

TOWN OF BENTLEY

BYLAW NO. 79/03

An amendment to bylaw no. 63/01, a bylaw of the Town of Bentley, in the Province of Alberta, to provide for the regulation and control of animals in the Town.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26.1 of the revised statutes of Alberta, Council of the Town of Bentley deems it necessary to provide for the control of agricultural or farm animals in the Town of Bentley.

NOW THEREFORE, Council of the Town of Bentley, duly assembled enacts as follows:

OTHER ANIMALS AND FOWL

1. a. No person shall keep any agricultural animal, except as hereinafter expressly provided, within any residential district of the Town unless the keeping of said agricultural animals has been approved by special permission of Council, in accordance with the provisions of this Bylaw.

b. Notwithstanding Section a, agricultural animals may be kept within the boundaries of a district classified as Urban Reserve in the Land Use Bylaw of the Town, if such keeping is listed as allowable in the said Land Use Bylaw for that specific district, PROVIDED HOWEVER, that no complaints are received or damage proven to another's property as a consequence, in which case Council may make any other deemed appropriate.

c. No person shall keep any fowl of any kind within the boundaries of a residential district located in the Town other than pigeons, parakeets, canaries, or similar fowl kept within the residence or outbuildings of the owner, unless such fowl are part of a commercial undertaking which is established with the approval of the Municipal Planning Commission, PROVIDED HOWEVER, that any such fowl be kept in outbuildings AND shall be kept in clean and sanitary pens and FURTHER PROVIDED HOWEVER, that no complaints are received or damage proven to another's property as a consequence, in which case Council may make any order deemed appropriate.

d. Notwithstanding Section c., fowl may be kept within the boundaries of a district classified as Urban Reserve in the Land Use Bylaw of the Town, if such keeping is listed as allowable in the said Land Use Bylaw, PROVIDED HOWEVER, that any such fowl be kept in outbuildings in clean and sanitary pens, and FURTHER PROVIDED HOWEVER, that no complaints are received or damage proven to another's property as a consequence, in which case Council may make any order deemed appropriate.

EXCLUSIONS

2. a. Animals in the Town for parades, gymkhanas, exhibitions, and rodeos duly authorized or permitted by the Town are not subject to the provisions of this Bylaw, PROVIDED HOWEVER, that in all instances such animals are under the direct care and supervision of competent persons.

b. Animals being transported through the Town in cattle liners or other means of conveyancing are expressing permitted.

FAILURE TO COMPLY

3. a. Failure to comply with the provisions of this bylaw may result in any one or more of the following, in accordance with the provisions of Schedule "A" hereto, as may be amended from time to time by ordinary resolution of Council duly assembled:

i. the owner may be issued with a voluntary payment ticket; or

ii. the owner may be issued a Court Summons in which case fines shall be in accordance with the provisions of this Bylaw and costs as shall be decided by a Provincial Court Judge.

b. Any owner violating any of the provisions of this Bylaw for which no penalty has been provided shall, on conviction, be liable to a fine of not less than Fifty Dollars (\$50.00) for the first offense and not less than One Hundred Dollars (\$100.00) for each subsequent offence.

c. Any person failing to pay any voluntary fine within seven (7) days of its issuance shall be liable to prosecution in Provincial Court, and upon conviction liable to a fine in accordance with the provisions of this bylaw, as may be amended from time to time by Council duly assembled, and costs as shall be decided by a Provincial Court Judge.

READ A FIRST TIME this 14th day of October 2003.

READ A SECOND TIME this 12th day of November 2003.

READ A THIRD AND FINAL TIME this 16th day of December 2003.

Mayor

Chief Administrative Officer