

BYLAW NO 363

CONSOLIDATION OF A BYLAW OF THE VILLAGE OF
STIRLING, ALBERTA FOR THE PURPOSE OF REGULATING
AND CONTROLLING WILD AND DOMESTIC ANIMALS IN
THE VILLAGE OF STIRLING

WHEREAS the keeping of any species of animals in the Village of Stirling may constitute a nuisance: and

WHEREAS Council deems it necessary to regulate and control wild and domestic animals within the Village of Stirling to provide for the safety, health, welfare and protection of people and property; respecting nuisance; and respecting wild and domestic animals and activities in relation to them.

NOW THEREFORE the Council of the Village of Stirling, Alberta enacts as follows:

1. In this Bylaw:
 - (a) "Animal" – means all animals including livestock, poultry and wildlife excluding dogs and cats for the purpose of this Bylaw.
 - (b) "Inspector" – means a Public Health Inspector for the Medical Officer of Health of the Chinook Regional Health Authority, a Police Officer, a Bylaw Enforcement Officer or other designated individuals appointed by the Village of Stirling for the purpose of enforcing this bylaw.
 - (c) "Livestock" – includes, horses, cattle, sheep, swine, goats, rabbits, and fur-bearing animals raised in captivity.
 - (d) "Poultry" – includes, chickens, ducks, geese, and turkeys.
 - (e) "Wildlife" – means all wildlife as defined in the Wildlife Act, or as designated in the regulations thereto, and includes big game, birds of prey, endangered animals and migratory game birds.

PROHIBITION

2. No person shall have or keep a wildlife animal or bird alive within the Village.
No person shall have or keep swine (pig) within the Village.
No person shall be allowed to operate a feedlot within the Village.

No person shall have or keep an animal within the R2-Mobile Home Land Use District, as outlined in the Village's Land Use Bylaw.

3. No person shall keep or maintain any animal within the Village without first having obtained a permit, unless the location in which such animal is kept falls within one of the following classifications.
 - (a) The Riding Arena facilities over which the Silver Saddle Club assumes responsibility and control only in connection with a scheduled event.
 - (b) Municipally licensed Veterinary clinics or veterinary hospitals.
 - (c) Village pound
 - (d) During the parade and celebration held annually within the Village, Settler Days.

PERMITS

4. An application for an animal permit will be obtained from the Municipal Office. No permit will be issued prior to an inspection of the location noted on the application to ensure adequacy of security, space and forage.
5. (a) Application for any permit to maintain any animal in the Village shall be made on the form provided (appendix A attached to and forming a part of this Bylaw.

All particulars required on the form shall be completed in detail as well as any such other information which the Village may require or consider appropriate in considering the application;

(b) The Officer entitled to issue permits shall take into consideration all factors which may be to the best interest of the Village as a whole and the neighbourhood in particular, and may:

- (i) grant a permit (appendix B attached to and forming part of this bylaw;
- (ii) grant it subject to certain conditions; or
- (iii) refuse it, as may be considered advisable.

- (c) The Village may revoke any permit or vary the terms and conditions of such at any time. In particular any permit shall be revoked by reason of, but not limited to, the premises where the animal is kept, not being clean and sanitary so as to control the nuisance of manure, flies, odour, or filth, or upon receipt of a written complaint complete with justifiable concerns. Each permit location is subject to unscheduled inspection by the Village.
- (d) The holder of any permit issued pursuant to this bylaw shall also be responsible for compliance with all provincial regulations and legislation concerning public health and the keeping of animals.
- (e) All animal permits shall have an expiry date which if not specified shall be deemed to be the end of the year in which it was issued.
- (f) The Property Owner shall be responsible for the completing of a general clean up of the animal area complete to the abatement of all nuisance and to the satisfaction of the Village within seven days of the expiry of a permit or as otherwise required by the Village. Failure to do so will be justification for the Village to have the clean up undertaken and to assess any incurred costs against the property.
- (g) There shall be cost for each permit assessed at \$10.00 per animal. A maximum of two animals or 25 chickens per pasturable acre is allowed.
- (h) The permit fee for agricultural properties shall be a flat fee of \$30.00 up to 10 acres; and \$50.00 for over 10 acres. A maximum of two animals per pasturable acre is allowed. For the purposes of this bylaw agricultural properties are properties identified as Agricultural Land Use District within the Village's Land Use Bylaw.

DANGEROUS TO HEALTH

6. No person while raising livestock 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) Any deposit of offensive matter, refuse, offal or manure contained in uncovered vehicles at any station or siding or elsewhere so as to be injurious or dangerous to health, or which may hinder in any manner the prevention or suppression of disease.

(d) Any accumulation or deposit of refuse, wherever situated for so long a period as to provide a breeding place of flies or creation of odours.

CONTROL OF LIVESTOCK OR POULTRY

7.(a) All livestock or poultry while not under direct control of a person shall be placed in a fenced or other secure area which will prevent the free roaming of such livestock or poultry.

b) Where livestock trespass within the Village on any

(i) public lands owned by the Village including highways

(ii) public lands owned by the crown

(iii) lands privately owned without the consent of the owner of these lands.

While the livestock are on such lands, a Peace Officer may capture and confine such livestock.

CAPTURE OF LIVESTOCK BY PEACE OFFICER

(c) When livestock have been captured pursuant to subsection (b) the Peace Officer shall report the capture and deliver the livestock to the Alberta Livestock Investigator of the Department of Agriculture of the Province of Alberta.

(d) Peace Officer means a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer appointed by the Village of Stirling for the enforcement of this Bylaw.

INSPECTOR

8. (a) Upon receiving a complaint of a violation of this bylaw, the inspector shall inquire into the facts, visit the place complained of, therewith and for such purposes may enter upon, inspect, and examine the place.

(b) If, upon inspection, the Inspector is of the opinion there is a violation of this bylaw, he may serve a written notice on the person by whose act, default or sufferance the infraction arises or continues, requiring him to abate the same within time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose..

© Where the person responsible fails to comply with and within the time fixed by the notice, the Village may do so at the expense of the person responsible. If the expense and costs so incurred is not paid by the person responsible, the same may be collected in like manner as municipal taxes or by action in any court of competent jurisdiction.

PENALTIES

9. Any person violating any of the provision of this bylaw shall be liable on summary conviction before a Provincial Court Judge to a penalty not exceeding \$500.00, exclusive of costs and in case of non payment of the fine and costs, to imprisonment for a period not exceeding SIXTY (60) DAYS, unless the fine and costs including the cost of committal are sooner paid.

10. This bylaw shall become effective upon the third and final reading.

11. Bylaw 207 and Bylaw 342 are hereby repealed.

Read a first time this 25th day of September, 1996.

Read a second time this 25th day of September 1996.

Read a third and final time this 23rd day of October 1996.

VILLAGE OF STIRLING

D. Nilsson
MAYOR

Scott Bate
Chief Administrative Officer