

MUNICIPAL DISTRICT OF BIG LAKES

BYLAW NO. 08-2013

Being a by-law of the Municipal District of Big Lakes, in the Province of Alberta, for the purpose of restraining and regulating the running at large of livestock in the Municipal District.

WHEREAS the Municipal Government Act, RSA 2000 Chapter M-26, Part 2, Bylaws Part 1, Section 7, and amendments thereto, empowers a council to pass by-laws for municipal purposes respecting wild and domestic animals and activities in relation to them;

AND WHEREAS it is desirable to restrain and regulate the running at large of livestock in the Municipal District of Big Lakes;

NOW THEREFORE, the Council for the Municipal District of Big Lakes, duly assembled, enact as follows:

1. This by-law may be cited as the Municipal District of Big Lakes Livestock Control Bylaw.
2. In this by-law,
 - (1) "M.D" means the Municipal District of Big Lakes
 - (2) LIVESTOCK means a cow, a horse, a buffalo, a sheep, a lama or any other animal used for ranching, farming or other purposes, regardless of gender.
 - (3) "ENFORCEMENT OFFICER" means the person or firm appointed by the M.D to enforce the provisions of this by-law, a Community Peace Officer appointed under the *Alberta Peace Officer Act*, a police officer appointed under the *Alberta Police Act* or a member of the RCMP.
 - (4) "OWNER" means the person who has legal title to the livestock and includes any person who has possession or custody of a livestock, harbors a livestock or allows a livestock to remain on his/her property.
 - (5) "RUNNING AT LARGE" means a livestock which is not within a fenced in area and not under the immediate, continuous and effective control of its owner or some competent person.
 - (6) "ACCIDENTAL RELEASE" means an event out of the control of the owner or person in charge of livestock, including but not limited to:
 - (a) the weather, or

(b) the action of someone not the owner or person in charge of livestock;

Which causes livestock to be permitted to run at large and/or cause the owner to contravene any section of this bylaw.

3. No owner or person in charge of livestock shall:

- (1) Allow livestock to be running at large, or
- (2) Allow livestock to bite, attack, run at, or attempt to bite attack or run at any person, or cause a person to fear for their safety, or
- (3) Allow livestock to cause injury or death to another domestic animal, except in cases of provocation where the livestock is on an owner's property or in cases of self-defence, or
- (4) Allow livestock to cause damage to private or public property within the M.D, or
- (5) Allow livestock to be on a provincial highway, a municipal highway or a municipal roadway where it blocks or impedes traffic or creates a risk of a vehicle colliding with either the livestock, another vehicle or any other object on or near the highway.

4. In the event of an accidental release a person or owner is not liable to Section Three (3) of this bylaw as long as the person or owner takes action as soon as it is practical to:

- (1) Bring the livestock back under the immediate, continuous and effective control of a person or owner, and
- (2) Takes action to prevent the livestock from causing the owner to contravene any section of this bylaw, or
- (3) If it is not possible to adhere to Section 4(1) and/or Section 4(2) of this bylaw, as they apply, take all possible action to ensure livestock do not pose a risk to members of the public.

5. No person shall:

- (1) Obstruct or attempt to obstruct an Enforcement Officer who is enforcing or attempting to enforce any provision of this by-law.
- (2) Falsely represent themselves as being in control of livestock.

6. Anyone who contravenes any provision of this by-law is guilty of an offence punishable upon summary conviction and liable to:

- (1) A fine not exceeding ten thousand dollars (\$10,000) and/or

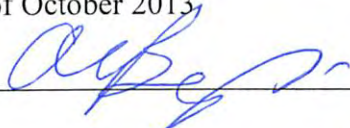
- (2) Six (6) months in prison but in no case shall the penalty be less than that which would have been specified upon voluntary payment.
7. In lieu of being prosecuted, a person whom has contravened any provision of sections 3 or 4 of this by-law may elect to voluntarily pay a fine in respect to the contravention, in which case the fine shall be:
- (1) One Hundred Dollars (\$100.00) for the first offense;
 - (2) Two Hundred Dollars (\$200.00) for the second offence;
 - (3) Five Hundred Dollars (\$500.00) for the third and subsequent offences.
8. If a person has not been charged or warned under this bylaw in the preceding twenty-four (24) months and is then charged or warned, the offence shall be considered to be a first offence.
9. Should the person wish the benefit of a Court Appearance to contest the allegation of contravening this by-law, the Enforcement Officer shall issue a Violation Ticket as proscribed by the *Provincial Offences Procedures Act*.
10. This by-law hereby rescinds all previous M.D livestock control by-laws.
11. This by-law shall come into force and effect upon final passing.

Read for a first time this 8 day of October 2013


Read for a second time this 8 day of October 2013

Approved unanimously this 8 day of October 2013 to be presented for third reading at this meeting.

Read for a third time and finally passed this 8 day of October 2013



REEVE



CHIEF ADMINISTRATIVE OFFICER

October 18, 2013

DATE OF FINAL SIGNATURE