

MOUNTAIN VIEW COUNTY

BYLAW NO. 10/19

ANIMAL CONTROL BYLAW

Mountain View County

Province of Alberta

Bylaw No. 10/19

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO FOR THE PURPOSE OF REGULATING ANIMALS WITHIN THE MUNICIPAL BOUNDARIES OF MOUNTAIN VIEW COUNTY.

SECTION 1 - AUTHORITY

- 1.01 The Municipal Government Act, Chapter M-26 Statues of Alberta 2000, and amendments authorizes Mountain View County to regulate wild and domestic animals and activities in relation to them.
- 1.02 The Council of Mountain View County deems it advisable to regulate animals within the municipal boundaries of Mountain View County.
- 1.03 The Council of Mountain View County, duly assembled enacts as follows:
- 1.04 This bylaw may be cited as the "Animal Control Bylaw".

SECTION 2 - DEFINITIONS

- 2.01 In this Bylaw, unless the context otherwise requires:
 - a. "Adjacent" means land or a portion of land that is adjoining to another parcel of land and includes land or a portion of land that would be contiguous if not for a public roadway, primary highway, river or stream, or reserve parcel.
 - b. "Animal" means any Livestock, listed in Schedule "A" or the Agricultural Operations Practices Act & Regulations but does not include Prohibited Animals listed in Schedule "C" of this bylaw.
 - c. "Animal Control Appeal Committee" means a Committee of Council comprised of three public members appointed to the Subdivision and Development Appeal Board.
 - d. "Chief Administrative Officer" means the Chief Administrative Officer of Mountain View County.
 - e. "Concentrated Livestock" means the use of land and/or buildings for the involving the rearing of livestock that, because of the size, density, length of confinement, or product may impact nearby uses. The density of animals on the subject parcel shall not exceed one (1) animal unit per 0.41 ha (1.0 ac).

- f. **“Council”** means the Council of Mountain View County.
- g. **“County”** means Mountain View County.
- h. **“Dog Control Bylaw”** means the County’s Dog Control Bylaw, as amended or replaced from time to time.
- i. **“Land Use Bylaw”** means the County’s Land Use Bylaw as amended or replaced from time to time.
- j. **“Livestock”** means cattle, swine, poultry, sheep, goats, horses, fur-bearing animals, game and similar animals including those contained within the Agricultural Operation Practices Act & Regulations or contained in Schedule “A” attached to this Bylaw but does not include Prohibited Animals listed in Schedule “C” of this bylaw.
- k. **“Livestock Animal Unit”** means, for a type of livestock, the number determined by dividing the number of individuals of the type of livestock by the factor listed within Schedule “A” attached to this Bylaw.
- l. **“Low-Density Livestock”** means the use of land and/or buildings involving the rearing of livestock where the density of animals on the subject parcel shall not exceed one (1) animal unit per 1.21 ha (3.0 ac).
- m **“Nuisance”** means the
 - (i) noise;
 - (ii) trespass upon property;
 - (iii) threat to public safety;
 - (iv) accumulation of animal waste;
 - (v) accumulation of material contaminated by animal waste;
 - (vi) disposal of animal waste;
 - (vii) disposal of material contaminated by animal waste;
 - (viii) disposal of carrion; or
 - (ix) lack of adequate containment or shelter;

which in the opinion of a Peace Officer, having regard for all circumstances, is injurious or obnoxious or likely to unreasonably injure, endanger or detract from the comfort, repose, health, peace or safety of persons or property within the boundary of the County.

- n **“Offspring”** means the progeny of any animal dependent upon its parents for the necessities of life, and which, without limiting the generality of the foregoing shall mean progeny under the age of six months.
- o **“Owner”** means any person, partnership, association or corporation owning, possessing or having charge of or control over any Animal.
- p **“Peace Officer”** means a Community Peace Officer as appointed under the authority of the Alberta Peace Officer Act, a Bylaw Enforcement Officer appointed by the County pursuant to the Municipal Government Act and any person employed by or authorized as such by Mountain View County, or the Sheriffs Branch, or a member of the Royal Canadian Mounted Police.
- q **“Permit”** means a permit issued to an Owner pursuant to Section 6 of this Bylaw permitting the keeping or harboring on land or premises by an Owner of animals in excess of the number permitted pursuant to Schedule “B” of this Bylaw.
- r **“Prohibited Animal”** means those animals that are not permitted within Mountain View County and listed in Schedule “C” of this bylaw.
- s **“Review Committee”** means the County’s Agricultural Fieldman and two (2) staff members appointed by the Chief Administrative Officer.
- t **“Violation Ticket”** means a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended, and Regulations thereunder.

SECTION 3 – APPLICABILITY OF BYLAW

- 3.01 This bylaw regulates Prohibited Animals upon all properties of Mountain View County, regardless of parcel size and District.
- 3.02 This bylaw does not regulate Livestock on properties larger than 4.05 ha (10.0ac).
- 3.03 This bylaw does not regulate dogs. Dogs are regulated within Mountain View County’s Dog Control Bylaw.
- 3.04 This bylaw does not regulate cats.
- 3.05 This bylaw does not regulate Public or Private Riding Arenas.
- 3.06 The keeping of any wildlife, endangered, and or exotic animals, either on a temporary or permanent basis, must be in accordance with, and as defined in the Province of Alberta Wildlife Act.
- 3.07 This bylaw will be enforced on a complaint basis. Complaints must be submitted in accordance with Mountain View County Policy 1021 “Complaints Process”.
- 3.08 On Residential District parcels of land less than 1.21 ha (3 acres) and greater than 0.40 ha (1 acre) located in multi parcel subdivisions, Low Density Livestock or Concentrated Livestock operations may be allowed with a permit for those Districts specified in Schedule “B”.

- 3.09 On Residential District single parcels less than 1.21 ha (3 acres) and greater than 0.40 ha (1 acre) located in an otherwise un-subdivided quarter section, Low Density Livestock shall be allowed and Concentrated Livestock may be allowed with a permit for those Districts specified in Schedule "B".
- 3.10 On Residential District parcels of land greater than 1.21 ha (3 acres) and less than 4.05 ha (10.0 acres), Concentrated Livestock operations shall may be allowed either without a Permit or subject to the granting of a Permit as specified in Schedule "B". Where allowed without a Permit or where a Permit has been granted, Concentrated Livestock operations shall not exceed the maximum allowable density of animals in accordance with the definition of Concentrated Livestock.
- 3.11 On parcels of land less than 0.40 ha (1 acre) Low Density Livestock may be allowed with a permit as specified in Schedule "B". Concentrated Livestock density will not be permitted.
- 3.12 Temporary housing of Livestock for seasonal agricultural activities such as calving, gathering and sorting on parcels in an Agricultural District are exempt from requiring a permit.
- 3.13 Temporary housing of Livestock for seasonal agricultural activities such as calving, gathering and sorting may be allowed with a permit within other districts than those identified in 3.12 and the maximum allowable density of animals will be calculated in accordance with the length of time the animals are on the lands.
- 3.14 The number of Animals and Animal Units for any animal not listed in Schedule "A" may be determined by the Review Committee based on reasonable comparisons of animal weight and waste and may be done in review of the Agricultural Operations Practices Act and Regulations.
- 3.15 Livestock may be allowed in the following districts while lands are undeveloped but upon commencement of any site preparation upon those lands, then the animals allowed in each district will be in accordance with Schedule "B"
- a. Local Commercial - C-LC
 - b. Business Park - I-BP
 - c. Heavy Industrial - I-HI
 - d. Parks and Recreation - P-PR
 - e. Parks and Comprehensive Recreational - P-PCR
 - f. Institutional, Educational and Cultural District - S-IEC

SECTION 4 – PROHIBITED ANIMALS

- 4.01 No person shall keep, either on a temporary or permanent basis any Prohibited Animals on any premises within the Mountain View County boundary.
- 4.02 Any Prohibited Animals located within the County must be euthanized or removed from the County within seven (7) days of receiving an order to remedy contravention, issued under Section 545 of the *Municipal Government Act*. The cost of removal will be at the sole responsibility of the landowner.

SECTION 5 – APPLICATIONS

- 5.01 The applicant for a Low Density Livestock or Concentrated Livestock Permit must supply all instruments registered on the applicable lands. If the instruments registered on title are more restrictive than the provisions of the Bylaw the application and will be deemed incomplete.
- 5.02 If the applicant is not the landowner, the approval of the landowner must be supplied in writing with the application.

SECTION 6 – PERMITS

- 6.01 The Review Committee shall be responsible for the issuance of Permits.
- 6.02 Permits are required for the keeping of Livestock as specified in Schedule “B”.
- 6.03 Livestock densities contained in Schedule “B” are based on year round housing.
- 6.04 Any person wishing to obtain a Permit must complete the Permit Application Form and submit the completed Application Form, together with the fee as indicated in the current Fee Schedule Bylaw to the Review Committee.
- 6.05 Upon receipt of a completed Permit Application Form the Review Committee shall consider the Permit Application, and may, in its sole and absolute discretion:
- a. refuse to grant the Permit;
 - b. grant a Permit;
 - c. grant a Permit upon such terms and conditions as the Review Committee deems appropriate.
- 6.06 In determining whether a Permit for Low Density Livestock or Concentrated Livestock will be granted, the Review Committee may require the applicant to provide:
- a. information on surrounding land uses;
 - b. grazing management plan which recognizes the length of time the animals will be on site;
 - c. manure management plan;
 - d. holding facilities, such as provisions for new buildings and structures or usage of existing structures;
 - e. water sources and water conservation methods; and
 - f. consultation with Adjacent landowners, up to a maximum of one mile circulation.
- 6.07 A Permit is valid on a site specific basis to the Permit holder only.

- 6.08 An application may be made to the Review Committee to transfer a Permit to the new landowner/occupant of the specific site for which the Permit was issued if the use and potential impact on adjacent properties remains unchanged.
- 6.09 The permit will be issued to the name on the application form.
- 6.10 The Review Committee may revoke a Permit if any of the following occur:
- a. the Review Committee receives bona fide complaints from two or more sources ;
 - b. the Permit holder does not comply with the conditions of the Permit;
 - c. the Permit holder harbors Livestock in excess of the number permitted by the Permit;
 - d. the Permit holder is guilty of an offence pursuant to Section 7 of this Bylaw;
 - e. the Permit holder is not adhering to applicable Provincial Legislation governing the welfare and management of Animals; or
 - f. at the written request of the permit holder.
- 6.11 The Review Committee shall revoke a Permit issued to an occupant if the landowner revokes their consent.
- 6.12 If the Review Committee revokes a Permit, no refund of the Permit fee shall be made.
- 6.13 An Owner who is refused a Permit, or a Permit is approved with conditions or terms, or whose Permit is revoked may make a written appeal to the Animal Control Appeal Committee appealing the decision of the Review Committee by submitting a written appeal letter not later than fourteen (14) days after the receipt of the written decision or the revocation decision of the Review Committee.
- 6.14 Any appeal made pursuant to Section 6.13 shall be accompanied by the prescribed fee contained in the current Fee Schedule Bylaw. The appeal fee shall be refunded if the applicants appeal is successful.
- 6.15 The Animal Control Appeal Committee shall meet within thirty (30) days of receiving an appeal made pursuant to Section 6.13 and may circulate notice of the appeal to any parties deemed appropriate by the Committee.

SECTION 7 – OFFENSES

- 7.01 Subject to any registered non-conforming use of land in existence at the time of this bylaw, or under such circumstances where a Permit has been issued pursuant to Section 6 of this Bylaw or a previous version of this Bylaw, any person who keeps or harbors any Livestock, or Prohibited Animals in contravention to this Bylaw is guilty of an offence.
- 7.02 Any person who keeps or harbors any Animal within the municipal boundaries of the County which create a Nuisance as defined in this bylaw is guilty of an offence.

SECTION 8 - PENALTIES

- 8.01 In accordance with the *Municipal Government Act*, any Person that violates any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of Ten Thousand (\$10,000.00) Dollars, and not less than One Hundred (\$100.00) Dollars, or in default of the payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.
- 8.02 Where an Peace Officer has reasonable and probable grounds to believe that a Person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such Person by:
- a. issuing the Person a Violation Ticket pursuant to the *Provincial Offences Procedure Act*;
or
 - b. swearing out an information and complaint against the Person.
- 8.03 Where an Peace Officer issues a Person a Violation Ticket in accordance with Section 8 of this Bylaw, the Peace Officer may either:
- a. allow the Person to pay the minimum and specified penalty established in "Schedule D" for the offence by including the penalty in the Violation Ticket; or
 - b. require a Court appearance of the Person when the Peace Officer believes that it is in the public interest pursuant to the *Provincial Offences Procedure Act*.
- 8.04 Where any person has been convicted a second time under the same section of this Bylaw within a TWENTY-FOUR (24) month period, the specified penalty payable in respect of the second contravention shall be in the amount as shown in accordance with Schedule "D", for a second offence.
- 8.05 Where any person has been convicted under the same section of this Bylaw more than two times within a TWENTY-FOUR (24) month period, the specified penalty payable in respect of the third or subsequent contravention shall be the amount as shown in accordance with Schedule "D", for a third offence.
- 8.06 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall in any way restrict, limit, prevent, or preclude the County from pursuing any other remedy in

relation to an offence as may be provided by the *Municipal Government Act* or any other law of the Province of Alberta.

SECTION 9 - SEVERABILITY

9.01 Each provision of this Bylaw is independent of all other provision. If any such provision is declared invalid by a Court of competent jurisdiction all other provision of this Bylaw will remain valid and enforceable.

SECTION 10 - REPEAL OF BYLAW

10.01 Bylaw 10/16 is hereby repealed.

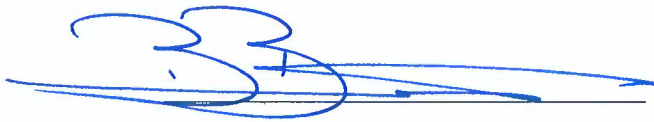
SECTION 11 - EFFECTIVE DATE

11.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

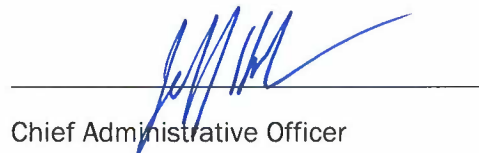
Read the first time this 22 day of May 2019.

Read the second time this 22 day of May 2019.

Read the third time this 12 day of June 2019.



Reeve



Chief Administrative Officer

June 12, 2019

Date of Signing

SCHEDULE A

Livestock Animal Unit

CATEGORY OF LIVESTOCK	TYPE OF LIVESTOCK	FACTOR TO BE USED TO DETERMINE THE ANIMAL UNITS
Beef	Cows (900+ lbs)	1.1
	Feeders (450 - 900 lbs)	2
	Calves (< 550 lbs)	3.6
Swine	Feeders / Boars	5
Poultry	Chickens, Turkeys, Geese, Ducks	25
Horse	Feeders > 750 lbs	1
	Mules	1
	Donkeys	1.5
Sheep	Ewes / Rams	5
	Ewes with Lambs	4
Goats	Meat/Milk (per Doe)	6

Note: One animal unit is based on the consumption and waste generated by a 1000 pound animal in accordance with the Agricultural Operations Practices Act and Regulations.

SCHEDULE B

Permit-Requirements

DESCRIPTION	LOW DENSITY LIVESTOCK (1 animal unit/3.0 acres)	CONCENTRATED LIVESTOCK (1 animal unit/1.0 acres)
Residential Districts: Agricultural – A Agricultural (2) - A(2) Country Residential - R-CR Country Residential (1) - R-CR1 Residential Farmstead - R-F		
Parcels greater than 10 acres <i>- parcel may include/exclude a single parcel out or multiple parcels out but is greater than 10 acres</i>	N/A	N/A
Single parcel out of quarter (3 - 9.99 acres)	Allowed	Allowed
Single parcel out of quarter (1 - 2.99 acres)	Allowed	Permit Required
Multiple parcels on quarter (3 - 9.99 acres)	Allowed	Permit Required
Multiple parcels on quarter (1 - 2.99 acres)	Permit Required	Permit Required
Commercial/Industrial Districts:		
Local Commercial - C-LC Business Park - I-BP Heavy Industrial - I-HI Aggregate Extraction/Processing District – AEP	Permit Required	Permit Required
Other Districts:		
Parks and Recreation - P-PR Parks and Comprehensive Recreational - P-PCR Institutional, Educational and Cultural District - S-IEC	Allowed	Permit required

Any Districts:		
Any parcel less than 0.99 acres	Permit Required	Not allowed
Districts that do not permit Livestock		
Parks and Conservation - P-PC Airport District - S-AP	Not allowed	Not allowed

SCHEDULE C

Prohibited Animal

Name/Type
Wild Boar (<i>Sus scrofa</i>)

SCHEDULE D

Penalties

OFFENCE	SECTION	MINIMUM SPECIFIED PENALTY
Keeping or harboring any Animals contrary to Schedule "B", herein.	7.01	\$100.00
Keeping or harboring any Animal in numbers in excess of those described in Schedule "B" herein without a valid Permit.	7.01	\$100.00
Keeping or harboring any Livestock, Poultry, Other Animals or Fowl which constitutes a Nuisance.	7.02	\$150.00
Keeping or harboring any Prohibited Animals in Schedule "C".	7.01	\$10,000.00