is duly signed.

Read a first time this 12<sup>th</sup> day of April, 2016

Read a second time this 26<sup>th</sup> day of April, 2016

Read a third time this 26<sup>th</sup> day of April, 2016



Barry Rasch, Mayor



Christine Burke, Town Manager

## SCHEDULE "A"

### FINES AND PENALTIES

<u>Section</u>	<u>Description</u>	<u>Amount</u>
2	Livestock within corporate limits But not exempted by Section 3	\$250.00 for a first offence

\* Second offence within a 24-month period – penalty will be double the specified penalty

\* Third or subsequent offence within a 24-month period – penalty will be triple the specified Penalty.

The municipality retains the right to seek recovery of all costs in every conviction.