

**TOWN OF REDCLIFF
BYLAW NO. 1452/2005**

**A BYLAW OF THE TOWN OF REDCLIFF TO PROVIDE FOR THE RESTRICTION, CONTROL
AND REGULATION OF CERTAIN TYPES OF ANIMALS.**

**NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWN OF REDCLIFF IN
COUNCIL ASSEMBLED ENACTS AS FOLLOWS:**

SECTION 1 - SHORT TITLE

1. This Bylaw shall be known as the "Restricted Animal Bylaw" and shall be taken to apply within the municipal boundaries of the Town of Redcliff.

SECTION 2 - INTERPRETATION

2. In this Bylaw the following definitions shall apply:

- a) 'Animal' means a vertebrate other than a human being or a fish.
- b) 'Corporation' means a body corporate or company wherever or however incorporated.
- c) 'Council' means the Municipal Council of the Town of Redcliff duly assembled and acting as such.
- d) 'Exempt land' means land designated as such and as shown on Schedule "A" of this Bylaw.
- e) 'Licensed Business' means a business which holds a valid and subsisting business license issued by the Town of Redcliff.
- f) 'Manager' means a person appointed to the position of Municipal Manager for the Town of Redcliff
- g) 'Peace Officer' means:
 - (i) A member of the Royal Canadian Mounted Police;
 - (ii) A member of the municipal police service;
 - (iii) A Special Constable;
 - (iv) A Bylaw Enforcement Officer appointed pursuant to the *Municipal Government Act* R.S.A. 1994, c. M-26.1.
- h) 'Person' means any individual, trustee, legal representative, proprietorship, corporation, partnership, association or society.

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- i) 'Restricted Animal' means all animals including, without restricting the generality of the foregoing, livestock, horses, cows, sheep, swine of any kind, pigeons, and poultry, but excepting:
- i) any animal controlled or regulated by a Provincial or Federal Statute or by another Town Bylaw to the extent that such statute, regulation or bylaw is in conflict with this Bylaw, in which case the statute, regulation or other bylaw shall prevail;
 - ii) domestic dog or cat;
 - iii) gerbil, hamster, exotic bird, turtle or similar type of house pet.
- j) 'Town' means the Corporation of the Town of Redcliff or the area contained within the boundaries of the said Town in the Province of Alberta as the context or circumstances require.
- k) 'Violation Ticket' means a summons/violation ticket issued in accordance with Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 1988, c.P-21.5.

SECTION 3 - OFFENCES AND PENALTIES

3. Except as otherwise permitted, no person shall keep, maintain, confine or harbour a restricted animal within the Town.
- 3.1 Any person who contravenes any of the provisions of this Bylaw is guilty of an offence.
- 3.2 A person, other than a corporation, who is guilty of an offence is liable:
- a) for a first offence, to a fine of not less than \$200.00 and not more than \$2,000.00 and in default of payment, to imprisonment for a term of not more than six (6) months.
 - b) for each subsequent offence committed within six (6) months after the commission of the first offence, to a fine of not less than \$500.00 and not more than \$3,000.00 and in default of payment, to imprisonment for a term of not more than six (6) months.
- 3.3 A corporation that is guilty of an offence is liable:
- a) for a first offence, to a fine of not less than \$1,000.00 and not more than \$5,000.00 and in default of payment, distress.
 - b) for any subsequent offence, to a fine of not less than \$2,000.00 and not more than \$10,000.00 and in default of payment, distress.
- 3.4 A Peace Officer in lawful exercise of his duty may enter any land, buildings, or premises other than a dwelling house to inspect for circumstances or conditions that may constitute a breach or contravention of this Bylaw.

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- 3.5 Where a Peace Officer believes on reasonable and probable grounds that an offence has taken place consisting of a breach or contravention of this Bylaw, he may commence proceedings by issuing a violation ticket. If a violation ticket is issued in respect to an alleged breach or contravention of this Bylaw, the violation ticket may provide for a specified penalty option in accordance with the *Provincial Offences Procedure Act*, R.S.A. 1988, c. P21.5. The specified penalty shall be an amount equal to the minimum penalty prescribed by this Bylaw for the alleged breach or contravention.
- 3.6 If, after the issuance of a violation ticket for an alleged offence, a person continues to keep, maintain, confine, or harbor a restricted animal in breach or contravention of this Bylaw, then second or additional offences shall be deemed to have occurred.
- 3.7 Nothing in this Bylaw shall be read or construed as:
- a) preventing any person from exercising his right to defend an allegation that he has committed an offence under this Bylaw;
 - b) preventing a Peace Officer from issuing a violation ticket or otherwise initiating Court process in any other manner permitted by law, in respect of an alleged offence.

SECTION 4 - PERMITS AND EXEMPTIONS

4. The Manager may, upon written application, in prescribed form, issue a special permit either with or without terms or conditions, to suspend or modify the provisions of this Bylaw.
- 4.1 A special permit shall be issued for a specified term and shall be renewed periodically as required.
- 4.2 Any person affected by a decision of the Manager to issue a special permit, either with or without terms or conditions, may appeal the decision to Council. The appeal must be in writing, dated and signed by the person affected by the decision and submitted to the Manager within fourteen (14) days of the Manager's decision. No appeal shall lie from the decision of Council.
- 4.3 All special permits shall be produced to a Peace Officer on demand.
- 4.4 A person who has been issued a special permit shall be exempt from the provisions of this Bylaw subject to complying with any terms or conditions imposed relating thereto. A person who operates a licensed business related to the care or sale of restricted animals shall be exempt from the provisions of this Bylaw.
- 4.5 Subject to paragraph 4.6, this Bylaw shall not apply to exempt land as outlined on Schedule "A".
- 4.6 Unless otherwise authorized by a special permit, the number of restricted animals permitted to be kept, maintained, confined or harboured by a person on exempt land shall be limited to one restricted animal per 4 hectares (10 acres) of land.

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SECTION 5 - SEVERABILITY

5. In the event any provision of this Bylaw shall be declared or deemed to be invalid, then such invalid provision shall be severed and the remaining Bylaw shall remain in full force and effect.

SECTION 6 - EFFECTIVE DATE

6. Town of Redcliff Bylaw No. 1254/00 is hereby repealed with the coming into force of this Bylaw.

Read a First Time this 12th day of December, 2005

Read a Second Time this 12th day of December, 2005

Read a Third Time this 12th day of December, 2005

Signed and Passed this 13 **day of** DECEMBER, 2005



MAYOR



MUNICIPAL SECRETARY



SPECIAL PERMIT
RESTRICTED ANIMAL BYLAW NO. 1452/2005

APPLICANT NAME: _____

ADDRESS: _____

TELEPHONE: _____

For suspension/modification of the following provision(s) as per Section 4 of Bylaw No. 1452/2005:

APPLICANT SIGNATURE

DATE

TOWN OF REDCLIFF PORTION (DO NOT COMPLETE)

Authorization is hereby given to _____ for the purpose of

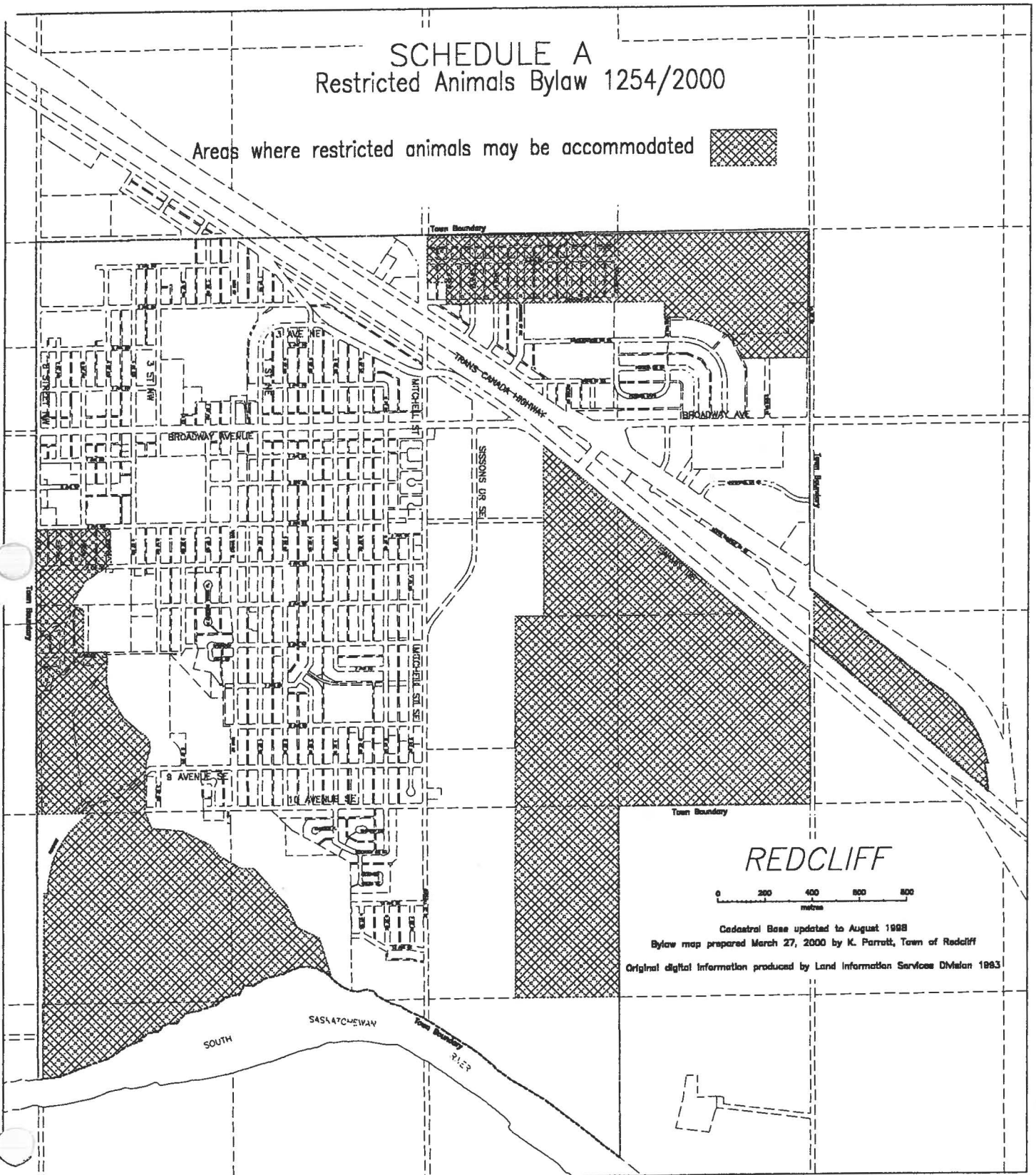
for the period of _____ to _____

APPROVED _____
MUNICIPAL MANAGER

DATE

SCHEDULE A Restricted Animals Bylaw 1254/2000

Areas where restricted animals may be accommodated



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