

MOUNTAIN VIEW COUNTY

BYLAW NO. 10/16

ANIMAL CONTROL BYLAW

**Mountain View County
Province of Alberta**

Bylaw No. 10/16

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

SHORT TITLE AND PURPOSE

- 1.01 Section 7(h) of the Municipal Government Act, RSA 2000, Chapter M-26 provides authority to Mountain View County to regulate wild and domestic animals and activities in relation to them.
- 1.02 This bylaw may be cited as the "Animal Control Bylaw".
- 1.03 The Council of Mountain View County deems it advisable to regulate animals within the municipal boundaries of Mountain View County.
- 1.04 The Council of Mountain View County, duly assembled enacts as follows:

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. "Agriculture, 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).
 - c. "Agriculture, Concentrated Livestock" means the use of land and/or buildings for the confinement 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).
 - d. "Animal" means any dog or livestock as listed in Schedule "A" of this bylaw but does not include Prohibited Animals listed in Schedule "C" of this bylaw. Animal unit conversions are specified in Schedule "A".
 - e. "Animal Control Appeal Committee" means a Committee of Council, which shall consist of a quorum of the individuals appointed by Council as Public Members to the Subdivision and Development Appeal Board.
 - f. "Breeding and Boarding Services" means a commercial development for the breeding, boarding, caring or training of small animals, normally considered household pets, excluding livestock, in accordance with Land Use Bylaw approvals. Typical facilities include pet boarding and pet training establishments where six (6) or more dogs, being over six (6) months of age, are kept.

- g. **"Chief Administrative Officer"** means the Chief Administrative Officer of Mountain View County.
- h. **"Council"** means the Council of Mountain View County.
- i. **"County"** means Mountain View County.
- j. **"Dog"** means either the male or female of any domesticated canine species.
- k. **"Dog Control Bylaw"** means the County's Dog Control Bylaw 33/04, as amended or replaced from time to time.
- l. **"Equestrian Center"** means public facilities (buildings, shelters or other structures) at which horses are exercised or trained, training in equestrian skills or equestrian competitions or shows are held, in accordance with Land Use Bylaw approvals.
- m. **"Land Use Bylaw"** means the County's Land Use Bylaw as amended or replaced from time to time.
- n. **"Livestock"** means cattle, swine, poultry, sheep, goats, horses, game and similar animals as listed in Schedule "A" attached to this Bylaw but does not include Prohibited Animals.
- o. **"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 in Schedule "A" attached to this Bylaw for that type of livestock.
- p. **"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.
- q. **"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.

- r "Owner" means any person, partnership, association or corporation owning, possessing or having charge of or control over any Animal.
- s "Peace Officer" means a Community Peace Officer appointed pursuant to the *Peace Officer Act*, RSA 2000, c. P-3.5, as amended, for the County and includes a member of the Royal Canadian Mounted Police.
- t "Permit" means a permit issued to an Owner pursuant to Section 5 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 Sections 3 and 4 of this Bylaw.
- u "Prohibited Animal" are those animals that are not permitted within Mountain View County and listed in Schedule "C" of this bylaw.
- v "Review Committee" means the County's Agricultural Fieldman and two (2) staff members appointed by the Chief Administrative Officer.
- w "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended, and Regulations thereunder.
- x "Working Dog" means a canine (dog) that is not a pet but has been trained and performs tasks to assist with Livestock production. Examples may include, but are not limited to, herding dogs and guardian dogs.

SECTION 3 - APPLICABILITY OF BYLAW

- 3.01 Nothing in this Bylaw shall be construed to supersede the provisions of the Mountain View County Dog Control Bylaw 01/13 as amended or replaced from time to time.
- 3.02 This bylaw regulates Prohibited Animals upon all properties of Mountain View County, regardless of parcel size and District.
- 3.03 This bylaw does not regulate Livestock on properties larger than 4.05 ha (10.0ac).
- 3.04 This bylaw does not regulate Working Dogs provided the Working Dogs are solely for protecting and herding of the dog owner's livestock. If the Working Dogs are raised to be sold then a Breeding and Boarding Services development permit is required.
- 3.05 This bylaw does not regulate cats.
- 3.06 This bylaw does not regulate Equestrian Centre, Breeding and Boarding Services.
- 3.07 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.
- 3.08 This bylaw will be enforced on a complaint basis. Complaints must be provided on the County's formal Complaints form as required by Policy 1021

LIVESTOCK

- 3.09 On parcels of land less than 1.21 ha (3 acres) and greater than 0.40 ha (1 acre) in size located in multi parcel subdivisions, Agriculture Low Density Livestock or Agriculture Concentrated Livestock operations may be allowed with a permit.
- 3.10 On single parcels less than 1.21 ha (3 acres) and greater than 0.40 ha (1 acre) in size located in an otherwise unsubdivided quarter section, Low Density Livestock shall be allowed and Agricultural Concentrated Livestock may be allowed with a permit.
- 3.11 On parcels of land greater than 1.21 ha (3 acres) and less than 4.05 ha (10.0ac), Agriculture Concentrated Livestock operations shall 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, Agriculture Concentrated Livestock operations shall not exceed the maximum allowable density of animals in accordance with the definition of Agriculture Concentrated Livestock.
- 3.12 On parcels of land less than 0.40 ha (1 acre) Agriculture Low Density Livestock may be allowed with a permit. Agricultural Concentrated Livestock density will not be permitted.
- 3.13 Temporary housing of Livestock for seasonal Agricultural activities such as calving, gathering and sorting on parcels in an Agriculture District are exempt from requiring a permit.
- 3.14 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"
- Local Commercial District
 - Business Park District
 - Heavy Industrial District
 - Aggregate Processing / Extraction District
 - Parks and Conservation District
 - Parks and Recreation District
 - Parks and Comprehensive Recreational District
 - Institutional, Educational, and Cultural District
 - Airport District

DOGS

- 3.15 Except as provided for in Section 3.16 of this Bylaw the maximum number of Dogs allowed is as specified in Schedule "B" attached to this bylaw.
- 3.16 In addition to the maximum number of Dogs as specified in Schedule "B"; unweaned offspring shall be allowed without the requirement of a permit until such animals reach six (6) months of age.

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 written notice from a Peace officer, The Cost of removal will be at the sole responsibility of the landowner.

SECTION 5 - PERMITS

- 5.01** The Review Committee shall be responsible for the issuance of Permits.
- 5.02** Permits are required for the keeping of Livestock and Dogs as specified in Schedule "B".
- 5.03** Livestock densities contained in Schedule "B" are based on year round housing.
- 5.04** The Review Committee may issue a Permit for Dogs in excess of the numbers specified in Schedule "B" to a maximum of five (5) Dogs.
- Six (6) or more Dogs require a Breeding and Boarding Services Permit issued pursuant to the Land Use Bylaw.
- 5.05** 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.
- 5.06** 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.
- 5.07** 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; and
 - e. water sources and water conservation methods;
 - f. consultation with Adjacent landowners in accordance with the Planning and Development Department Consultation Process.
- 5.08** In determining whether a Permit for additional Dogs will be granted, the Review Committee may require the applicant to provide:
- a. proximity to dwelling units both on and off the subject property
 - b. parcel size and isolation of the parcel
 - c. any required structures used to house the Dogs.

- d. potential Nuisance impacts as defined in this bylaw
- e. compatibility with surrounding uses
- f. consultation with Adjacent landowners in accordance with the Planning and Development Department Consultations Process.

5.09 A Permit is issued on a site specific basis to the Permit holder only.

5.10 An application may be made to the Review Committee to transfer a Permit to the new landowner of the specific site for which the Permit was issued if the use and potential impact on adjacent properties remains unchanged.

5.11 The Review Committee may revoke a Permit if:

- a. the Review Committee receives bona fide complaints from two or more sources ; or
- b. the Permit holder does not comply with the conditions of the Permit; or
- c. the Permit holder harbors Livestock or Dogs in excess of the number permitted by the Permit;
- d. the Permit holder is guilty of an offence pursuant to Section 6 of this Bylaw; or
- e. the Permit holder is not adhering to applicable Provincial Legislation governing the welfare and management of Animals.

5.12 If the Review Committee revokes a Permit, no refund of the Permit fee shall be made.

5.13 An Owner who is refused a Permit 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 ten (10) days after the Review Committee advises the Owner of the refusal or the revocation, as the case may be.

5.14 Any appeal made pursuant to Section 5.13 shall be accompanied by the prescribed fee contained in the current Fee Schedule Bylaw, as amended from time to time. The appeal fee shall be refunded if the applicants appeal is successful.

SECTION 6 – OFFENSES

6.01 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 5 of this Bylaw or a previous version of this Bylaw, any person who keeps or harbors any Livestock, Dogs, or Prohibited Animals in contravention to this Bylaw is guilty of an offence.

6.02 Any person who keeps or harbors any Animals identified in Schedule "A" and "B" to this bylaw within the municipal boundaries of the County which create a Nuisance as defined in this bylaw is guilty of an offence.

SECTION 7 - PENALTIES

- 7.01 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "E" of this Bylaw in respect of that provision.
- 7.02 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2002 c. P-34.
- 7.03 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 "E", for a second offence.

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 "E", for a third offence.

SECTION 8 - SEVERABILITY

- 8.01 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 9 - REPEAL OF BYLAW

- 9.01 Bylaw 07/12 is hereby repealed.

SECTION -10 - EFFECTIVE DATE

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

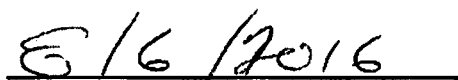
Read the first time 8th Day of June, 2016

Read the second time this 8th Day of June, 2016

Read the third time this 8th Day of June, 2016


Reeve


Chief Administrative Officer


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 / Finishers (900+ lbs)	1.1
	Feeders (150 - 900 lbs)	2
	Feeder Calves (<500 lbs)	3.6
Dairy (*count lactating cows only to calculate animal units)	Free Stall - Lactating Cows with all associated dries, heifers and calves*	0.5
	Free Stall - Lactating with Dry Cows only*	0.6
	Free Stall - Lactating cows only	0.7
	Tie Stall - Lactating cows only	0.7
	Loose Housing - Lactating cows only	0.7
	Dry Cow	1
	Replacements - Bred Heifers (Breeding to calving)	1.15
	Replacements - Growing Heifers (350 lbs to breeding)	1.9
	Calves (<350 lbs)	5
	Farrow to finish*	0.56
Swine (*count sows only)	Farrow to wean*	1.5
	Farrow only*	1.9
	Feeders / Boars	5
	Growers / Roasters	8.5
	Weaners	18.2
Poultry	Chicken - Breeders	100
	Chicken - Layer - Liquid (includes associated pullets)	125
	Chicken - Layers (Belt Cage)	150
	Chicken Layers (Deep Pit)	150
	Chicken - Pullets / Broilers	500
	Turkeys - Toms / Breeders	50
	Turkeys - Hens (light)	75
	Turkey - Broilers	100
	Ducks	100
	Geese	50
	Peacocks	20
Ratite	Emus	12
	Rheas	15
	Ostriches	5
Horses	PMU	1
	Feeders (>750 lbs)	1
	Foals (<750 lbs)	3.3
	Mules	1
	Donkeys	1.5
	Miniature Donkeys	10

CATEGORY OF LIVESTOCK	TYPE OF LIVESTOCK	FACTOR TO BE USED TO DETERMINE THE ANIMAL UNITS
Sheep	Ewes / Rams	5
	Ewes with Lambs	4
	Lambs	21
	Feeders	10
Goats	Meat / Milk (per Ewe)	6
	Nannies / Billies	10
	Feeders	13
Llamas	Llama	4
Alpacas	Alpaca	6
Bison	Bison	1
Cervid	Elk	1.7
	Deer	5

Note: One animal unit is based on the consumption and waste generated by a 1000 pound animal.

SCHEDULE B

Permit-Requirements/Maximum Number of Dogs

DESCRIPTION	LOW DENSITY LIVESTOCK (1 animal unit/3.0 acres)	CONCENTRATED LIVESTOCK (1 animal unit/1.0 acres)	MAXIMUM NUMBER OF DOGS
A - Agricultural District / A2 - Agricultural (2) District, R-CR Country Residential District, R-CR1 Country Residential District "CR (1)", R-CR2 Country Residential District "CR (2)"			
<i>Parcels 10-160 acres single parcel out of quarter</i>	N/A	N/A	5
<i>Parcel greater than 10 acres, multiple parcels on quarter(3 or more titles)</i>	N/A	N/A	3
<i>Single parcel out of quarter (3 - 9.99 acres)</i>	Allowed	Allowed	3
<i>Multiple parcels on quarter (3 - 9.99 acres)</i>	Allowed	Permit Required	3
<i>Single parcel out of quarter (1 - 2.99 acres)</i>	Allowed	Permit Required	3
<i>Multiple parcels on quarter (1 - 2.99 acres)</i>	Permit Required	Permit Required	3
<i>Any parcel (0 - .99 acres)</i>	Permit Required	Not allowed	3
C-LC Local Commercial District	Not allowed	Not allowed	2
C-HC Highway Commercial District (0 - .99 acres)	Not allowed	Not allowed	2
I-BP Business Park District	Not allowed	Not allowed	2
I-HI Heavy Industrial District	Not allowed	Not allowed	2
P-PR Parks and Recreation District	Allowed	Permit required	Park Rules/Regulations unless not specified 2
P-PCR Parks and Comprehensive Recreational District	Allowed	Permit required	As per facility Rules and Regulations
P-PC Parks and Conservation District	Not allowed	Not allowed	0
P-PI Institutional, Educational and Cultural District	Not allowed	Not allowed	2
A-AP: Airport District	Not allowed	Not allowed	2

SCHEDULE C

Prohibited Animal

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

**SCHEDULE D
Concentrated Livestock/Dog Permit**

Permit Number _____ Permit Issuer _____

Start Date _____ End Date _____

Permit Holder's Name(s) _____ Contact Name _____
(if different than applicant)

Property Address _____ Subdivision _____

Legal Description Lot or unit _____ Block _____ Plan _____
 ¼ Section _____ Twp _____ Rge _____ Meridian _____

The following number of each animal type has been approved for the property (includes those presently on site).

_____ Beef	_____ Dairy	_____ Swine	_____ Poultry
_____ Horses	_____ Sheep	_____ Goats	_____ Llamas
_____ Alpacas	_____ Bison	_____ Cervid	_____ Dogs

Additional Condition(s): _____

Conditions of Permit:

The Review Committee may withdraw a Permit if:

- a) the Review Committee receives two or more bona fide complaints; or
- b) the Permit holder does not comply with the conditions of the Permit; or
- c) the Permit holder harbors Livestock or Dogs in excess of the number permitted by the Permit; or
- d) the Permit holder is guilty of an offence pursuant to Section 6 of this Bylaw.
- e) the Permit holder is not adhering to applicable Provincial Legislation governing the welfare and management of Animals

If the Review Committee revokes a Permit, no refund of the Permit fee shall be made.

Privacy Statement

The privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP) protect this information. Permit Application information may be shared with internal departments for the purpose of processing the applications and enforcing the bylaw. If you have any questions about the collection and use of your information, contact the FOIP Coordinator, Mountain View County at 403-335-3311.

SCHEDULE E

PENALTIES

OFFENCE	SECTION	PENALTY
Keeping or harboring any Animals contrary to Schedule "B", herein.	6.01	First Offence \$100.00 Second Offence \$200.00 Third Offence \$400.00
Keeping or harboring any Animal in numbers in excess of those described in Schedule "B" herein without a valid Permit.	6.01	First Offence \$100.00 Second Offence \$200.00 Third Offence \$400.00
Keeping or harboring any Dog, Livestock, Poultry, Other Animals or Fowl which constitutes a Nuisance.	6.02	First Offence \$150.00 minimum Second Offence \$300.00 Third Offence \$600.00
Keeping or harboring any Prohibited Animals in Schedule "C".	6.01	First Offence \$4000.00 minimum Second Offence \$6000.00 Third Offence \$8000.00