

BYLAW NO. 2015-04

DOMESTIC AND WILD ANIMAL BYLAW

BEING A BYLAW OF THE TOWN OF RAINBOW LAKE, IN THE PROVINCE OF ALBERTA, TO PROHIBIT THE KEEPING OF WILD OR DOMESTIC ANIMALS

WHEREAS pursuant to section 7 of the *Municipal Government Act* 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 the enforcement of bylaws; and

WHEREAS pursuant to section 8 of the *Municipal Government Act* the council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licences, permits and approvals.

NOW THEREFORE, COUNCIL OF THE TOWN OF RAINBOW LAKE, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

1. This bylaw may be called the "Domestic and Wild Animal Bylaw".
2. For the purposes of this bylaw:
 - (a) **"Domestic Animal"** – means a horse, mule, ass, head of cattle, sheep, pig, goat, chicken, turkey, goose, fowl or poultry of any kind;
 - (b) **"Municipal Tag"** means a document alleging an offence issued pursuant to the authority of a Bylaw of the Town;
 - (c) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*;
 - (d) **"Peace Officer"** has the same meaning as in the *Provincial Offences Procedure Act*;

PURPOSE

3. This bylaw shall not apply and shall not restrict the applicability of the Animal Control Bylaw 2007-04 or its amendment 2010-07 of the Town of Rainbow Lake.
4. No person shall keep or cause or suffer to be kept save as hereinafter provided any domestic animal within the limits of the Town of Rainbow Lake.
5. No person shall lead, ride, or drive any domestic animal in the limits of the Town of Rainbow Lake.
6. Domestic Animals in the Town of Rainbow Lake for parades or exhibition, under the care and supervision of competent persons are not subject to the provision of this bylaw.

7. Birds or poultry being part of any commercial undertaking which is established with the approval of Council for the Town of Rainbow Lake, or those operating under a license provided under the provisions of the Chicken Bylaw 2015-05 shall not be subject to the provision of this bylaw.

Offence and Penalties

8. A person who contravenes any provision of this Bylaw is guilty of an offence.
9. A person who is guilty of an offence is liable to a fine in an amount not less than \$100.00.
10. Without restricting the generality of section 16, the fine amount established for use on Municipal Tags and for Violation Tickets if a voluntary payment option is offered is \$150.00.

Municipal Tag

11. A Peace Officer is authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
12. A Municipal Tag may be issued to such person:
- (a) Either personally; or
 - (b) by mailing a copy to such person at his or her last known post office address.
13. The Municipal Tag shall be in a form approved by the CAO and shall state:
- (a) The name of the Person;
 - (b) The offence;
 - (c) The specified penalty established by this Bylaw for the offence;
 - (d) That the penalty shall be paid within 14 days of the issuance of the Municipal Tag; and
 - (e) Any other information as may be required by the CAO.

Payment in Lieu of Prosecution

14. Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

15. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

16. Despite section 22, a Peace Officer is authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

17. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) Specify the fine amount established by this Bylaw for the offence; or
- (b) Require a person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

18. A person who commits an offence may

- (a) If a Violation Ticket is issued in respect of the offence; and
- (b) If the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Obstruction

19. No Person shall obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this Bylaw.

Powers of the CAO

20. Without restricting any other power, duty or function granted by this Bylaw, the CAO may:

- (a) Carry out any inspections to determine compliance with this Bylaw;
- (b) Take any steps or carry out any actions required to enforce this Bylaw;
- (c) Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (d) Establish forms for the purposes of this Bylaw; and
- (e) Delegate any powers, duties or functions under this Bylaw to a Town employee.

General

21. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Town Bylaw, or any requirement of any lawful permit, order or licence.

Severability

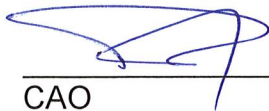
22. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Enactment

23. This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ A FIRST TIME IN OPEN COUNCIL this 8 day of Sept 2015.
READ A SECOND TIME IN OPEN COUNCIL this 21 day of Sept 2015.
READ A THIRD TIME IN OPEN COUNCIL this 21 day of Sept 2015.

"Dan Fletcher"



CAO

"Boyd Langford"



Mayor