



**REGULAR COUNCIL MEETING AGENDA  
CARSTAIRS MUNICIPAL OFFICE  
MONDAY, OCTOBER 28, 2024, 7:00 P.M.**

Page

**1. CALL TO ORDER**

**2. ADDED ITEMS**

**3. ADOPTION OF AGENDA**

- a) Adoption of agenda of October 28, 2024  
**Motion:** To adopt the agenda of October 28, 2024

**4. ADOPTION OF MINUTES**

- a) Adoption of minutes of October 15, 2024(addendum 4.a)  
**Motion:** To adopt the minutes of October 15, 2024



**5. BUSINESS ARISING FROM PREVIOUS MEETING**

**6. DELEGATIONS**

- a) Notary Public-Janet Leigh

**7. BYLAWS AND POLICIES**

- a) Bylaw No. 926 Discharge of Projectiles Bylaw-Amended (addendum 7.a)



- b) Bylaw No 928 Animal Trap Bylaw-Amended (addendum 7.b)



- c) Bylaw No. 996 Residential District Standards-Amended (addendum 7.c)



- d) Bylaw No. 999 Industrial District Standards-Amended (addendum 7.d)



- e) Bylaw No. 1000 Commercial District Standards-Amended (addendum 7.e)



- f) Bylaw No. 1058 Noise Bylaw-Amended (addendum 7.f)



- g) Bylaw No. 1060 Cat Control Bylaw-Amended (addendum 7.g)

- 42 - 52  h) Bylaw No. 1079 Dog Control Bylaw-Amended (addendum 7.h)
- 53 - 56  i) Bylaw No. 1080 Hobby Kennel License Bylaw-Amended (addendum 7.i)
- 57 - 61  j) Bylaw No. 1081 Livestock Control bylaw-Amended (addendum 7.j)
- 62 - 66  k) Bylaw No. 2024 Fireworks Bylaw-Amended (addendum 7.k)

**8. NEW BUSINESS**

- a) Budget 2025 Discussions

**9. COMMITTEE REPORTS**

- 67 - 70 a) POLICIES & PRIORITIES COMMITTEE
  - i)  Minutes of the meeting on October 17, 2024 (addendum 9.a.i)
- b) MOUNTAIN VIEW REGIONAL WASTE COMMISSION
- c) MOUNTAIN VIEW REGIONAL WATER COMMISSION
- d) MOUNTAIN VIEW SENIORS HOUSING
- e) RED DEER RIVER MUNICIPAL USERS GROUP

**10. COUNCILOR REPORTS**

- a) COUNCILOR ALLAN
- b) COUNCILOR BALL
- c) COUNCILOR FRICKE
- d) COUNCILOR RATZ
- e) COUNCILOR ROBERTS
- f) COUNCILOR WILCOX
- g) MAYOR COLBY

**11. CORRESPONDENCE**

- 71 - 76 a)  Letter of Request-Renegades Minor Hockey (addendum 11.a)

**12. CAO'S REPORT**

**13. COUNCILOR CONCERNS**

**14. PUBLIC QUESTION PERIOD**

**15. MEDIA QUESTION PERIOD**

**16. CLOSED MEETING**

- a) Section 197 of the MGA states that Council and Council Committees must conduct their meetings in public unless the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Privacy (FOIP) (s. 16 to 29).

**17. ADJOURNMENT**

**MINUTES OF THE REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 15, 2024, 7:00 P.M.  
CARSTAIRS MUNICIPAL OFFICE**

**ATTENDEES:** Mayor Colby, Councilors Allan, Ball, Fricke, Ratz, Roberts & Wilcox, Director of Planning & Development Kirk Willisroft, CAO Rick Blair & Executive Assistant Kayleigh Van Es

**ABSENT:** Nil

**CALL TO ORDER:** Mayor Colby called the meeting of Tuesday, October 15, 2024, to order at 7:00 p.m.

**ADDED ITEMS:** Nil

**ADOPTION OF AGENDA:**  
Motion 347/24 Motion by Councilor Ball to adopt the Regular Council agenda of October 15, 2024, as presented.

**CARRIED**

**ADOPTION OF PREVIOUS MINUTES:**

Motion 348/24 Motion by Councilor Roberts to adopt the Regular Council Meeting minutes of September 23, 2024, as presented.

**CARRIED**

**BUSINESS ARISING FROM PREVIOUS MEETING:**

Nil

**DELEGATIONS:**

**1. Chinooks Edge School Division-Tracy Upshaw, Dean Nielsen, & Melissa Copley**

T. Upshaw reported on Carstairs Elementary School for the 2024-2025 year. The school now has 431 students, which includes 23 new students and 75 new kindergarten students. T. Upshaw states that the school receives multiple calls a day inquiring about enrollment. The school is collaborating with the Hour-Zero Emergency Preparedness Program. They began the year with the Terry Fox Run, which raised over \$4300, as well as Orange Shirt Day. This year, focusing on citizenship through student leadership initiatives, school patrol, expanding parental involvement, new school cheer, and reward systems. Another significant focus is to create an outdoor classroom environment, utilizing the current playground and working with Parent Council while using funds from the Smile Cookie campaign. T. Upshaw expressed gratitude for the towns support and collaboration as well as with the Carstairs Nature Space, Carstairs Public Library, Fire Department, and Emergency Service Department. The school has been able to use town parks and amenities to improve learning. Stating that the school is lucky to be able to support local businesses while also receiving their support.

D. Nielsen reported on Hugh Sutherland School for the academic year 2024-2025. This year, the school has 830 students across all learning forms. The Province has instituted a no-cell phone policy to refocus on learning; D. Nielsen claimed that there has been little pushback. The School Board has approved three HSS Academies for this year, including Dance/Cheer, Hockey, and STEAM programs. D. Nielsen outlines how academies foster passion-based learning; to participate in an academy, a student must maintain attendance, grades, and behaviour along with HSS standards. A digital sign will be installed at the end of the month, allowing students to create media and advertise for the town. According to D. Nielsen, the school's leadership team is very motivated, and he is excited about upcoming events. The school met with CES and Paula Schmick-Roy, Director of Community Services, to discuss the Joint-User Agreement to provide wider access to school gymnasiums. Expressing gratitude to Paula and Rick for their ongoing open communication. Stating HSS is grateful for the continuous support and collaboration from local businesses and facilities.

Councilor Allan inquires about a solution, given that both schools are at or near full capacity. M. Copley responded by detailing the changes to the capital planning process for the Chinooks School Division. Unfortunately, there is no option for modular classes or relocating students. M. Copley and both principals have formed a unified front and will fight to get Carstairs a new school. Councilor Allan commends

D. Nielsen, T. Upshaw, and M. Copley for their efforts to ensure Carstairs' concerns are heard.

Councilor Roberts is pleased to see everyone working together.

Councilor Ratz expressed gratitude for all that has been accomplished.

Councilor Ball said that if the Council can help get Carstairs at the top of the list for a new school, please let us know. M. Copley thanked the Council and promised to keep them informed.

Councilor Wilcox questions if the new process enables planning for the future rather than existing capability. M. Copley claims that they are working on this issue, but it has not been resolved completely. Councilor Wilcox inquires about the possibility of doing more homeschooling in order to reduce capacity. According to D. Nielsen, this is an option that is widely available.

Councilor Fricke extended gratitude for presenting. I'm wondering when the schools close for new registration. M. Copley notes that some students come from other communities, but the faster we grow, the higher we go up the list for a new school. Councilor Fricke inquires whether the new Municipal Census number will aid in moving Carstairs up the list; M. Copley responds that it will help forecast growth.

Mayor Colby voiced Thank you, D. Nielsen, T. Upshaw, and M. Copley, for all of your hard work and innovations that bring people together on behalf of all Town residents and Council.

M. Copley conveyed gratitude to Council for keeping the lines of communication open.

**2. Carstairs Nature Space-Charlie Van Arnam**

C. Van Arnam addressed Council, giving an update on the Carstairs Nature Space. There has been extensive tree planting, with over 6,000 trees already planted and more on the way. Volunteers built and placed two open-face structures with benches, as well as laying a large amount of mulch. They also planted an arboretum and added more benches and picnic tables. Future plans include expanding the natural activity area, constructing a structure/enclosure for porta-potties, and erecting a "Ranch Gate" to represent an entry and discourage public vehicular access. Installation of solar-powered motion lights in closed areas to discourage nighttime activity, install a donor recognition wall in one or both open-faced sheds, and plant a perennial wildflower bed. C. Van Arnam requests that the use of snowmobiles in the Nature Space be better monitored. He also invites all Council to attend Harvest Fest on October 26, 2024.

Councilor Fricke praises the number of community events and the sense of community that the Carstairs Nature Space fosters, particularly the junior gardening program.

Councilor Wilcox expressed gratitude to the committee and volunteers, saying it is a huge asset to the community.

Councilor Ratz claims that the project has undergone significant transformation since it began and enjoys driving by it daily.

Councilor Allan acknowledged a job well done.

Mayor Colby commented that the Nature Space is a great addition to the Town. It has taken an incredible amount of effort, and we are grateful to everyone who has worked on and donated to this project.

Motion 349/24

Motion by Councilor Allan to accept the delegations as information.

**CARRIED**

**BYLAWS & POLICIES:** Nil

**NEW BUSINESS:** **1. Housing Needs Assessment**  
Council reviewed the Housing Needs Assessment. The assessment states that the housing market in Carstairs is largely uniform, catering to a single-family demographic. There are few senior-oriented housing options outside Mountain View Senior's Housing, and the bedroom



- September 18, 2024, attended the inaugural Central Alberta Women in Politics Networking group, which was hosted in Carstairs.
- September 19, 2024, attended the Mountain View Seniors Housing Board meeting.
- October 5, 2024, attended the Mountain View Regional FCSS Stronger Together Healthy Living Expo.
- October 10, 2024, attended the Tackling Toxicity, Cultivating Civility Online Global Civility Summit.
- October 11, 2024, attended the Carstairs Fire Department Fire Prevention Open House.

**Councilor Ratz**

- September 23-27, 2024, attended the AB Municipalities Conference.

**Councilor Roberts**

- September 23-27, 2024, attended the AB Municipalities Conference.
- October 9, 2024, attended the Mountain View Regional Water Commission meeting.

**Councilor Wilcox**

- September 23-27, 2024, attended the AB Municipalities Conference.
- October 2, 2024, presented to HSS Grade 5 and 6 students about services and supports.
- October 5, 2024, attended the Mountain View Regional FCSS Stronger Together Healthy Living Expo.
- October 9, 2024, attended the Mountain View Regional Water Commission Open House.
- October 11, 2024, attended the Carstairs Fire Department Fire Prevention Open House.

**Mayor Colby**

- September 23-27, 2024, attended the AB Municipalities Conference.

Motion 353/24

Motion by Councilor Ratz to accept all Councilor Reports as information.

**CARRIED**

**CORRESPONDENCE:**

Nil

**CAO'S REPORT:**

- September 24, 2024, met with Kitstone regarding development agreement.
- September 23-27, 2024, attended the AB Municipalities Conference.
- October 8, 2024, met with Kitstone developers.
- October 10, 2024, had a meeting regarding regional policing study, hopefully able to collect missing data and have a final draft by the end of the month.
- Meeting with directors regarding the 2025 budget.
- Stonegarden easements have been signed and executed.
- 2 of 5 Meadowpark easements have been signed and executed.
- The Golf course is now closed for the season. It was a great year at the Course with a net revenue of over \$400,000.
- October 15, 2024, received the signed development agreement from Kitstone.
- There have been a lot of newly planted trees around all areas of town.
- Aggregate benches/trashcans have been placed at Memorial Park and the cemetery.
- Operations is preparing for winter with equipment maintenance.
- The golf course will be constructing an equipment tent prior to winter.

Motion 354/24

Motion by Councilor Allan to accept CAO's Report as information.

**CARRIED**

**COUNCILOR CONCERNS:** Nil

**PUBLIC QUESTION PERIOD:**

Nil

**MEDIA QUESTION PERIOD:**

Nil

**CLOSED MEETING:**

**CONFIDENTIAL** Section 237 of the MGA states that Councils and Council Committees must conduct their meetings in public unless the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy (FOIP) (s.16 to 20).

Motion 355/24

Motion by Councilor Wilcox that Council close the meeting to the public to discuss Third-Party Business Interests as per Section 16 of FOIP at 8:56 p.m.

**CARRIED**

**Regular Council Meeting – October 15, 2024**

Motion 356/24                      Motion by Councilor Fricke to come out of the closed meeting session at 9:26 p.m.

**CARRIED**

Motion 357/24                      Motion by Councilor Ball to direct administration to apply for the Water for Life Grant.

**CARRIED**

Motion 358/24                      Motion by Councilor Wilcox to direct administration to authorize engineers to design the waterline to the new reservoir.

**CARRIED**

**NEXT MEETING:**                      Monday, October 28, 2024, at 7:00 p.m.

**ADJOURNMENT:**

Motion 359/24                      Motion by Councilor Ball to adjourn the meeting of October 15, 2024, at 9:28 p.m.

**CARRIED**

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**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 926-Amended**

**BEING** a bylaw of the Town of Carstairs to prohibit the discharge of any projectile device which requires air pressure, spring power or other mechanical aperture to discharge a projectile from a barrel or bow.

**WHEREAS**, pursuant to the provisions of section 187 of the Municipal Government Act, ~~RSA September 2000~~ RSA 2000, Ch. M-26 and the amendments thereto, a Council may pass a bylaw for the provisions of services to their ratepayers.

**NOW THEREFORE**, the Municipal Council of the Town of Carstairs in the province of Alberta, duly assembled in Council, enacts as follows:

1. This Bylaw may be referred to as the **“Discharge of Projectiles Bylaw.”**
2. In this Bylaw:
  - a. **“CAO”** means the appointed Chief Administrative Officer for the Town of Carstairs, or a person designated to act on behalf of the Chief Administrative Officer for the Town of Carstairs;
  - b. **“Peace Officer”** means a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police, or any other local policing authority.
  - c. **“Projectile Device”** means a device which fires any type of projectile through the use of compressed gas, springs, other mechanical aperture, or physical force. Devices include, but are not limited to, those commonly referred to as Paint Ball Guns, Pellet Guns, Air Soft Guns, BB Guns, Bows, or Crossbow.
3. No person may discharge any projectile device: ~~which fires any type of projectile through the use of compressed gas; springs; or other mechanical aperture. Devices included in this are all that are those commonly referred to as Paint Ball Guns; Pellet Guns; Air Soft Guns; BB Guns.~~
  - a. On any property owned by or within the Town of Carstairs;
  - ~~b. That is directed at property owned by a person other than who is discharging the projectile device;~~
  - ~~c. That is directed at an animal; or~~
  - ~~d. That is directed at another person.~~
- ~~4. Any person found to have either at the time, or in a time past since the inception of this bylaw, to have discharged a device noted in this bylaw is guilty of an offence punishable by summary conviction.~~
- ~~5. Any person who has committed an offence under this bylaw whereby the discharged projectile is directed at property, defined as any item which has real value to any person, is guilty of an offence and punishable by summary conviction.~~
- ~~6. Any person who has committed an offence under this bylaw whereby the discharge of the device is directed toward a person or an animal, regardless of whether the projectile made contact with the person or animal is guilty of an offence and punishable by summary conviction.~~
4. **FINES AND PENALTIES**
  - a. A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
    - i. not less than the specified penalty established in the Rates and Fees Bylaw;
    - ii. and not exceeding \$10,000.00.
    - iii. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.
5. **MUNICIPAL TAG**
  - a. A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:

- i. Personally, serving the municipal tag on the person; or
- ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person's last known postal address
- b. A municipal tag shall be in a form approved by the Chief Administration Officer and shall state:
  - i. The name of the person to whom the municipal tag is issued
  - ii. The particulars of the contravention of the bylaw;
  - iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
  - iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag order to avoid prosecution; and
  - v. Any other information as may be required by the CAO.

**6. VIOLATION TICKET**

- a. If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued.
- b. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
- c. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
- d. If a violation ticket is issued it must be in the prescribed form and must:
  - i. state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
  - ii. require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

**7. GENERAL PROVISIONS**

- a. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- b. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

**8. SEVERABILITY**

- a. It is the intention of the Council of the Town of Carstairs that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

<del>Section</del>	<del>Offence</del>	<del>1<sup>st</sup> Offence</del>	<del>2<sup>nd</sup> Offence</del>	<del>3<sup>rd</sup> Offence</del>
<del>2.</del>	<del>Discharge Device</del>	<del>\$50.00</del>	<del>\$100.00</del>	<del>\$200.00</del>
	<del>\$200.00</del>			
<del>3.</del>	<del>Discharge at Property</del>	<del>\$100.00</del>	<del>\$200.00</del>	<del>\$400.00</del>
<del>4.</del>	<del>Discharge at Person</del>	<del>\$400.00</del>	<del>\$800.00</del>	<del>\$1600.00</del>
	<del>Animal</del>			<del>or</del>

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF  
XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 928-Amended**

**BEING** a Bylaw of the Town of Carstairs to prohibit the use of animal traps within the Town of Carstairs limits.

**WHEREAS**, pursuant to the provisions of section 187 of the Municipal Government Act, **RSA 2000, Ch. M-26** and the amendments thereto, a Council may pass a bylaw for the provisions of services to their ratepayers.

**NOW, THEREFORE**, the Municipal Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts the following:

1. This Bylaw may be referred to as the **“Animal Trap Bylaw”**
2. It is an offence for any person, whether on private land or public land, to use any form of animal trap for the purposes of trapping animals **within the Town limits of Carstairs**
3. Animal traps provided or approved by the Town of Carstairs Peace Officer or his designate, or used by an agency whose role is for the preservation of animal life and person safety will be the only traps permitted to be used within the Town limits.
4. Any person found in violation of section **2** of this bylaw will be subject to a **Fine as per the Rates and Fees Bylaw. ~~violation summons being issued for \$250.00 for a first offence and mandatory court for the second offence.~~**
5. This Bylaw comes into force on the final passing thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 996 - Amended**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, to regulate Neighborhood Nuisance, Safety and Livability Issues.

**WHEREAS**, Section 7(a) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended; a council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the Municipal Government Act authorizes a municipality to pass bylaws respecting nuisances, including unsightly property;

**AND WHEREAS** it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

**NOW THEREFORE**, the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be referred to as the **“Residential Community Standards Bylaw”**.
2. The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibition of this Bylaw.
3. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit order or license.
4. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes references to any Act, bylaw, regulation or agency that may be substituted therefore.
5. Every provision of this Bylaw is independent of all other provision and if any provision of this Bylaw is declared invalid for any reason by a Court or competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
6. In this Bylaw:
  - a. **“Automobile Parts”** includes, but is not limited to, any vehicle part or collection of vehicles parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
  - b. **“Boulevard”** means the strip of land between the curb and the property line.  
~~**“Bylaw Enforcement Officer” means a person authorized by Council to carry out the provisions of this bylaw, or the Chief Administrative Officer of the Town of Carstairs, or a member of the Royal Canadian Mounted Police**~~
  - c. **“Graffiti”** means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other property.
  - d. **“Lane”** means an alley intended primarily for access to the rear of the Premises;
  - e. **“Litter”** means any solid or liquid material or product or combination of products but not limited to:
    - i. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, plant or tree material, human or animal excrement or sewage or the whole or part of an animal carcass or the whole or part of any article, raw or processed material which can be used for construction of building;
  - f. **“Loitering”** means standing or waiting around idly or without apparent purpose;
  - g. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:
    - i. Personally, serving the municipal tag on the person; or
    - ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person's last known postal address

A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:

- i. The name of the person to whom the municipal tag is issued;
- ii. The particulars of the contravention of the bylaw;
- iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;

- iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
- v. Any other information as may be required by the CAO.
- h. **“Officer”** includes a Bylaw Enforcement Officer and a member of the RCMP.
- i. **“Owner”** includes a corporation other legal entity and an individual having charge or control of a premises; the owner of any real property, as registered on title at the Land Titles Office;
- j. **“Peace Officer”** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer:
  - i. appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police
  - ii. or any other local policing authority;
- k. **“Pest”** means any animal, rodent, bird, reptile, or insect which causes, or could reasonably be expected to cause, annoyance or damage, or injury to any person, or animal, or plant;
- l. **“Premises”** includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building of buildings;
- m. **“Remedial Order”** means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act;
  - i. Government Act;
- n. **“Structure”** means a building, garage, shed, fence or other improvement erected or place in, on, over or under land, whether or not it is affixed to the land;
- o. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal was issued.
  - i. A peace officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
  - ii. A peace officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed and offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
  - iii. If a violation ticket is issued it must be in the prescribed form and must state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or require the person to appear in Provincial Court with or without the alternative of making a voluntary payment
- p. **“Work Forces”** include employees of the Town of Carstairs and Person under contract to The Town.
- q. **“Weed”** means a wild plant that grows in an unwanted place and is usually of vigorous growth.

**UNTIDY PROPERTIES**

**7. Scope**

The standards, requirements and prohibitions contained in this Part shall apply to:

- a. Industrial Zoned Premises;
- b. Vacant lots within Industrial zoned areas;

**8. Accumulation of Materials**

- a. No owner of a Premise shall allow on the Premise, the accumulation of:
  - i. Any material that creates unpleasant odors;

- ii. Any material likely to attract pests; or
- iii. Animal remains, parts of animal remains, or animal feces;
- b. Loose garbage;
- c. Bottles, cans, boxes or packaging materials;
- d. Household furniture or other household goods;
- e. Automobiles (derelict);
- f. Automobile Parts;
- g. Parts of or disassembled machinery, equipment or appliances;
- h. Yard waste, including grass, tree and hedge cuttings;
- i. Appliances, Fridges and Freezers;
- j. No owner of a premise shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze;
- k. Weeds;
- l. No owner shall permit the proliferation of any insect or other pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.

**9. Outdoor Storage of Building Materials**

- a. No owner of real property shall allow on the Premise the accumulation of building materials, whether new or used, unless that the owner or occupier can establish that a construction or renovation undertaking is being carried out on the Premise or for the normal course of the permitted business.
- b. Any persons that hold a valid Town of Carstairs Building Permit may be exempt from this clause.

**NUISANCES ESCAPING PROPERTY**

**10. Water, Eavestroughs and Downspouts**

- a. No owner of a Premise shall allow a flow of water from a hose, eave or similar device on the Premise to be directed towards an adjacent premise.

**WEEDS, GRASS AND TREES**

**11. Weed Inspectors**

- a. The Chief Administrative Officer may appoint Weed Inspectors to enforce the Weed Control Act, S.A 2008

**12. Noxious Weeds**

- a. Owners must control the growth of noxious weeds and must destroy any prohibited noxious weeds on their property as per the Weed Control Act, S.A. 2008.

**13. Grass/Weed Control**

- a. No owner of a Premise shall allow grass or weeds on the Premise to exceed 15 centimeters.

**14. Trees**

- a. Owner shall prune, remove or otherwise maintain trees and shrubs **by trimming to 8 feet** that interfere with or endanger traffic control devices, utility lines, poles, pipes, sewers, sidewalks, streets and alleyways or other works of the Town or Public Utility.
- b. No person shall plant trees or shrubbery on Town Lands or cause trees or shrubbery to be planted on Town Lands without prior written authorization from the Chief Administrative Officer.
- c. **Trees shall not over hang into adjacent property.**

The above section shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.

**15. Sidewalks**

- a. The Owner or Occupier of any premise within the Town of Carstairs shall remove and clear away all snow, ice, dirt or other obstructions from the sidewalk adjoining such premises within seventy- two (72) hours.
- b. No owner shall place or allow to be placed any obstruction on any sidewalk, street or roadway without written consent of the Town of Carstairs.

**MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES**

16. For the purpose of this Part:

- a. **“Fence”** includes a privately built fence and a developer-built community screening fence;
- b. **“Good Repair”** means a condition where something is free from;
- c. **“Structure”** includes any building, retaining wall, shed or portable shack.

**17. Obligation to Maintain**

- a. No owner or occupier of a Premise shall allow a Structure or Fence to become a safety hazard.
- b. Every owner or occupier of a Premise shall ensure the following are maintained in Good Repair;
  - i. Fences and their structural members;
  - ii. Structures and their structural members including:
    - Foundations and foundation walls;
    - Exterior walls and their components;
    - Roofs;
    - Windows and their casings;
    - Doors and their frames;
  - i. Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
  - ii. Exterior stairs, landings, porches, balconies and decks.
  - iii. Vacant buildings must be secured at all times.

**ADDRESSING**

18. The owner of a Premise on which a dwelling unit has been erected or is under construction shall display the number assigned to the property at the location plainly visible from the street in front of the Premise to which the property is addressed. Minimum 3 inches in size.

**LIGHT**

19. No owner or occupier of a Premise shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.

**GRAFFITI PREVENTION AND ABATEMENT**

20. Owners must ensure that any graffiti that has been applied to their property is repaired/removed. If the graffiti is offensive in nature it must be removed within 24 hours, otherwise it must be removed within one week. In addition, no person shall create or apply Graffiti on or to any publically owned property or premises

**LITTERING**

21. No person shall place, deposit, or throw any litter upon any:

- a. Street;

- b. Land;
- c. Sidewalk;
- d. Parking lots;
- ~~e. Recycle Centre Compost Site~~
- f. Park;
- g. Playground;
- h. Water course or;
- i. Other public place

**22. Construction Sites**

- a. All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent from blowing onto any other Private or public property.

**23. Loitering**

- a. No person loiter in a public place and thereby obstruct another person
- b. No person shall stand or put their feet on the top or surface of any table bench planter or sculpture placed in any public place.

**STORAGE ON TOWN PROPERTY**

- 24. No person shall place, pile or store any material or equipment on Town owned property without first obtaining approval for such purpose from the C.A.O. for the Town of Carstairs.

**REMEDIAL ORDERS AND APPEALS**

- 25. Every Remedial Order written with respect to this Bylaw must:

- a. Indicate the Person to whom it is directed;
- b. Identify the property to which the Remedial Order related by municipal address or legal description;
- c. Identify the date that is issued;
- d. Identify how the Premise fails to comply with this or another bylaw;
- e. Identify the specific provision of the Bylaw the Premise contravenes
- f. Identify the nature of the remedial action required to be taken to bring the Premise into compliance;
- g. Identify the time within which the remedial action must be completed.
- h. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
- i. Indicated that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by the specified time;
- j. Indicate that an appeal lies from the Remedial Order to the town Council, if a notice of appeal is filed in writing with the Chief Administrative Officer within seven days of the receipt of the Remedial Order.

- 26. Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.

**ENFORCEMENT**

- 27. Any person who contravenes any provision of this Bylaw by:

- a. Doing any act which the Person is prohibited from doing; or
- b. Failing to do any act the Person is required to do: is guilty of an offence.

**FINES AND PENALTIES**

28. A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

**GENERAL PROVISIONS**

29. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

This Bylaw is to amend the amended Bylaw No. 996 This Bylaw shall come in force and effect on the final date of passing thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 999 - Amended**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, to regulate Industrial Nuisance, Safety and Livability Issues.

**WHEREAS**, Section 7(a) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended; a council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the Municipal Government Act authorizes a municipality to pass bylaws respecting Industrial nuisances, including unsightly property;

**AND WHEREAS** it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

**NOW THEREFORE**, the Municipal Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be referred to as **“Industrial District Standards Bylaw”**.
2. The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibition of this Bylaw.
3. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit order or license.
4. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes references to any Act, bylaw, regulation or agency that may be substituted therefore.
5. Every provision of this Bylaw is independent of all other provision and if any provision of this Bylaw is declared invalid for any reason by a Court or competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
6. In this Bylaw:
  - a. **“Automobile Parts”** includes, but is not limited to, any vehicle part or collection of vehicles parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
  - b. ~~**“Bylaw Enforcement Officer” means a person authorized by Council to carry out the provisions of this bylaw, or the Chief Administrative Officer of the Town of Carstairs, or a member of the Royal Canadian Mounted Police;**~~
  - c. ~~**“Boulevard” means the strip of land between the curb and the property line.**~~
  - d. ~~**“Graffiti” means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other property.**~~
  - e. ~~**“Lane” means an alley intended primarily for access to the rear of the Premises;**~~
  - f. ~~**“Litter” means any solid or liquid material or product or combination of products but not limited to: any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, plant or tree material, human or animal excrement or sewage or the whole or part of an animal carcass or the whole or part of any article, raw or processed material which can be used for construction of building.**~~
  - g. ~~**“Loitering” Standing or waiting around idly or without apparent purpose.**~~
  - h. ~~**“Municipal Tag” A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:**~~
    - i. ~~**Personally, serving the municipal tag on the person; or**~~
    - ii. ~~**Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address**~~

~~A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:~~

- ~~i. **The name of the person to whom the municipal tag is issued;**~~
- ~~ii. **The particulars of the contravention of the bylaw;**~~

- iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
  - iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
  - v. Any other information as may be required by the CAO.
- i. **“Officer”** includes a Bylaw Enforcement Officer and a member of the RCMP.
  - j. **“Owner”** includes a corporation, other legal entities and an individual having charge or control of a premises; the owner of any real property, as registered on title at the Land Titles Office.
  - k. **“Pest”** means any animal, rodent, bird, reptile, or insect which causes, or could reasonably be expected to cause, annoyance or damage, or injury to any person, or animal, or plant.
  - l. **“Peace Officer”** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.
  - m. **“Premises”** includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building of buildings;
  - n. **“Remedial Order”** means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act.
  - o. **“Structure”** means a building, garage, shed, fence or other improvement erected or place in, on, over or under land, whether or not it is affixed to the land;
  - p. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal was issued.
    - i. A peace officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
    - ii. A peace officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
    - iii. If a violation ticket is issued it must be in the prescribed form and must state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or require the person to appear in Provincial Court with or without the alternative of making a voluntary payment
  - q. **“Work Forces”** include employees of the Town of Carstairs and Person under contract to The Town.
  - r. **“Weed”** means a wild plant that grows in an unwanted place and is usually of vigorous growth.

**SCOPE**

- 7. The standards, requirements and prohibitions contained in this Part shall apply to:
  - a. Industrial Zoned Premises;
  - b. Vacant lots within Industrial zoned areas;
- 8. **Accumulation of Materials**
  - a. No owner of a Premise shall allow on the Premise, the accumulation of:
    - i. Any material that creates unpleasant odors;
    - ii. Any material likely to attract pests; or
    - iii. Animal remains, parts of animal remains, or animal feces.
  - b. Loose garbage;
  - c. Bottles, cans, boxes or packaging materials;

- d. Household furniture or other household goods;
- e. Automobiles (derelict)
- f. Automobile Parts;
- g. Parts of or disassembled machinery, equipment or appliances; and
- h. Yard waste, including grass, tree and hedge cuttings.
- i. Appliances, Fridges and Freezers.
- j. No owner of a premise shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- k. Weeds
- l. No owner shall permit the proliferation of any insect or other pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.

**9. Outdoor Storage of Building Materials**

- a. No owner of real property shall allow on the Premise the accumulation of building materials, whether new or used, unless that the owner or occupier can establish that a construction or renovation undertaking is being carried out on the Premise or for the normal course of the permitted business.
- b. **All parts must be kept within the confines of secure fencing and not in view of the public.**
- c. Any persons that hold a valid Town of Carstairs Building Permit may be exempt from this clause.

**NUISANCES ESCAPING PROPERTY**

**10. Water, Eavestroughs and Downspouts**

- a. No owner of a Premise shall allow a flow of water from a hose, eave or similar device on the Premise to be directed towards an adjacent premise.

**WEEDS, GRASS AND TREES**

**11. Weed Inspectors**

- a. The Chief Administrative Officer may appoint Weed Inspectors to enforce the Weed Control Act, S.A. 2008

**12. Noxious Weeds**

- a. Owners must control the growth of noxious weeds and must destroy any prohibited noxious weeds on their property as per the Weed Control Act, S.A. 2008.

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- a. No owner of a Premise shall allow grass or weeds on the Premise to exceed 15 centimeters.

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- a. Owner shall prune, remove or otherwise maintain trees and shrubs **by trimming to 8 feet** that interfere with or endanger traffic control devices, utility lines, poles, pipes, sewers, sidewalks, streets and alleyways or other works of the Town or Public Utility.
- b. No person shall plant trees or shrubbery on Town Lands or cause trees or shrubbery to be planted on Town Lands without prior written authorization from the Chief Administrative Officer.
- c. **Trees shall not over hang into adjacent property.**

The above section shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.

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- a. The Owner or Occupier of any premise within the Town of Carstairs shall remove and clear away all snow, ice, dirt or other obstructions from the sidewalk adjoining such premises within seventy two (72) hours.

- b. No owner shall place or allow to be placed any obstruction on any sidewalk, street or roadway without written consent of the Town of Carstairs.

**MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES**

16. For the purpose of this Part:

- a. **“Fence”** includes a privately built fence and a developer-built community screening fence;
- b. **“Good Repair”** means a condition where something is free from;
  - i. Significant damage;
  - ii. Rot or other significant deterioration;
- c. **“Structure”** includes any building, retaining wall, shed or portable shack.

**17. Obligation to Maintain**

- a. No owner or occupier of a Premise shall allow a Structure or Fence to become a safety hazard.
- b. Every owner or occupier of a Premise shall ensure the following are maintained in Good Repair;
  - i. Fences and their structural members;
  - ii. Structures and their structural members including:
    - Foundations and foundation walls;
    - Exterior walls and their components;
    - Roofs;
    - Windows and their casings;
    - Doors and their frames;
  - iii. Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
  - iv. Exterior stairs, landings, porches, balconies and decks.
  - v. Vacant buildings must be secured at all times.

**ADDRESSING**

18. The owner of a Premise on which a dwelling unit has been erected or is under construction shall display the number assigned to the property at the location plainly visible from the street in front of the Premise to which the property is addressed. Minimum 3 inches in size.

**LIGHT**

19. No owner or occupier of a Premise shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.

**GRAFFITI PREVENTION AND ABATEMENT**

20. Owners must ensure that any graffiti that has been applied to their property is repaired/removed. If the graffiti is offensive in nature it must be removed within 24 hours, otherwise it must be removed within one week. In addition, no person shall create or apply Graffiti on or to any publically owned property or premises

**LITTERING**

21. No person shall place, deposit, or throw any litter upon any:

- a. Street;
- b. Land;
- c. Sidewalk;
- d. Parking lots;
- ~~e. Recycle Centre Compost Site~~
- f. Park;
- g. Playground;

- h. Water course or;
- i. Other public place

**CONSTRUCTION SITES**

22. All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent from blowing onto any other Private or public property.

**23. Loitering**

- a. No person loiter in a public place and thereby obstruct another person
- b. No person shall stand or put their feet on the top or surface of any table bench planter or sculpture placed in any public place.

**STORAGE ON TOWN PROPERTY**

24. No person shall place, pile or store any material or equipment on Town owned property without first obtaining approval for such purpose from the C.A.O. for the Town of Carstairs.

**REMEDIAL ORDERS AND APPEALS**

25. Every Remedial Order written with respect to this Bylaw must:

- a. Indicate the Person to whom it is directed;
- b. Identify the property to which the Remedial Order related by municipal address or legal description;
- c. Identify the date that is issued;
- d. Identify how the Premise fails to comply with this or another Bylaw;
- e. Identify the specific provision of the Bylaw the Premise contravenes;
- f. Identify the nature of the remedial action required to be taken to bring the Premise into compliance;
- g. Identify the time within which the remedial action must be completed.
- h. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
- i. Indicated that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by the specified time;
- j. Indicate that an appeal lies from the Remedial Order to the town Council, if a notice of appeal is filed in writing with the Chief Administrative Officer within seven days of the receipt of the Remedial Order.

**FINES AND PENALTIES**

26. A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

**GENERAL PROVISIONS**

27. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

This Bylaw is to amend the amended Bylaw No. 999 which repealed Bylaw 891 & Bylaw 901.

This Bylaw shall come in force and affect on the final date of passing thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 1000-Amended**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, to regulate Commercial Nuisance, Safety and Livability Issues.

**WHEREAS**, Section 7(a) of the Municipal Government Act, **RSA 2000, Ch. M-26** amended; a council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the Municipal Government Act authorizes a municipality to pass bylaws commercial nuisances, including unsightly property;

**AND WHEREAS** it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

**NOW THEREFORE**, the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall may be referred to as the **“Commercial District Standards Bylaw”**.
2. The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibition of this Bylaw.
3. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit order or license.
4. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes references to any Act, bylaw, regulation or agency that may be substituted therefore.
5. Every provision of this Bylaw is independent of all other provision and if any provision of this Bylaw is declared invalid for any reason by a Court or competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
6. In this Bylaw:
  - a. **“Automobile Parts”** includes, but is not limited to, any vehicle part or collection of vehicles parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
  - b. ~~**“Bylaw Enforcement Officer” means a person authorized by Council to carry out the provisions of this bylaw, or the Chief Administrative Officer of the Town of Carstairs, or a member of the Royal Canadian Mounted Police;**~~
  - c. ~~**“Boulevard” means the strip of land between the curb and the property line.**~~
  - d. ~~**“Graffiti” means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other property.**~~
  - e. ~~**“Lane” means an alley intended primarily for access to the rear of the Premises;**~~
  - f. ~~**“Litter” means any solid or liquid material or product or combination of products but not limited to: any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, plant or tree material, human or animal excrement or sewage or the whole or part of an animal carcass or the whole or part of any article, raw or processed material which can be used for construction of building.**~~
  - g. ~~**“Loitering” Standing or waiting around idly or without apparent purpose.**~~
  - a. ~~**“Municipal Tag” A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:**~~
    - i. ~~**Personally, serving the municipal tag on the person; or**~~
    - ii. ~~**Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address**~~

A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:

    - i. ~~**The name of the person to whom the municipal tag is issued;**~~
    - ii. ~~**The particulars of the contravention of the bylaw;**~~

- iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
  - iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
  - v. Any other information as may be required by the CAO.
- h. **“Officer”** includes a Bylaw Enforcement Officer and a member of the RCMP.
  - i. **“Owner”** includes a corporation, other legal entities and an individual having charge or control of a premises; the owner of any real property, as registered on title at the Land Titles Office.
  - j. **“Pest”** means any animal, rodent, bird, reptile, or insect which causes, or could reasonably be expected to cause, annoyance or damage, or injury to any person, or animal, or plant.
  - k. **“Peace Officer”** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.
  - l. **“Premises”** includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building of buildings;
  - m. **“Remedial Order”** means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act.
  - n. **“Structure”** means a building, garage, shed, fence or other improvement erected or place in, on, over or under land, whether or not it is affixed to the land;
  - o. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal was issued.
    - i. A peace officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
    - ii. A peace officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed and offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
    - iii. If a violation ticket is issued it must be in the prescribed form and must state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or require the person to appear in Provincial Court with or without the alternative of making a voluntary payment
  - p. **“Work Forces”** include employees of the Town of Carstairs and Person under contract to The Town.
  - q. **“Weed”** means a wild plant that grows in an unwanted place and is usually of vigorous growth.

**SCOPE**

- 7. The standards, requirements and prohibitions contained in this Part shall apply to:
  - a. Industrial Zoned Premises;
  - b. Vacant lots within Industrial zoned areas;
- 8. **Accumulation of Materials**
  - a. No owner of a Premise shall allow on the Premise, the accumulation of:
    - i. Any material that creates unpleasant odors;
    - ii. Any material likely to attract pests; or
    - iii. Animal remains, parts of animal remains, or animal feces.
  - b. Loose garbage;
  - c. Bottles, cans, boxes or packaging materials;

- d. Household furniture or other household goods;
- e. Automobiles (derelict)
- f. Automobile Parts;
- g. Parts of or disassembled machinery, equipment or appliances; and
- h. Yard waste, including grass, tree and hedge cuttings.
- i. Appliances, Fridges and Freezers.
- j. No owner of a premise shall allow the open or exposed storage on the Premises of any industrial fluid, including engine oil, brake fluid or antifreeze.
- k. Weeds
- l. No owner shall permit the proliferation of any insect or other pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.
- m. **All automobile parts must be kept within the confines of secure fencing and not in view of the public.**

**9. Outdoor Storage of Building Materials**

- a. No owner of real property shall allow on the Premise the accumulation of building materials, whether new or used, unless that the owner or occupier can establish that a construction or renovation undertaking is being carried out on the Premise or for the normal course of the permitted business.
- b. Any persons that hold a valid Town of Carstairs Building Permit may be exempt from this clause.

**NUISANCES ESCAPING PROPERTY**

**10. Water, Eavestroughs and Downspouts**

- a. No owner of a Premise shall allow a flow of water from a hose, eave or similar device on the Premise to be directed towards an adjacent premise.

**WEEDS, GRASS AND TREES**

**11. Weed Inspectors**

- a. The Chief Administrative Officer may appoint Weed Inspectors to enforce the Weed Control Act, S.A. 2008

**12. Noxious Weeds**

- a. Owners must control the growth of noxious weeds and must destroy any prohibited noxious weeds on their property as per the Weed Control Act, S.A. 2008.

**13. Grass/Weed Control**

- a. No owner of a Premise shall allow grass or weeds on the Premise to exceed 15 centimeters.

**14. Trees**

- a. Owner shall prune, remove or otherwise maintain trees and shrubs **by trimming to 8 feet** that interfere with or endanger traffic control devices, utility lines, poles, pipes, sewers, sidewalks, streets and alleyways or other works of the Town or Public Utility.
- b. No person shall plant trees or shrubbery on Town Lands or cause trees or shrubbery to be planted on Town Lands without prior written authorization from the Chief Administrative Officer.
- c. **Trees shall not over hang into adjacent property.**

The above section shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.

**15. Sidewalks**

- a. The Owner or Occupier of any premise within the Town of Carstairs shall remove and clear away all snow, ice, dirt or other obstructions from the sidewalk adjoining such premises within seventy two (72) hours.

- b. No owner shall place or allow to be placed any obstruction on any sidewalk, street or roadway without written consent of the Town of Carstairs.

**MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES**

16. For the purpose of this Part:

- a. **“Fence”** includes a privately built fence and a developer-built community screening fence;
- b. **“Good Repair”** means a condition where something is free from;
  - i. Significant damage;
  - ii. Rot or other significant deterioration;
- c. **“Structure”** includes any building, retaining wall, shed or portable shack.

**17. Obligation to Maintain**

- a. No owner or occupier of a Premise shall allow a Structure or Fence to become a safety hazard.
- b. Every owner or occupier of a Premise shall ensure the following are maintained in Good Repair;
  - i. Fences and their structural members;
  - ii. Structures and their structural members including:
    - Foundations and foundation walls;
    - Exterior walls and their components;
    - Roofs;
    - Windows and their casings;
    - Doors and their frames;
  - iii. Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
  - iv. Exterior stairs, landings, porches, balconies and decks.
  - v. Vacant buildings must be secured at all times.

**ADDRESSING**

18. The owner of a Premise on which a dwelling unit has been erected or is under construction shall display the number assigned to the property at the location plainly visible from the street in front of the Premise to which the property is addressed. Minimum 3 inches in size.

**LIGHT**

19. No owner or occupier of a Premise shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.

**GRAFFITI PREVENTION AND ABATEMENT**

20. Owners must ensure that any graffiti that has been applied to their property is repaired/removed. If the graffiti is offensive in nature it must be removed within 24 hours, otherwise it must be removed within one week. In addition, no person shall create or apply Graffiti on or to any publically owned property or premises

**DONATION SITES**

21. For the purposes of this Part:

- a. **“Charity Collection Site”** means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods, and which contains a receptacle of bin for the collection of donated goods.
- b. No Person shall dump or deposit household garbage or other waste at a Charity Collection site.

**RECYCLING-COMPOST SITES**

22. No Person shall dump or deposit household garbage, branches or other waste at the Town of Carstairs ~~Recycle Compost~~ site that is contrary to the posted signage.

**LITTERING**

23. No person shall place, deposit, or throw any litter upon any:

- a. Street;
- b. Land;
- c. Sidewalk;
- d. Parking lots;
- ~~e. Recycle Centre-Compost Site~~
- f. Park;
- g. Playground;
- h. Water course or;
- i. Other public place

**CONSTRUCTION SITES**

24. All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent from blowing onto any other Private or public property.

25. **Loitering**

- a. No person shall loiter in a public place and thereby obstruct another person.
- b. No person shall stand or put their feet on the top or surface of any table, bench, planter or sculpture placed in any public place.

**STORAGE ON TOWN PROPERTY**

26. No person shall place, pile or store any material or equipment on Town owned property without first obtaining approval for such purpose from the C.A.O. for the Town of Carstairs.

**REMEDIAL ORDERS AND APPEALS**

27. Every Remedial Order written with respect to this Bylaw must:

- a. Indicate the Person to whom it is directed;
  - b. Identify the property to which the Remedial Order related by municipal address or legal description;
  - c. Identify the date that is issued;
  - d. Identify how the Premise fails to comply with this or another bylaw;
  - e. Identify the specific provision of the Bylaw the Premise contravenes;
  - f. Identify the nature of the remedial action required to be taken to bring the Premise into compliance;
  - g. Identify the time within which the remedial action must be completed.
  - h. Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
  - i. Indicated that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by the specified time;
  - j. Indicate that an appeal lies from the Remedial Order to the town Council, if a notice of appeal is filed in writing with the Chief Administrative Officer within seven days of the receipt of the Remedial Order.
- b. Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.

**ENFORCEMENT**

28. Any person who contravenes any provision of this Bylaw by:

- a. Doing any act which the Person is prohibited from doing; or
- b. Failing to do any act the Person is required to do is guilty of an offence.

**FINES AND PENALTIES**

29. A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

This Bylaw is to amend the amended Bylaw No. 1000 which repealed Bylaw 891 & Bylaw 901.

This Bylaw shall come in force and effect on the final date of passing thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 1058 - Amended**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, the purpose of this Bylaw is to control or prohibit certain activities creating noise and to abate the incidence of noise and to restrict the hours when certain noise may be made.

**WHEREAS**, section 7. (a)(i) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended, a council of a municipality may pass a Bylaw for the purpose of prohibiting, eliminating or abating noise in the Town of Carstairs;

**NOW THEREFORE**, the Municipal Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be referred to as **“The Noise Bylaw”**.
2. In this Bylaw:
  - a. **“CAO”** means the Chief Administration Officer of the Town of Carstairs or designate.
  - b. **“Daytime”** means the period commencing at the hour of 7:00 a.m. in the morning and ending at the hour of 9:00 p.m. in the evening of the same day;
  - c. **“Holiday”** means any statutory holiday as recognized by the Province of Alberta;
  - d. **“Land Use Bylaw”** means any zoning or development control Bylaw in force from time to time within the town;
  - e. **“Light motor vehicle”** means a motor vehicle which has gross vehicle weight of two and three-quarter (2.75) metric tones, or less, and includes light commercial vehicles, passenger vehicles and motor scooters;
  - f. **“Motorcycle”** means a motor vehicle mounted on 2 or 3 wheels and
    - i. includes those motor vehicles known in the automotive trade as motor
    - ii. cycles and scooters; but does not include a vehicle known as a moped or
    - iii. a vehicle known as a power bicycle;
  - g. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:
    - i. Personally, serving the municipal tag on the person; or
    - ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address

A municipal tag shall be in a form approved by the Chief Administration Officer and shall state:

- i. The name of the person to whom the municipal tag is issued
  - ii. The particulars of the contravention of the bylaw;
  - iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
  - iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag order to avoid prosecution; and
  - v. Any other information as may be required by the CAO
- h. **“Night time”** means the period commencing at the hour of 9:00 p.m. and ending at the hour of 7:00 a.m. of the following day;
    - i. ~~“Peace Officer” means any Bylaw Officer, Community Peace Officer, or RCMP or of the local policing authority;~~
    - i. **Peace Officer** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.

- j. **“Residential area”** means an area defined as such in the Land Use Bylaw;
- k. **“Residential building”** means a building which is constructed as a dwelling for human being’s;
- l. **“Signaling device”** means a horn, gong, bell, claxo or other device producing audible sound for the purpose of drawing attention to an approaching vehicle, including a bicycle;
- m. **“Town”** means the Town of Carstairs or the area contained within the boundaries of the Municipality;
- n. **“Tractor-trailer”** means a combination of vehicles comprised of one or more trailers used for carrying merchandise or equipment, and one truck-tractor use solely for the supplying or power for propelling or hauling the trailer or trailers;
- o. **“Truck”** means a motor vehicle which:
  - i. has a gross vehicle weight exceeding two and three-quarter (2.75) metric tons, and
  - ii. is not a tractor-trailer;

**p. “Violation Ticket”**

- i. If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued.
- ii. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
- iii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
- iv. If a violation ticket is issued it must be in the prescribed form and must:
  - state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
  - require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

q. **“Weekday”** means any day other than Saturday and Sunday

~~3. No person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise that annoys, disturbs, injures, endangers, or detracts from the comfort, repose health, peace or safety of other persons within the town;~~

**3. GENERAL PROHIBITION**

No person shall make, continue making, cause or allow to be made any excessive, unnecessary or unusual noise that disturbs or annoy a reasonable person, or detracts from the comfort, peace or safety of other persons within the town; this does not apply to accidental occurrences.

**4. DOMESTIC NOISE**

Where a Peace Officer determines that a violation against any provisions of this Bylaw has been committed in a residential area, he/she may:

- a. Request that the noise cease and desist, or
- b. Seize anything used to cause the noise, or
- c. In the case of a person or persons in violation of any provision of this Bylaw, order the person or persons to leave the location of the violation unless such person is the owner or occupant of the land.

5. Where anything is seized pursuant to section 4 (b) of this Bylaw, the seized items shall be returned to the owner at the conclusion of any proceedings brought against the owner.

**6. RESIDENTIAL NOISE**

No person shall operate any power equipment in any area designated as a residential area between the hours of:

- a. 9:00 p.m. and 7:00 a.m. on weekdays or;
- b. 9:00 p.m. and 8:00 a.m. on Saturday, Sunday and holidays.

**7. VEHICLE NOISE**

No person shall operate a vehicle of any type on a street in a residential area at any time of the day or night in such a manner as unduly to disturb the residents of the streets in the residential area in which he/she is operating the vehicle.

**8. COMMERCIAL AND INDUSTRIAL NOISE**

Where an open area is provided for parking, owners with permission from the CAO of the town for such use, will create no more noise than is reasonably necessary in connection regarding, use a machine for cleaning snow or debris from the said open area provided for parking during such hours as is necessary or expedient to keep the area clean of snow and debris in order to allow for parking.

**9. CONSTRUCTION NOISE**

No person shall create or have cause to create a sound from any machine, tools or equipment which may be heard beyond the boundaries of the site on which an activity is being carried on in a residential area between the hours of:

- a. 9:00 p.m. and 7:00 a.m. on weekdays or;
- b. 9:00 p.m. and 8:00 a.m. on Saturday, Sunday and holidays.
- c. The provision of subsection 9 does not apply to any worked carried on by the Town or by a contractor carrying out the instructions of the Town.

**10. DELEGATION OF AUTHORITY**

In this Bylaw, where permission is required from the CAO for carrying on of any noise-making activity, the CAO may delegate any other employee of the Town as having authority to approve the noise-making activity.

**11. ENFORCEMENT**

A person who is found in breach of any section of this bylaw is guilty of an offence. If a breach persist, renews or a new breach occurs twice from the same location within one twelve (12) month period a 2<sup>nd</sup> offence charge will be issued. If a breach persist, renews or a new breach occurs three or more times from the same location within one twelve (12) month period a 3<sup>rd</sup> offence charge will be issued. All fines for this breach are outlined in the ~~Schedule "N" of the~~ **current** Rates & Fees Bylaw.

**12. FINES AND PENALTIES**

**A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:**

- a. not less than the specified penalty established in the Rates and Fees Bylaw;**
- b. and not exceeding \$10,000.00.**
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.**

**13. EXEMPTION WITH PERMISSION OF CAO**

The provisions of subsection 10 do not apply on a street or on a public utility carried on by:

- a. A town department;
- b. Any type of utility company, or
- c. Any contractor working for those listed in subsection (a) & (b).
- d. The ringing of bells in churches, religious establishments and schools;
- e. The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking first approved by council during the Christmas season or some other time approved by council;

- f. The sounding of a general or particular alarm or warning to announce a fire or other emergency, on-coming trains or a disaster;
- g. The playing of a band in connection with a parade;
- h. The playing of a musical instrument appropriate to street service allowed pursuant to any by-law in a moderate manner;
- i. The sounding of police, fire or ambulance sirens;
- j. The sounding of horns, or claxons on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warnings to persons and vehicles using the streets.
- k. Any Special Event Permit/Plan approved by the Licensing Officer or CAO.

**14. GENERAL PROVISIONS**

The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

This Bylaw is to amend Bylaw 1058 that repealed Bylaw No. 973.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 1060-Amended**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, the purpose of this Bylaw is to regulate and control cats within the limits of the Town of Carstairs.

**WHEREAS**, Section 7. (a) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended; a council may pass bylaws for municipal purposes respecting the following matter; the safety, health and welfare of people and the protection of people and property;

**WHEREAS**, Section 7. (h) of the Municipal Government Act, Chapter M-26 RSA 2000 as amended; a council may pass bylaws for municipal purposes respecting the following matter; wild and domestic animals and activities in relation to them;

**WHEREAS**, it is deemed expedient to enact a Bylaw for the regulation and control of cats within the boundaries of the Town of Carstairs:

**NOW THEREFORE** the Municipal Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be referred to as the **“Cat Control Bylaw”**.

**INTERPRETATION AND APPLICATION**

2. In this Bylaw:

- a. **“CAO”** means the appointed Chief Administrative Officer for the Town of Carstairs, or a person designated to act on behalf of the Chief Administrative Officer for the Town of Carstairs.

~~Animal Control Officer—means a person employed from time to time to enforce the provisions of this bylaw, or a person so appointed by the Town of Carstairs.~~

~~“Bylaw Enforcement Officer”—means a person appointed by the Town in accordance to the provisions of 555.1 of the Municipal Government Act.~~

- b. **“Carstairs”** means the Municipal Corporation of the Town of Carstairs or the area contained within the boundary thereof as the context requires.

- c. **“Cat”** means either a male or female feline family.

- d. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:

- i. Personally, serving the municipal tag on the person; or
- ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address

A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:

- i. The name of the person to whom the municipal tag is issued;
- ii. The particulars of the contravention of the bylaw;
- iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
- iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
- v. Any other information as may be required by the CAO.

- e. **“Owner”** means an individual or body corporate having legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or suffers the animal to remain on his/her premises.

- f. **“Peace Officer”** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.

- g. **“Runs at Large”** means off the premises of the owner and not under the control of any person.

- h. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued
  - i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
  - ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
  - iii. If a violation ticket is issued it must be in the prescribed form and must:
    - state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
    - require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

**1. RESPONSIBILITY OF CAT OWNER**

The owner of the cat shall:

- a. Ensure that the cat is not running at large, and
- b. Ensure if cat defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately;
- c. Not allow the premise to become littered with cat feces to an extent that the premise becomes objectionable, either visually or because of foul odors, to residents of neighboring properties.
- d. Shall not allow or permit their cat to damage public property or the property of any other person or to injure or harass domestic or wild animals such as other cats or birds, or people, but not to include mice, voles and moles on the owner’s property.

**2. COMMUNICABLE DISEASES**

An owner of a cat known to have or suspected of having rabies:

- a. Shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to ~~an Animal Control~~ a Peace Officer.
- b. Shall confine or isolate the cat, in such a manner as prescribed by the persons in subsection 7 (a) so as to prevent further spread of the disease;
- c. Shall keep the cat confined for not less than ten (10) days.

**3. LICENSING**

By January 31<sup>st</sup> of each year, the owner of a cat shall obtain a license for such cat (3 months of age or older) and shall pay for such license an annual fee as set out in the Rates & Fees Bylaw.

- a. Upon payment of the license fee by the owner the Town Office shall issue to the owner a metallic tag for each cat license.
- b. Every owner shall provide his or her cat with a collar to which the owner shall affix the metallic tag for such cat and the owner shall ensure that the collar and tag are worn by such cat whenever the cat is off such owner’s premises.
- c. Upon losing a cat license the owner of a cat shall contact the Town Office Staff who will issue a new tag to the owner.
- d. Anyone who becomes owner of a cat for which a license has been obtained for the current calendar year shall advise the Town Office of such change or ownership on the first day the Town Office is open after he or she becomes owner of the cat but no additional license fee is payable in such event.
- e. No person shall be entitled to a license rebate under this Bylaw.
- f. The municipality shall keep current records of:
  - i. the name and address of each owner;

- ii. the breed, color and sex of each owner's cat
  - iii. the number on each metallic tag issued to the owner for his or her cat; and
  - iv. the license fees paid by each owner
- g. A cat license is not required by persons temporarily in the Town for a period not exceeding two weeks in any calendar year.
- h. Any person temporarily in the Town for a period of greater than two weeks in any calendar year and who would otherwise be required to obtain a license for a cat under this Bylaw, may apply to the Chief Administrative Officer for an extension of the two week grace period described in subsection 9 5 (g).

**4. ANIMAL CONTROL AUTHORITY**

- a. The ~~Animal Control Officer~~ Peace Officer shall keep an up to date record of all complaints, notices, and reports regarding cats and a similar record of their disposition.
- b. ~~The Animal Control Officer, A Peace Officer, or a Bylaw Enforcement Officer~~ may seize and impound any cat running at large.

**5. INTERFERENCE WITH ENFORCEMENT OF A BYLAW**

No person, whether or not he is the Owner of a cat which is being or has been pursued or captured shall:

- a. interfere with or attempt to obstruct ~~an Animal Control Officer~~ a Peace Officer, or ~~Bylaw Enforcement Officer~~ who is attempting to capture or who has captured any cat in accordance with the provisions of this bylaw; or
- b. open the ~~van or~~ vehicle in which cats captured for impoundment have been placed, so as to allow or attempt to allow any cat to escape therefrom;
- c. remove or attempt to remove any cat from the possession of the ~~Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer.~~

**6. RECLAIMING**

- a. The owner of any impounded cat may reclaim the cat from the Town by paying the fees as set out in the Rates & Fees Bylaw.
- b. ~~An Animal Control~~ A Peace Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded cat, its owner, if known, and to a veterinarian and ~~an Animal Control~~ A Peace Officer shall take into account any recommendations of such veterinarian in dealing with the cat while the cat is impounded.
- c. An owner of an impounded cat shall be liable to the Town Office for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such impounded cat.

**7. RELEASE OF IMPOUNDED CATS**

- a. The Town shall keep all impounded cats for a period of at least 72 hours, including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the 72 hour period. During this period, any cat may be redeemed, by its Owner, upon payment to the Town of:
  - i. impound, kennel and necessary veterinary fees incurred as a result of the impoundment and/or,
  - ii. accepting service of the appropriate bylaw violation ticket
- b. At the expiry of the 72 hour period, any cat not redeemed may be ~~destroyed~~ put up for adoption, ~~or sold~~ and any proceeds kept by the Town.
- c. The ~~Animal Control~~ Peace Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any cat to a veterinarian and act upon his/her recommendation. The owner, if known, shall be held responsible for all charges resulting therefrom.

**8. TRAPPING OF CATS**

- a. Any person who has a complaint about a cat running at large or causing damage to their property may request a cat trap from the Town of Carstairs.

- b. Complainants, upon receiving a cat trap, shall comply with the Procedure and Guidelines for the Trapping of Stray Cats, annexed as Schedule "A" to this Bylaw, and such other terms and conditions as the Town may require.
- c. The provision of a cat trap to a Complainant shall be at the sole discretion of the Town of Carstairs.

**9. OFFENCES**

- a. Any person whose;
  - i. cat runs at large is guilty of an offence
  - ii. cat damages public or private property is guilty of an offence
  - iii. found to have contravened any provision of Section 5 of this Bylaw is guilty of an offence Specified Penalties for offences are located in the ~~rates-bylaw current~~ **Rates & Fees Bylaw**

**10. OTHER PROVISIONS**

- a. No person shall:
  - i. entice a cat to run at large; or
  - ii. tease a cat caught in a cat trap; or
  - iii. throw or poke any object into a cat trap when a cat is caught therein; or
  - iv. fail to check a set cat trap on his premises hourly, or as otherwise required by the Town; or
  - v. leave a set cat trap unattended, except as authorized by the Town; or
  - vi. leave a cat trap set between the hours in Schedule A.1 (g), unless authorized by the Town; or
  - vii. fail to deliver a trapped animal to the Town within 24 hours of the time it is trapped.

**11. ENFORCEMENT**

- a. All fines for contravention of this Bylaw are outlined in the ~~current~~ **Rates & Fees Bylaw**.
- b. The ~~Animal Control Officer~~, Peace Officer ~~or Bylaw Enforcement Officer~~ may enforce the provisions of this Bylaw and, where he or she has reasonable grounds to believe that a person has committed a breach of any provision of this Bylaw, he or she may issue an offence ticket to an Owner of a cat alleged to have committed one or more of the offences hereinbefore described designating the specified penalty for such offence.
- c. ~~The Animal Control Officer~~, A Peace Officer ~~or Bylaw Enforcement Officer~~ who finds any person who violates any of section 9(a) who is the person in lawful control of the issued trap may seize the trap immediately upon noting the violation as well as issue an offence notice or Provincial Summons for the violation. If the person issued the offence notice or Provincial Summons is found guilty ~~they~~ **The Animal Control Officer**, Peace Officer ~~or Bylaw Enforcement Officer~~ may refuse future requests for a trap by the convicted person.

**12. PENALTIES – VOLUNTARY PAYMENT**

- a. Where ~~an Animal Control~~ **an Peace** Officer, believes that a person has contravened any provisions of this Bylaw, he or she may in his or her absolute discretion serve upon such a person a **Municipal tag** provided by this section either personally or by mailing by ordinary mail addresses to or leaving the tag at the last known address of such person and such service shall be good and sufficient for the purpose of this Bylaw;
- b. A ~~ticket-Municipal Tag~~ under this section shall in such form as determined by the Town and shall state the section of this Bylaw which the person to whom such ~~the ticket~~ **Municipal Tag** is issued is accused of having violated, and the amount from ~~Schedule 'M' of the current~~ **Rates & Fees Bylaw** that will be accepted by the Town in lieu of prosecution;
- c. Upon the production of a ~~ticket~~ **Municipal Tag** issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Town of the fee provided in the Rates & Fees Bylaw. The person to whom the ~~ticket~~ **Municipal Tag** was issued shall not be liable for prosecution for the contravention in respect of which the ~~Municipal-Tag~~ **ticket** was issued;

- d. Nothing in this section shall prevent a person to whom a ticket has been issued from defending any prosecution commenced by the Town for any contravention of the provisions of this Bylaw.
- e. If an ~~Animal Control~~ **A Peace** Officer believes that a person has contravened any provision of this Bylaw, he or she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of The Provincial Offences Procedures Act, R.S.A. 2000, Chapter P-34 as amended.
- f. The specified penalty payable in respect of a contravention of a provision of this Bylaw in proceedings commenced under The Provincial Offences Procedure Act is the amount shown in the Rates & Fees Bylaw in respect of that provision.

**13. FINES AND PENALTIES**

A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

**14. GENERAL PROVISIONS**

- a. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- b. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

**15. SEVERABILITY OF BYLAW PROVISIONS**

It is the intention of Council that:

- a. Each separate provision of this Bylaw shall be deemed independent of all other provisions; and
- b. if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

This Bylaw is to amend the amended Bylaw No. 1060 which repealed ~~hereby repeals~~ Bylaw No. 902 Cat Bylaw—~~Amended~~.

This Bylaw shall come into force and effect upon third and final reading thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Schedule 'A'****PROCEDURE AND GUIDELINES FOR TRAPPING OF STRAY CATS**

1. Procedure and Guidelines
  - a. A citizen of the Town of Carstairs who is annoyed with damages done to his or her property as a result of a stray cat may telephone the Town and voice a complaint, requesting a cat trap.
  - b. The Complainant will attend the office of the Town and, if the complaint is found to be valid, the Complainant will be requested to sign the form and an agreement provided by the Town, and the Town will then provide a cat trap to the Complainant.
  - c. The Complainant will be required to pay a \$20.00 deposit to the Town. This deposit will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from the Town.
  - d. The Complainant will set the cat trap in a place protected from the elements, on the premises of the Complainant for a period of not more than 72 hours, after which time he or she will return the trap to the Town.
  - e. It will be the responsibility of the Complainant to check the trap regularly i.e. within a four hour timeframe, or as approved by the Town and, if an animal is caught, the Complainant must bring the animal and the trap to the Town within 24 hours following the trapping.
  - f. The Town may enter and inspect the premises of the Complainant and ascertain if a cat trap has been properly placed or set and if a cat has been trapped.
  - g. No traps are to be set from 4:00 p.m. Friday to 8:00 a.m. Monday or Tuesday on a long weekend unless given written authorization from ~~the Bylaw-a~~ Peace Officer.
  - h. At such time as the Town takes possession of a trapped cat, the Town will try to locate an identifying tag or tattoo on the cat and, if found, will make every effort to contact the Owner of the cat in order to report that it has been impounded by the Town.
  - i. If an identification tag or tattoo cannot be found on the impounded cat, the Town will keep the cat for a period of at least 72 hours. After said 72 hour period, it shall be up to the discretion of the Town as to whether or not the trapped cat shall be kept, ~~sent~~ adopted to a new owner, or be euthanized by a veterinarian. However, notwithstanding the care taken to ensure return of an Owner's cat, if a trapped cat shall be found by the Town to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded.
  - j. At such time as a cat owner attends the Town office for the purpose of picking up his or her cat which was running at large, an offence ticket will be issued in accordance with this Bylaw. Additional charges which must be paid at time of pick-up will be assessed relating to overnight charges if incurred, impound charges and vet examination fee.
  - k. It is the responsibility of the Complainant to ensure that, once a cat is trapped on his or her property, that said cat shall not be abused contrary to section ~~12 9(a) (ii) and 9(a) (iii)~~ of this Bylaw, by anyone on his or her property or by anyone coming onto his or her property.
  - l. Any person seeing a cat in a trap being abused is encouraged to telephone and report the abuse to the Town, at which time the Town will immediately attend at the premises where the abuse has taken place and will remove the cat and the trap forthwith.
  - m. The Town will not provide service after normal business hours.
  - n. No cat traps will be provided by the Town to a Complainant when weather conditions are, or are forecast to be, colder than 0 degrees Celsius or warmer than 27 degrees Celsius within the 72 hour period from the time of issue.
  - o. Any person who abuses, teases or pokes an animal in a cat trap or is causing pain, suffering, or injury to any animal may be charged with an offence under section 446 of the Criminal Code of Canada.

**Schedule B**

<b>Section</b>	<b>Offence</b>	<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>
<del>8(a)(i) 11</del>	<del>Run at Large</del>	<del>\$50.00-200</del>	<del>\$75.00</del>	<del>\$150.00</del>
<del>8(a)(ii)</del>	<del>Damage Property</del>	<del>\$50.00</del>	<del>\$75.00</del>	<del>\$150.00</del>
<del>8(a)(iii)</del>	<del>Contravene Section 5</del>	<del>\$250.00</del>	<del>\$500.00</del>	<del>\$1000.00</del>
<del>9(a)(i)</del>	<del>Entice cat to run at — Large — —</del>	<del>\$100.00</del>	<del>\$200.00</del>	<del>\$400.00</del>
<del>9(a)(ii)</del>	<del>Tease cat in trap</del>	<del>\$250.00</del>	<del>\$500.00</del>	<del>\$1000.00</del>
<del>9(a)(iii)</del>	<del>Throw/poke object in Trap with cat inside</del>	<del>\$500.00</del>	<del>\$1000.00</del>	<del>\$2000.00</del>
<del>9(a)(iv)</del>	<del>Fail to check Trap hourly</del>	<del>\$250.00</del>	<del>\$500.00</del>	<del>\$1000.00</del>
<del>9(a)(v)</del>	<del>Leave Trap unattended</del>	<del>\$250.00</del>	<del>\$500.00</del>	<del>\$1000.00</del>
<del>9(a)(vi)</del>	<del>Leave Trap set between 16:00 - 08:00 hrs. Fri. to Mon or Tues on a long weekend</del>	<del>\$250.00</del>	<del>\$500.00</del>	<del>\$1000.00</del>
<del>9(a)(vii)</del>	<del>Fail to deliver in 24hrs</del>	<del>\$250.00</del>	<del>\$500.00</del>	<del>\$1000.00</del>

~~\*\*If any discrepancies between Schedule B and the current Rates & Fees Bylaw — the current Rates & Fees Bylaw will be deemed correct\*\*~~

**BYLAW No. 1079-Amended**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, the purpose of this Bylaw is to regulate and control dogs within the limits of the Town of Carstairs.

**WHEREAS**, Section 7. (a) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended; A council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

**WHEREAS**, Section 7. (i) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended; A council may pass bylaws for municipal purposes respecting the following matter of wild and domestic animals and activities in relation to them;

**WHEREAS**, it is deemed expedient to enact a Bylaw for the regulation and control of dogs within the boundaries of the Town of Carstairs:

**NOW THEREFORE** the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall referred to as the ~~be named~~ **“The Dog Control Bylaw”**.
2. In this Bylaw:

~~“Animal Control Officer” means a person engaged by the Town to administer and enforce the provisions of this Bylaw; includes Town of Carstairs Community Peace officers and any member of the Royal Canadian Mounted Police~~

~~Bylaw Enforcement Officer” means a person appointed by the Town in accordance to the provisions of 555.1 of the Municipal Government Act.~~

- a. **“CAO”** means the person appointed as the Chief Administrative Officer;
- b. **“Competent Person”** means a person who is physically and mentally capable of restraining and controlling a dog to the extent that the dog cannot interfere with other persons or animals or cause damage;
- c. **“Device”** means any equipment or mechanical contrivance capable of restraining the dog on which it is being used;
- d. **“Dispose”** means giving or selling to someone else;
- e. **“Dog”** means a domestic member of the Canidae family;
- f. **“Former Owner”** means a person who at the time of impoundment was the owner of a dog which has subsequently been sold or destroyed;
- g. **“Leash”** means a chain or other material capable of restraining the dog on which it is being used;
- h. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:
  - i. Personally, serving the municipal tag on the person; or
  - ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address

~~A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:~~

- i. The name of the person to whom the municipal tag is issued;
- ii. The particulars of the contravention of the bylaw;
- iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
- iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
- v. Any other information as may be required by the CAO.

- i. **“Peace Officer”** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.
- j. **“Off Leash Area”** means an area established, by resolution of Council, as being an area where a dog that is under the control of a competent person is permitted with such dog being off leash.
- k. **“Owner”** means a person who has legal title to a dog, and includes any person who has actual or apparent possession or custody of a dog, either permanently or temporarily or harbors a dog or allows a dog to remain on his or her premises
- l. **“Person”** means a natural person, partnership or body corporate;  
  
~~“Restricted Breed” means breeds of dogs which are deemed dangerous by motion of council.~~
- m. **“Restricted Dog”** means a dog that’s conduct of which has resulted in its owner being convicted of a contravention of subsection 4 of this Bylaw.
- n. **“Running at Large”** means:
  - i. A dog or dogs which are not under the control of a person responsible by means of a leash or other device and is or are actually upon property other than the property in respect of which the owner of the dog or dogs has the right of occupation, or upon any highway, street, alleyway boulevard, sidewalk, park, playground or other public place, or
  - ii. A dog or dogs which are under the control of a person responsible by means of a leash or other device and which cause damage to persons, property or other animals;
- o. **“Town”** means the Town of Carstairs or the area contained within the boundaries thereof, as the context requires;
- p. **“Service Dog”** means any qualified Service Dog as defined in the *Service Dogs Act, RSA 2007, C.S-7.5* and the *Service Qualifications Regulations AR 59/2017*
- q. **“Vicious Dog”** means a dog that has been declared vicious by a Peace Officer
- r. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued
  - i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
  - ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
  - iii. If a violation ticket is issued it must be in the prescribed form and must:
    - state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
    - require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

**3. RESPONSIBILITIES OF DOG OWNERS**

The owner of a dog shall:

- a. Ensure that dog is not running at large;
- b. Ensure if dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately;
- c. Not allow the premise to become littered with dog feces to an extent that the Premise becomes objectionable, either visually or because of foul odors, to residents of neighboring properties.

The owner of a dog shall ensure that such dog shall not:

- d. Bite a person or persons whether on the property of the owner or not;
- e. Do any other act to injure a person or persons whether on the property of the owner or not;
- f. Chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
- g. Bite, bark at, or chase live stock, bicycles, automobiles, or other vehicles;
- h. Bark, howl incessantly or otherwise disturb any person;
- i. Cause damage to property or other animals;
- j. Upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property on, in or about premises not belonging to or in the possession of the owner of the dogs;
- k. Be in an area of a park cultivated for floral plant display;
- l. Be in any swimming, bathing or wading pool that is provided for the use of the public;

In addition to any other penalties imposed under this Bylaw an owner who contravenes subsection 3 of this Bylaw is civilly liable to the Town for any expense directly or indirectly incurred by the Town in connection with such contravention.

**4. RESTRICTED DOG**

No owner shall own, keep or harbor within the municipal boundaries of the Town a Restricted Dog unless such Restricted Dog is licensed.

- a. The owner of every Restricted Dog required to be licensed under this Bylaw shall pay by January 31 in each calendar year or within 30 days of the dog becoming a Restricted Dog, as the case may be, an annual license fee, for a Restricted Dog as set out in The Rates & Fees Bylaw.
- b. No owner shall keep or harbor a Restricted Dog on premises owned or controlled by him or her unless such Restricted Dog is kept securely confined so that escape is not possible.
- c. The owner of a restricted dog shall ensure that whenever such restricted dog is off property of the owner it is controlled by a leash or harness in a manner that prevents it from biting, chasing or attacking a person or other animal;
- d. An ~~Animal Control Officer~~ Peace Officer under this Bylaw is authorized to capture and impound a dog may seize and impound any dog believed by him or her to be a restricted dog found running at large in the Town and he or she may take any reasonable measures necessary to subdue such a dog including the use of tranquilizer equipment and materials.
- e. The obligations contained in sections 5 of this Bylaw are in addition to all other obligations contained in this Bylaw.
- f. Notwithstanding a dog ~~of a restricted breed~~ will not be classified as a restricted dog, unless it displays behaviors referred to by the definition of a restricted dog and is so classified a restricted dog by the ~~Animal Control Officer~~ Peace Officer.

**5. VICIOUS DOG**

A dog may be declared by a Peace Officer to be a "Vicious Dog" pursuant to this Bylaw and will be Licensed as such by the Town and subject to special provisions of this Bylaw pertaining to "Vicious Dogs".

- a. The Owner of a dog declared to be a "Vicious Dog" pursuant to this Section shall be served with a Notice setting out the responsibilities of an Owner of a "Vicious Dog" pursuant to this Bylaw and the process of appeal available to the Owner of the dog. See Schedule "C"
- b. A Notice issued pursuant to Section 6.1 may be appealed in writing to the Chief Administrative Officer within ten (10) days of the service of such Notice and;
  - i. after ten (10) days if no such appeal is made the animal shall be accepted to be a "Vicious Dog" by the Owner.

- c. For the purposes of this Section, a Notice will be deemed to have been sufficiently served when:
  - i. served personally upon the Owner of the dog, or served substitutional upon any person who is 18 years of age or older who resides in the same residence as the Owner of the dog;
  - ii. the Owner of the dog, or any person who is 18 years of age or older who resides in the residence where the dog is kept, is notified by an Peace Officer with written Notice sent by regular or registered mail or by electronic means to the Owner.
  - iii. such Notice will be deemed served 5 (five) days from the date that the noticed is sent.
- d. A decision on an appeal made pursuant to Section 6.2 will be communicated to the appellant verbally or in writing within ten (10) days of receipt of the appeal.
- e. A decision made by the Chief Administrative Officer on an appeal made pursuant to Section 6.3 may be appealed to Council in writing within ten (10) days of being notified of the decision.
- f. Where a Notice has been served on the Owner of a dog declared to be a “Vicious Dog” by an Peace Officer, for the purposes of this Bylaw, the dog will be deemed to be a “Vicious Dog” throughout any appeal proceedings unless a decision arising from an appeal is rendered that the dog is not a “Vicious Dog”.
- g. Within ten (10) days of a dog being declared a “Vicious Dog” pursuant to this Bylaw, the Owner shall:
  - i. arrange to have the dog tattooed or implanted with an electronic identification microchip by a Licensed veterinarian and provide the Town with documentary proof of doing so immediately thereafter;
  - ii. if the Dog is in an unaltered state, have the Dog neutered or spayed by a licensed veterinarian and provide the Town with documentary proof of doing so immediately thereafter;
  - iii. License the dog as a “Vicious Dog” with the Town,
- h. The Owner of a Vicious Dog shall:
  - i. when selling or otherwise giving the dog to a new Owner, fully inform the new Owner that the dog has been declared a “Vicious Dog” by the Town of Carstairs. A new Owner of a “Vicious Dog” must be at least 18 years of age;
  - ii. notify the Town of a change in Ownership of the dog or the death of the dog within three (3) days of the date of change in Ownership or death;
  - iii. when becoming a new Owner of a dog known be declared a “Vicious Dog” pursuant to this Bylaw, License the dog with the Town of Carstairs within three (3) working days, excluding weekends and statutory holidays of acquiring the dog;
  - iv. thereafter obtain an annual “Vicious Dog” License from the Town of Carstairs as required by this Bylaw; and
  - v. ensure that the dog wears the current License Tag for that dog whenever the dog is off the property of the Owner.
- i. For the purposes of Section 6.8(b), a dog shall be deemed to have been sold or otherwise given to a new Owner when the dog is left in the care of anyone for a period of thirty (30) consecutive days or more, whether or not there was an exchange of money or a formal agreement for a change of Ownership
- j. When a “Vicious Dog” is on the Premise of the Owner, the Owner shall ensure that:
  - i. the dog is confined indoors; or
  - ii. when the dog is not confined indoors, it is confined in a locked pen or other structure that complies with the provisions of Section 6.11 of this Bylaw, and which is constructed so as to prevent the escape of the dog and the entry of any person not in possession or control of the dog.

- k. A locked pen or other structure required pursuant to Section 5.j shall:
  - i. have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded into the ground to a minimum dept of 30 centimeters; and
  - ii. not be located within one (1) metre of the property line of the Owner of the dog or within five (5) metres of a neighbouring residential dwelling.
- l. When a "Vicious Dog" is off the property of the Owner, the Owner shall ensure that:
  - i. the dog is securely muzzled;
  - ii. the dog is secured in a harness or Leash which shall not exceed one (1) metre in length and is adequate to control the dog;
  - iii. the dog is under the control of a Competent Person who is at least eighteen (18) years of age.
- m. The Owner of a "Vicious Dog" shall ensure that the dog does not:
  - i. bite or attack a person or another animal;
  - ii. chase a person or another animal;
  - iii. injure or cause injury to a person or another animal;
  - iv. damage or destroy public or private property;
  - v. Run at Large; and
    - Notify The Town immediately if the dog is at large.
- n. The Owner of a "Vicious Dog" shall, within 5 days of the date of the order declaring the dog to be vicious, display a sign on his premises warning of the presence of the dog in the form illustrated in Schedule "B".
  - i. the sign required shall be placed at each entrance to the Premises where the dog is kept in a pen or other structure in which the dog is confined;
  - ii. the sign required shall be posted to be clearly visible and capable of being seen by any person accessing the Premises.
- o. No person shall post a sign referred to in section n.i on a property unless the dog residing there has been declared a "Vicious Dog" and is licensed as such.
- p. The Owner of a "Vicious Dog" who contravenes any provision of this Bylaw is guilty of an offence and is subject to penalties applicable to "Vicious Dogs"

**6. COMMUNICABLE DISEASE**

An owner of a dog known to have or suspected of having rabies:

- a. Shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to an ~~Animal Control Officer~~ Peace Officer
- b. Shall confine or isolate the dog, in such a manner as prescribed by the persons in subsection 7 (a) so as to prevent further spread of the disease;
- c. Shall keep the dog confined for not less then ten (10) days.

An owner of a dog knowingly suffering from a communicable disease other than rabies shall:

- a. Not permit the animal to be in any public place;
- b. Not keep the dog in contact with or proximity to any other animal free of such disease;
- c. A person responsible for the dog may place the dog on a leash for transport to a facility for medical attention, otherwise the person responsible will, keep the dog confined in an enclosed area or fenced yard or tied up on the property of the owner.

**7. SECURING ANIMALS IN VEHICLES**

No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked, unless the animal is;

- a. In a fully enclosed trailer;
- b. In a fully enclosed cargo area of the bed of a motor vehicle;
- c. Contained in a ventilated kennel or similar device securely fastened to the cargo bed of the motor vehicle; or
- d. Securely tethered in such a manner that the animal is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the motor vehicle;
- e. The animal is restrained in a manner that prevents contact between the animal and any member of the public or other animal; and
- f. The animal is not confined in such a manner that places it in life or health threatening situation by exposure to a period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.

**8. LICENSING**

~~By January 31<sup>st</sup> of each year,~~ The owner of a dog shall obtain a ~~lifetime~~ license for such dog (3 months of age or older) and shall pay for such license ~~an annual fee~~ as set out in the Rates & Fees Bylaw.

- a. Upon payment of the license fee by the owner the Town Office shall issue to the owner a metallic tag for each dog license.
- b. Every owner shall provide his or her dog with a collar to which the owner shall affix the metallic tag for such dog and the owner shall ensure that the collar and tag are worn by such dog whenever the dog is off such owner's premises.
- c. Upon losing a dog license the owner of a dog shall contact the Town Office Staff who will issue a new tag to the owner.
- d. Any one who becomes owner of a dog for which a license has been obtained for the current calendar year shall advise the Town Office of such change or ownership on the first day the Town Office is open after he or she becomes owner of the dog but no additional license fee is payable in such event.
- e. Tags are not transferable from one dog to another and no refund shall be made on any paid up dog license fee because of the death, loss or sale of the dog or upon the Owner's leaving the Town before expiration of the license period.
- f. The municipality shall keep current records of:
  - i. the name and address of each owner;
  - ii. the breed, color and sex of each owner's dog
  - iii. the number on each metallic tag issued to the owner for his or her dog; and
  - iv. the license fees paid by each owner
- g. A dog license is not required by persons temporarily in the Town for a period not exceeding two weeks in any calendar year.
- h. Any person temporarily in the Town for a period of greater than two weeks in any calendar year and who would otherwise be required to obtain a license for a dog under this Bylaw, may apply to the Chief Administrative Officer for an extension of the two week grace period.
- i. Except as provided in Bylaw No. 1080, no more than three (3) dogs for which a license is required under this Bylaw shall be owned, harbored or possessed by an owner.

**9. ANIMAL CONTROL AUTHORITY**

~~An Animal Control Officer~~ A ~~Peace Officer~~ may enter onto any private land, other than buildings located thereon, in pursuit of a dog found running at large.

**10. OBSTRUCTION AND INTERFERENCE**

No person, whether or not he or she is the owner of a dog which is being or has been pursued or captured shall;

- a. Interfere with or attempt to obstruct an ~~Animal Control Officer~~ ~~Peace Officer~~ who is attempting to capture or who has captured a dog which is subject to impoundment pursuant to the provisions of this Bylaw.

- b. Entice the animal to enter a building or other place where it may be safe from capture or otherwise assist the animal to escape capture;
- c. Falsely represent himself or herself as being in charge or control of an animal so as to establish that the animal is not running at large; or
- d. Unlock or unlatch or otherwise open any vehicle in which any dog which has been captured for impoundment has been placed so as to allow or attempt to allow any dog to escape.

**11. INTERFERENCE WITH ANIMALS**

No person shall:

- a. Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
- b. Negligently or willfully open a gate, door, or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town.
- c. Tease, torment or annoy an animal.

**12. EXEMPTION**

A dog will not be considered "At Large" by not being on a leash when:

- a. when the dog is fully contained upon and within private property with the consent of the owner or person in control of the property; or
- b. when the dog is under control of the owner or a competent person and upon the property of the owner or within an off leash area; or
- c. while the dog is participating in an organized show or competition and under the control of a competent person.

**13. NOTIFICATIONS**

- a. If an ~~Animal Control Officer~~ Peace Officer knows or can ascertain the name of the owner of the impounded dog, he or she shall serve the owner Notice, either personally or by leaving it at or mailing it to the last known address of the owner.
- b. An owner of a dog to whom a Notice is mailed pursuant to the provisions of section 15 is deemed to have received a Notice within forty-eight (48) hours of the time it is mailed.
- c. A ~~Animal Control Officer~~ Peace Officer is not required to make any investigations as to the owner of an impounded dog other than to search the Town's records of licensing for the current year for a dog fitting the description of the impounded dog.

**14. RECLAIMING**

- a. The owner of any impounded dog may reclaim the dog from the Town by paying the fees as set out in the Rates & Fees Bylaw.
- b. An ~~Animal Control Officer~~ Peace Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded dog its owner, if known, and to a veterinarian and a ~~Animal Control Officer~~ Peace Officer shall take into account any recommendations of such veterinarian in dealing with the dog while the dog is impounded.
- c. An owner of an impounded dog shall be liable to the Town Office for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such impounded dog.

**15. DISPOSAL**

An ~~Animal Control Officer~~ Peace Officer shall not sell, destroy or otherwise dispose of an impounded dog until following conditions are met:

- a. The impounded dog has been retained by the Town for at least five (5) days after the owner has received or has been deemed to have received notice that his or her dog has been impounded, where the name and address of the owner is known:
- b. The impounded dog has been retained by the Town for seventy-two (72) hours, where the name of the owner is not known; or
- c. A person having the authority orders the destruction of the impounded dog.

16. When the conditions described in subsection 15 have been met, an ~~Animal Control Officer~~ Peace Officer may cause the dog to be sold, destroyed or otherwise disposed of unless the

owner has made arrangements with an ~~Animal Control Officer~~ Peace Officer for further retention of the dog or a person having the authority orders the further retention of the impounded dog.

17. An ~~Animal Control Officer~~ Peace Officer shall have destroyed any impounded dog when ordered to do so by a person having the authority.

18. Notwithstanding the provisions of section 14 (a) and (b) but subject to the provisions of section 15 and ~~Animal Control Officer~~ Peace Officer may retain an impounded dog for any length of time he or she deems appropriate in the circumstances.

**19. PENALTIES – VOLUNTARY PAYMENT**

a. Where an ~~Animal Control Officer~~ Peace Officer, believes that a person has contravened any provisions of this Bylaw, he or she may in his or her absolute discretion serve upon such a person a ticket as provided by this section either personally or by mailing by ordinary mail addresses to or leaving the tag at the last known address of such person and such service shall be good and sufficient for the purpose of this Bylaw;

b. A ticket under this section shall in such form as determined by the Town and shall state the section of this Bylaw which the person to whom such ticket is issued is accused of having violated, and the amount from ~~Schedule 'E'~~ of the ~~current~~ Rates & Fees Bylaw that will be accepted by the Town in lieu of prosecution;

c. Upon the production of a ticket issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Town of the fee provided in the Rates & Fees Bylaw. The person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued;

d. Nothing in this section shall prevent a person to whom a ticket has been issued from defending any prosecution commenced by the Town for any contravention of the provisions of this Bylaw.

e. If an ~~Animal Control Officer~~ Peace Officer believes that a person has contravened any provision of this Bylaw, he or she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of The Provincial offences Procedures Act, S.A. 1988, Chapter P-21.5.

f. The specified penalty payable in respect of a contravention of a provision of this Bylaw in proceedings commenced under The Provincial Offences Procedure Act is the amount shown in the Rates & Fees Bylaw in respect of that provision.

This Bylaw shall come into force and effect upon third and final reading thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
Lance Colby, Mayor

\_\_\_\_\_  
Rick Blair, CAO

**Schedule 'A'**  
**Dunbar Aggression Scale**

Table 3: Ian Dunbar's Aggression Scale

<b>Bite Level</b>	<b>Action and Result</b>
Level 1	Dog growls, lunges, snarls-no teeth touch skin. Mostly intimidation / threatening behaviour.
Level 2	Teeth touch skin but no puncture. Minor surface abrasions or lacerations, minor bruising. May also include scratches from paws, nails.
Level 3	Punctures one to three holes, single bite. Victim not shaken side to side. Bruising evident.
Level 3.5	Multiple Level 3 bites.
Level 4	Two to four holes from a single bite, typically contact/punctures from more than canines, considerable bruising.
Level 5	Multiple bites at Level 4 or above. A concerted, repeated attack causing severe injury.
Level 6	Death from bite.

Dogs are seized for any bite level 4 and above on an adult or any level 3.5 and above on a child (or if a repeat offender or for public safety.)

**Schedule 'B'**



**Schedule 'C'**

**Dog Control Bylaw**

I, \_\_\_\_\_ Animal Control Officer, Bylaw Enforcement Officer, or Member of the R.C.M.P. deem the dog named or described as:

To be classified as a 'Restricted Dog' for the following reasons:

I personally know the owner of the Animal from the records of the Town of Carstairs:

And the owner of the Animal has been served this notice by registered mail.

Sworn before me at the Town of Carstairs in the Province of Alberta this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Commissioner for Oaths in and for the Province of Alberta  
My Commissioner Expires

**Bylaw No. 1080-Amended**

**BEING** a Bylaw of the Town of Carstairs in the Province of Alberta, the purpose of this Bylaw is to regulate dogs within the borders of the Town of Carstairs, the licensing of breeders and the establishment of fines for violation of this bylaw.

**WHEREAS**, the Town of Carstairs has been authorized by the Municipal Government Act, **RSA 2000, Ch. M-26**, with amendments to pass bylaws;

**NOW THEREFORE**, the Municipal Council of the Town of Carstairs in the Province of Alberta, duly assembled in Council, enacts as follows:

1. This Bylaw may be referred to as the **“Hobby-Kennel and Commercial/Breeding Kennel Bylaw”**

2. In this Bylaw: ~~the following definitions will apply:~~

a. **“CAO”** means the appointed Chief Administrative Officer for the Town of Carstairs, or a person designated to act on behalf of the Chief Administrative Officer for the Town of Carstairs.

~~**“Animal Control Officer”** - Any officer or assistant officer appointed for the enforcement of animal control laws. This includes the Town of Carstairs Bylaw Officer, Community Peace Officer or any member of the Royal Canadian Mounted Police.~~

b. **“Commercial/Breeding Kennel”** means a kennel maintained as a business for the boarding of dogs, for the grooming of dogs, or one which sells dogs born and raised on the premises from no more than three litters per year. A home occupation license approved by the Towns Development Officer is required prior to continuance of and/or onset of breeder operation.

c. **“Hobby Kennel”** means a kennel maintained for any collection of four up to a maximum of five dogs. All dogs must be spayed or neutered with vet certificates confirming alteration. Hobby Kennel includes a Fostering Kennel to assist with canine relocating.

d. **“Keeper”** means any person, corporation, or society, other than the owner, harboring, or having in his possession a dog.

e. **“Kennel License”** means A license for any type of Hobby, Commercial/Breeding Kennel.

f. **“License Period”** means the time between January first and the following December 31st, both dates inclusive within a calendar year.

g. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:

- i. Personally, serving the municipal tag on the person; or
- ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address

A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:

- i. The name of the person to whom the municipal tag is issued;
- ii. The particulars of the contravention of the bylaw;
- iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
- iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
- v. Any other information as may be required by the CAO.

h. **“Owner”** Includes corporations, societies, associations, partnerships, individuals and any persons or agencies provided they show ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.

- i. **"Peace Officer"** means a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.
- j. **"Restricted Dog Breed"** Refers to any dog which is classified as a restricted breed in Bylaw No. 1079.
- k. **"Town of Carstairs"** means the administrative body overseeing the implementation of the Animal Control Bylaw.
- l. **"Vicious Dog"** means a dog that has been declared vicious by a Peace Officer as classified in Bylaw No. 1079.
- m. **"Violation Ticket"** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued
  - i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
  - ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
  - iii. If a violation ticket is issued it must be in the prescribed form and must:
    - state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
    - require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

**3. REGULATIONS**

- a. Any owner or keeper that has four to a maximum of five dogs, three months or older, or who maintains a Commercial or Breeding Kennel, as defined, shall apply to the Town of Carstairs for the appropriate kennel license, in writing upon forms provided to the applicant by the Town. The Town of Carstairs shall consider any application for a Hobby Kennel license or a Commercial /Breeder Kennel license. The Town of Carstairs will ensure that homeowners within approximately sixty (60) meters radius are notified and any feedback will be considered during the application process.
- b. In granting a kennel license, the ~~Animal Control Officer~~ Peace Officer shall assure, in addition to any specific requirements in the bylaws, that:
  - i. The specific site is an appropriate location for the kennel;
  - ii. The kennel will not adversely affect the neighborhoods;
  - iii. There will be no nuisance to the public; and
  - iv. Adequate and appropriate facilities will be provided to assure public safety.
  - v. There are no dogs which are classified as restricted ~~either by breed or as a restricted~~ dog under Bylaw 1079.
  - vi. If the site for the proposed kennel is being rented, a letter from the Owner of the property acknowledging and approving this use shall be provided by the applicant to the Animal Control Officer.
- c. The ~~Animal Control Officer~~ Peace Officer, acting on behalf of the Town of Carstairs, may impose such conditions, safeguards and limitations as may deem reasonably appropriate to protect the neighborhood and otherwise serve the purpose of the bylaw. Criteria used by the Animal Control Officer must comply with the Society for Prevention of Cruelty towards Animals (SPCA). Such application shall specify the maximum number of dogs to be kept on the premises at any one time.
- d. A veterinary hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs, or for boarding of dogs for other than medical or surgical purposes, in which case it shall apply in writing to the Town of Carstairs for the required kennel license.

- e. Kennel licenses shall not be transferable. The fee for a Hobby Kennel License will be \$100 paid annually to the Town of Carstairs. The fee for a Commercial/ Breeder Kennel License will be \$100 paid annually to the Town of Carstairs. In addition, a business license fee of \$100 will be binding on the applicant of a Commercial/ Breeder Kennel License (refer to definition of Commercial/Breeder Kennel).
- f. The owner or keeper of a kennel shall renew the license annually prior to the commencement of each succeeding license period. The penalty for failure to renew a kennel license shall be ~~two hundred and fifty (\$250) dollars.~~ As per the ~~current~~ Rates and Fees Bylaw.
- g. A license issued pursuant to this section shall be in addition to any other license required for any dog which may be kept in such kennel for any portion of the period for which the license is issued.
- h. While at large, each dog belonging to a kennel shall wear a collar or harness to which shall be securely attached a tag upon which shall appear the number of the dog license, the name of the town, and the year of issuance. All provisions and penalties of this chapter relating to dogs at large shall apply to the dog of a kennel when such dog is at large.
- i. Whenever a kennel owner sells any dog or pup, they shall, within five days of such sale, notify the Town in writing. In addition, the owner will provide the ~~Animal Control Officer~~ Peace Officer in writing, the age, breed, color, identifying marks, sex, and reproductive status of the animal and address of the purchaser. All breeders must place dogs by three (3) months (twelve weeks) of age or dogs are subject to removal to a boarding facility.
- j. The ~~Animal Control Officer~~ Peace Officer may at any time inspect or cause to be inspected any kennel and, if he/she believes after such inspection that the kennel is not being maintained in a sanitary and humane manner he/she shall submit a report of recommendations. Upon receipt of such report, the Town of Carstairs shall notify the kennel license holder of such report and shall convene within seven business days of the receipt of the report to determine whether the license should be temporarily suspended. Regardless of whether the license is temporarily suspended, the Town of Carstairs shall, within ten business days of receipt of such report conduct a hearing at which the kennel license holder shall be permitted to defend against any suspension or revocation.
  - i. The ~~Animal Control Officer~~ Peace Officer may submit reports to The Town of Carstairs pertaining to complaints received about the operation of the kennel, where complaints are pertaining to violation of this bylaw or violations of Bylaw 1079 and the operator of the kennel has not taken due diligence in correcting the matter. If the Town of Carstairs finds negligence on the part of the kennel license holder the Town of Carstairs within ten days will convene a hearing, notifying the license holder of such a hearing to determine if the kennel license should be suspended. The license holder will be permitted to defend against any suspension or revocation.
  - ii. Upon the petition of twenty five citizens filed with the Town of Carstairs, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel located within the town because of excessive, unprovoked barking, vicious behavior of one or more dogs, or other conditions connected with the kennel that allegedly constitute a public nuisance, the Town of Carstairs shall, within ten business days of the filing of such petition, give notice to all parties signing such petition and to the holder of the kennel license of a hearing to be held within fourteen days of such notice. Within thirty days after the hearing, the Town of Carstairs shall make an order either revoking or suspending such kennel license or otherwise regulating operation of said kennel, or shall dismiss the petition.
  - iii. The ~~Animal Control Officer~~ Peace Officer has the right to remove the Commercial/Hobby Kennel License upon written receipt of six or more bonafide complaints from four or more neighbours residing within sixty (60) meters of the residence of the licensee.
- k. The penalty for maintaining a kennel after the license has been suspended or revoked shall be ~~One Hundred dollars per day.~~ As per the ~~current~~ Rates and Fees Bylaw.

**4. FINES AND PENALTIES**

- a. A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
  - i. not less than the specified penalty established in the Rates and Fees Bylaw;
  - ii. and not exceeding \$10,000.00.

- iii. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

**5. GENERAL PROVISIONS**

- a. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- b. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

This Bylaw hereby Amends Bylaw No. 1080 which repealed Bylaw No. 896 "Hobby Kennel Bylaw".

This Bylaw shall come into force and effect upon third and final reading thereof.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 1081-Amended**

**BEING** a Bylaw of the Town of Carstairs in the Province of Alberta, the purpose of this bylaw is to control the livestock within the limits of the Town of Carstairs.

**WHEREAS** Section 7. (a) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended: A Council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

**WHEREAS** Section 7. ~~(j)~~ (h) of the Municipal Government Act, **RSA 2000, Ch. M-26** as amended: A Council may pass bylaws for municipal purposes respecting the following matter of wild and domestic animals and activities in relation to them;

**WHEREAS** it is deemed expedient to enact a bylaw for the regulation and control of livestock within the boundaries of the Town of Carstairs;

**NOW THEREFORE**, the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall be referred to as the **“Livestock Control Bylaw”**.
2. In this Bylaw:

~~“Animal Control Officer” means a person engaged by the Town to administer and enforce the provisions of this bylaw.~~

~~“Bylaw Enforcement Officer” means a person appointed by the Town in accordance to the provisions of 555.1 of the Municipal Government Act and will also include Community Peace Officers as well as members of the Royal Canadian Mounted Police.~~

~~“Owner” means a person who has legal title to a livestock animal, and includes any person who has actual or apparent possession or custody of the livestock, either permanently or temporarily or harbors livestock or allows livestock to remain on their property.~~

- a. **“Livestock or Animal”** includes, but is not limited to:
  - i. a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
  - ii. domestically reared or kept deer, reindeer, moose, elk, or bison,
  - iii. farm bred fur bearing animals including foxes or mink,
  - iv. animals of the bovine species,
  - v. animals of the avian species including chickens, turkeys, ducks, geese, or pheasants and
  - vi. all other animals that are kept for agricultural purposes, but does not include cats, dogs, or other domesticated household pets;
- b. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:
  - i. Personally, serving the municipal tag on the person; or
  - ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address

~~A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:~~

- ~~i. The name of the person to whom the municipal tag is issued;~~
  - ~~ii. The particulars of the contravention of the bylaw;~~
  - ~~iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;~~
  - ~~iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and~~
  - ~~v. Any other information as may be required by the CAO.~~
- c. **“Owner”** means a person who has legal title to a livestock animal, and includes any person

who has actual or apparent possession or custody of the livestock, either permanently or temporarily or harbors livestock or allows livestock to remain on their property.

- d. **Peace Officer** shall mean a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police or any other local policing authority.
  - e. **Person** means a natural person, partnership or body corporate;
  - f. **Town** means the Town of Carstairs or the area contained within the boundaries thereof, as the context requires;
  - g. **Town Property** means all parcels of land owned and registered in the name of the Town of Carstairs and includes the following public places;
    - i. playground areas
    - ii. all ball diamonds and park areas including the cemetery
    - iii. parking lots
    - iv. rodeo grounds
    - v. skate park
  - h. **Violation Ticket** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued
    - i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
    - ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed an offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
    - iii. If a violation ticket is issued it must be in the prescribed form and must:
      - state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
      - require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.
3. No person shall keep livestock in any area of the Town of Carstairs except where the keeping of livestock is allowed under the Town of Carstairs Land Use Bylaw, or upon approval by Council.
    - a. Any person who keeps pigeons and is a member in good standing with either the Canadian Racing Pigeon Club or the Canadian Pigeon Fanciers Association, and whose birds are banded with a seamless Club or Association band on their leg is exempt from Section 3.
    - b. Section 3 shall not apply to Livestock kept on a temporary basis on the Rodeo Grounds or in the Memorial Arena for the purpose of a Rodeo or Cow and Calf Sale conducted on the noted premises.
    - c. Section 3 shall not apply to horses when a parade permit has been issued for a parade occurring within the Town of Carstairs.
  4. There will be no riding or driving of cows or horses on any sidewalks within the Town of Carstairs.
  5. **RUNNING AT LARGE**
    - a. The owner of an animal shall ensure that such animal is not running at large.
  6. **UNATTENDED ANIMAL**
    - a. The owner of an animal shall ensure that such animal shall not be left unattended while tethered or tied on premises where the public has access, whether the access is expressed or implied.
    - b. The owner of an animal shall ensure that such animal shall not be left unsupervised while tethered or tied on private property.
    - c. The owner of an animal left unattended in a motor vehicle or trailer shall ensure;

- i. The animal is restrained in a manner that prevents contact between the animal and any member of the public; and
- ii. The animal has suitable ventilation and water.
- iii. The owner of an animal shall not leave an animal unattended in a motor vehicle if the weather conditions are not suitable for the containment of an animal.

**7. SEIZURE OF AN ANIMAL**

- a. An ~~Animal Control Peace~~ Officer may enter onto any private land, other than buildings located thereon, in pursuit of an animal running at large. The Animal Control Officer has the ability to seize any animal that is running at large.
- b. An ~~Animal Control Peace~~ Officer has the ability to seize any animal that is in contravention of the Livestock Control Bylaw, as required.
- c. ~~An Inspector will be contacted for any animal found running at large. As per the Stray Animals Act.~~

**8. RESIDENTIAL URBAN BEE KEEPING;**

- a. ~~A Residential Urban Beekeeping application form must be completed and approved prior to having a hive.~~
- b. ~~All Residential Urban Beekeeping Guidelines must be adhered to. Failing to do so may result in a fine as outlined in the Rates and Fees Bylaw.~~

**9. NOTIFICATIONS**

- a. If an ~~Animal Control Peace Officer~~ knows or can ascertain the name of the owner of the impounded animal, he or she shall serve the owner notice, either personally or by leaving at, or mailing it to the last known address of the owner.
- b. An owner of an animal whom a notice is mailed pursuant to the provisions of Section 7 is deemed to have received a Notice within seven (7) days from the time it was mailed.
- c. An ~~Animal Control Peace~~ Officer is not required to make any investigation as to the owner of an impounded animal other than to search any applicable Town records.

**10. OBSTRUCTION AND INTERFERENCE**

- a. No person, whether or not that person is the owner of an animal which is being or has been pursued or captured shall;
  - i. Interfere with or attempt to obstruct a ~~Animal Control Officer, Bylaw Enforcement Officer or~~ Peace Officer who is attempting to capture or who has captured an animal which is subject to impoundment or seizure.
  - ii. Open the vehicle or trailer in which animals have been captured for impoundment or seizure: or
  - iii. Remove, or attempt to remove any animal from the possession of a ~~Animal Control Officer, Bylaw Enforcement Officer or~~ Peace Officer.
- b. No person shall;
  - i. untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
  - ii. negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town.
  - iii. entice an animal to run at large;
  - iv. tease an animal caught in an enclosed space;
  - v. throw or poke any object into an enclosed space when an animal is caught or confined therein.

**11. RECLAIMING**

- a. The owner of any impounded animal may reclaim the animal from the Town by paying the fees set out in the Rates and Fees Bylaw.
- b. A ~~Animal Control Peace~~ Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded animal, to the owner of the animal, if known, and to a

veterinarian and the ~~Animal Control Peace~~ Officer shall take into account any recommendations of such veterinarian in dealing with the animal while impounded.

- c. A owner of an impounded animal shall be liable to the Town of Carstairs for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such an impounded animal.

**12. DISPOSAL**

- a. A ~~animal Control Peace~~ Officer shall not sell, destroy or otherwise dispose of an impounded animal until the following conditions are met;
  - vi. The impounded animal has been retained by the Town of Carstairs for at least five (5) days after the owner has received or has been deemed to have received notice that his or her animal has been impounded, where the name and address of the owner is known;
  - vii. The impounded animal has be retained by the Town for seventy-two (72) hours, where the name of the owner is not known; or
  - viii. A person having the authority orders the destruction of the impounded animal.

~~Penalties~~ \_\_\_\_\_ ~~Voluntary~~ \_\_\_\_\_ ~~Payment~~

- ~~d. Where an Animal Control Peace Officer, believes that a person has contravened any provisions of this bylaw he or she may in his or her absolute discretion serve upon a person a ticket as provided by this section either personally or by mailing by ordinary mail addresses to or leaving the ticket at the last known address of such person and such services shall be good and sufficient for the purpose of this bylaw.~~
- ~~e. A ticket under this section shall in such form as determined by the Town and shall state the section of this bylaw which the person to whom such ticket is issued is accused of having violated, and the amount from Schedule "Q" of the current rates and fees bylaw that will be accepted by the Town in lieu of prosecution.~~
- ~~f. Upon the production of a ticket issued pursuant to this section within ten (10) days from the issue, together with the payment to the Town of the fee provided in the current rates and fees bylaw. The person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.~~
- ~~g. Nothing in this section shall prevent a person to whom a ticket has been issued from defending any prosecution commenced by the Town for any contravention of the provisions \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ bylaw.~~
- ~~h. If an Animal Control Peace Officer believes that a person has contravened any provisions of this bylaw, he or she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedures Act, S. A. 1988, Chapter P21.5.~~
- ~~i. The specified penalty payable in respect of a contravention of a provision of this Bylaw in proceedings commenced under the Provincial Offences and Procedures Act is the amount shown in the current rates and fees bylaw in respect of that provision.~~

**13. FINES AND PENALTIES**

- A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
- a. not less than the specified penalty established in the Rates and Fees Bylaw;
  - b. and not exceeding \$10,000.00.
  - c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw.

**14. GENERAL PROVISIONS**

- a. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- b. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

This Bylaw hereby Amends Bylaw No. 1081 which repealed Bylaw No. 248 and Bylaw 413.

This Bylaw comes into full force and effect on the date of its final passing.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**Bylaw No. 2024**

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, wishes to enact a Bylaw for the purpose of providing for the safe possession, sale, storage, purchase and discharge of fireworks in compliance with municipal policy, the *National Fire Code – Alberta Edition* as amended, the *Safety Codes Act* (R.S.A. 2000, c. S-1), the *Explosives Act* (R.S.C. 1985, c. E-17) and *Explosives Regulations, 2013*.

**AND WHEREAS**, Section 7(a) of the *Municipal Government Act*, being **RSA 2000, Ch. M-26**, as amended, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property.

**AND WHEREAS**, Section 8(a) of the *Municipal Government Act*, being **RSA 2000, Ch. M-26** as amended, provides for municipalities to enact Bylaws to regulate or prohibit.

**AND WHEREAS**, Section 8(c) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact Bylaws to provide for a system of licenses, permits or approvals.

**AND WHEREAS**, the Town Council of the Town of Carstairs recognizes that fireworks are explosive devices which are classified as Dangerous Good under the *National Fire Code – Alberta Edition* and which, when used improperly by untrained person, can cause injury, damage, fire and death.

**AND WHEREAS**, the Town Council of the Town of Carstairs has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors' card as noted above creates an unacceptable level of risk to life, health, safety and property.

**NOW THEREFORE**, Council of the Town of Carstairs duly assembled and pursuant to the *Municipal Government Act*, Chapter M-26-1 of the Revised Statutes of Alberta repeals Bylaw 1025 and any supplemental amendments to Bylaw 1025:

1. This Bylaw may be referred to as **"The Fireworks Permissions Bylaw"**.
2. In this Bylaw

The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaws and its application:

- a. ***Municipal Government Act*** (R.S.A. 2000, c.M-26)
- b. ***Safety Codes Act*** (R.S.A. 2000, C. S-1)
- c. ***National Fire Code – Alberta Edition***
- d. ***Explosives Act*** (R.S.C. 1985, c. E-17)
- e. ***Explosives Regulations, 2013***
- f. ***NRCAN – Natural Resources Canada***
- g. **"Consumer Discharge Permit"** means a document issued by the Fire Chief or delegate pursuant to this Bylaw, in the form adopted by the Town of Carstairs authorizing the possession, handling, discharging, firing or setting off of Consumer Fireworks
- h. **"Consumer fireworks"** means outdoor low hazard recreational fireworks as classified by *NRCAN A4.1*.
- i. **"Display Discharge Permit"** means a document issued by the Fire Chief or delegate pursuant to this Bylaw, in the form adopted by the Town of Carstairs authorizing the possession, handling, discharging, firing or setting off of Display Fireworks
- j. **"Display fireworks"** means outdoor high hazard recreational fireworks as classified by *NRCAN A4.2*.
- k. **"Fire Chief"** means the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Fire Department or his/her designate.
- ~~**Enforcement Officer** shall mean a Member of the Royal Canadian Mounted Police, Peace Officer or Bylaw Officer who is appointed by the Province of Alberta or Town of Carstairs as a Peace Officer or Bylaw Officer or a Safety Codes Officer in the Fire Discipline with authority within the Town of Carstairs.~~
- l. **"Fireworks"** means consumer fireworks, display fireworks, model rockets, practical use articles or pyrotechnic special effects.
- m. **"Model rockets"** means propellant rocket devices as classified by *NRCAN A4.3*.

n. **“Municipal Tag”** A Peace Officer may issue and serve a municipal tag on any person the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:

- i. Personally, serving the municipal tag on the person; or
- ii. Mailing a copy of the municipal tag by pre-paid post to the address provided by a person on a permit application, or a person’s last known postal address

A municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:

- i. The name of the person to whom the municipal tag is issued;
  - ii. The particulars of the contravention of the bylaw;
  - iii. The specified penalty for the offence as set out in the Rates and Fees Bylaw;
  - iv. That the specified penalty shall be paid in (30) days of the issuance of the municipal tag in order to avoid prosecution; and
  - v. Any other information as may be required by the CAO.
- o. **“Peace Officer”** means a Bylaw Officer who is appointed by the Town of Carstairs, a Peace Officer appointed by the Province of Alberta, a member of the Royal Canadian Mounted Police, a Safety Codes Officer in the Fire Discipline with authority within the Town of Carstairs or any other local policing authority.
- p. **“Practical use articles”** means low hazard practical fireworks as classified by NRCAN A4.4.
- q. **“Pyrotechnic special effects”** means fireworks that are used at a pyrotechnic event as classified by NRCAN A4.5.
- r. **“Pyrotechnic Special Effects Permit”** means a document issued by the Fire Chief or delegate pursuant to this Bylaw, in the form adopted by the Town of Carstairs authorizing the possession, handling, discharging, firing or setting off of fireworks used in a pyrotechnic event.

~~For words not defined in the above noted enactments reference should be made to the Canadian Oxford Dictionary (Second Editions), published by Oxford University Press. Written Permissions noted in this bylaw shall take the form(s) or permits outlined in Schedule A of this Bylaw.~~

- s. **“Violation Ticket”** If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a Peace Officer may issue a violation ticket to the person to whom the municipal tag was issued
- i. A Peace Officer may, in the sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.
  - ii. A Peace Officer is authorized to issue a violation ticket, to any person the peace officer believes, on reasonable and probable grounds, has committed and offence under this bylaw, under Part 2 or Part 3 of the Provincial Offences and Procedure Act.
  - iii. If a violation ticket is issued it must be in the prescribed form and must:
    - state the specified penalty for the offence as set out in the Rates and Fees Bylaw; or
    - require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

**3. PROHIBITIONS**

- a. No person shall wholesale, display for sale, offer for sales, sell, possess or store any fireworks within the Town of Carstairs without the written permission of the Fire Department.
- b. No person, may set off, discharge or otherwise handle fireworks within the Town of Carstairs without the written permission of the Fire Department.

- c. No person shall discharge or set off fireworks in a place or manner that creates a danger or constitutes a nuisance to any person or property.
- d. No person shall discharge or set off fireworks on a highway, road allowance or park without the proper permit(s) in place.
- e. No person shall discharge or set off fireworks within 200 meters of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored.
- f. No person shall discharge or set off fireworks during a fire ban.
- g. No person shall sell fireworks to any person without seeing that person's Driver's License or other photo identification issued by the Governments of Canada or Alberta.
- h. No person shall sell fireworks to anyone under the age of 18 years.
- i. No person under the age of 18 years shall purchase or be in possession of fireworks.
- j. No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Town of Carstairs without the written permission of the Fire Department.

#### **4. PERMISSIONS**

- a. All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnics displays shall conform to all requirements of that *National Fire Code – Alberta Edition, Explosives Act and Regulations*.
- b. A Display Supervisor or a Pyrotechnician, holding a valid authorization under the Explosives Act and Regulations of Canada, may conduct a show after receiving permission to do so in writing from the Fire Chief or, in the absence of the Fire Chief, his or her designate.
- c. A Display Supervisor or Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Department for a written letter of permission to conduct a display or show. The application in writing will cover all the information required by the Explosives Act and Regulations and the National Fire Code – Alberta Edition. It will include, but not be limited to:
  - i. Date, time and location of the proposed event,
  - ii. Consent of the owner or occupant of the property or properties that the show will be conducted on and where debris might reasonably be expected to fall.
  - iii. Names, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the show,
  - iv. The name of the sponsor or purchaser of the event,
  - v. A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
  - vi. The emergency response plan for the event,
  - vii. Storage location of all fireworks prior to discharge,
  - viii. Verification of liability insurance, in the amount acceptable to the Town of Carstairs,
  - ix. Payment of the designated fee,
  - x. Any other information deemed necessary by the Town of Carstairs, Fire Chief or his/her designate.
- d. The Fire Chief or his or her designate may choose not to issue written permission to anyone for a display or show if, in their opinion, such a display or show may create a risk to life, safety or property.
- e. A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Town of Carstairs must first apply and obtain the written permission of the Fire Chief or his/her designate.
- f. A retail vendor wishing to sell fireworks to persons in the Town of Carstairs must first apply and obtain the written permission of the Fire Chief or his/her designate. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan

as outlined in the National Fire Code – Alberta Edition. This information will include:

- i. The date of the sale,
  - ii. The name, address and phone number of the purchaser,
  - iii. A description of the fireworks sold with quantities,
  - iv. The date and time the fireworks will be discharged,
- g. The Fire Chief or his or her designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- h. The Fire Chief or his or her designate may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
- i. The National Fire Code – Alberta Edition
  - ii. The Explosives Act and Regulations,
  - iii. The letter of permission, including any terms and conditions,
  - iv. Changes in environmental conditions, and/or
  - v. For any reasons of safety to life, limb or property

**5. FINES AND PENALTIES**

~~5.1. Breach of this bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100 and not more than \$5,000.00.~~

~~A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:~~

- a. not less than the specified penalty established in the Rates and Fees Bylaw;
- b. and not exceeding \$10,000.00.
- c. any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in the Rates and Fees Bylaw. Where an **Enforcement Peace** Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the **Enforcement– Peace** Officer may commence Court proceedings against such person by issuing the person a violation ticket pursuant to the provision of the Provincial Offences Procedure Act.
- d. The issuance of a violation ticket as noted in 5.c shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- e. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Carstairs, or an **Enforcement Peace** Officer noted in 5.c above, has reasonable grounds to believe that a person has violated any provision of the *National Fire Code – Alberta Edition*, they may commence Court proceedings under the Safety Codes Act against such person by filing an Information pursuant to the provisions of the Provincial Offences Procedure Act.

**6. GENERAL PROVISIONS**

- a. The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources. Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful.

~~**6. EFFECTIVE DATE**~~ ~~**7. EFFECTIVE DATE**~~

~~This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with Section 213 of the *Municipal Government Act* (R.S.A. 2000, c. M-26) as amended and will repeal Bylaw No. 1025, to prohibit the discharge or use of fireworks, fire crackers or similar devices in town limits.~~

This Bylaw hereby Amends Bylaw No. 2024 which repealed Bylaw No. 1025

This Bylaw comes into full force and effect on the date of its final passing.

**READ A FIRST TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A SECOND TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**UNANIMOUS CONSENT GIVEN TO PRESENT FOR THIRD READING ON THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

**READ A THIRD AND FINAL TIME THIS XX<sup>TH</sup> DAY OF XXX A.D., 202X**

\_\_\_\_\_  
**Lance Colby, Mayor**

\_\_\_\_\_  
**Rick Blair, CAO**

**MINUTES OF THE POLICIES & PRIORITIES COMMITTEE MEETING  
THURSDAY, OCTOBER 17, 2024, 1:00 P.M.  
CARSTAIRS MUNICIPAL OFFICE**

**IN ATTENDANCE:** Deputy Mayor Allan, Councilors Ball, Fricke, Ratz, Roberts, & Wilcox, Director of Emergency Services R. McKay, Director of Planning & Development K. Williscroft, CAO Rick Blair & Executive Assistant Kayleigh Van Es

**ABSENT:** Mayor Colby

**CALL TO ORDER:** Deputy Mayor Allan called the meeting of Thursday, October 17, 2024, to order at 1:00 p.m.

**ADDED ITEMS:** Nil

**ADOPTION OF AGENDA:** Motion by Councilor Ball to adopt the Policies & Priorities Committee meeting agenda of October 17, 2024, as presented.

**CARRIED**

**ADOPTION OF MINUTES:** Motion by Councilor Ratz to adopt the Policies & Priorities minutes of September 19, 2024, as presented.

**CARRIED**

**UNFINISHED BUSINESS:** Nil

**DELEGATIONS: 1. Carstairs Public Library-Megan Ginther**

M. Ginther presented the plans for the Carstairs Public Library and the projected budget.

CAO Blair commends M. Ginther on all the hard work she has done the past 5 years at the library. The library has come so far, and it is shown through the uptake of programs and the positive feedback received.

Councilor Ball asks who is eligible for a pay raise this year. M. Ginther responds that three employees will move up on the salary grid this year.

Councilor Wilcox agrees with CAO Blair's sentiments and is a proud supporter and advocate for the Carstairs Public Library, stating that M. Ginther is innovative and a fantastic leader to her wonderful staff, all of whom contribute to the library's success.

Councilor Fricke commends M. Ginther and staff for their hard work in earning the Ministers Award and encourages to continue with their hard work. Councilor Fricke inquires as to how the library is dealing with space as resources and visitors expand. M. Ginther responds that the library is feeling squishy, but they are managing, stating that this will be one of the discussion points when doing a strategic plan.

Councilor Ratz inquires about what kind of professional development is available for the staff; M. Ginther responded that personnel are able to attend seminars and workshops, as well as presenting and participating in a few conferences every year.

Councilor Roberts expressed thanks for the presentation and for continuing the hard work and keep winning awards.

**Policies & Priorities Committee Meeting – October 17, 2024**

**Page 2 of 4**

Councilor Allan compliments on the excellent presentation and congratulates the library on its successes.

Motion by Councilor Wilcox to accept the Carstairs Public Library Delegation as information.

**CARRIED**

**BYLAWS & POLICIES:**

**1. Bylaw No. 926 Discharge of Projectiles Bylaw-Amended**

The Committee reviewed the changes to the Discharge of Projectiles Bylaw.

Councilor Ratz clarified the Municipal tag versus Violation Ticket.

Motion by Councilor Wilcox to accept Bylaw No. 926 Discharge of Projectiles Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**2. Bylaw No. 928 Animal Trap Bylaw-Amended**

The Committee reviewed the changes to the Animal Trap Bylaw.

Discussion of trapping rodents versus animals. Councilor Wilcox wants the bylaw to have clearer definitions. The other members of the Committee disagreed.

Motion by Councilor Ratz to accept Bylaw No. 928 Animal Trap Bylaw as amended and forward to Council with the recommendation for adoption. Councilor Wilcox opposed.

**CARRIED**

**3. Bylaw No. 996 Residential District Standards-Amended**

The Committee reviewed the changes to the Residential District Standards Bylaw.

Councilor Fricke inquired as to how developers are alerted of tree-planting zones. K. Willisroft responded that developers must present a landscape plan..

Motion by Councilor Roberts to accept Bylaw No. 996 Residential District Standards as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**4. Bylaw No. 999 Industrial District Standards-Amended**

The Committee reviewed the changes to the Industrial District Standards Bylaw.

Motion by Councilor Fricke to accept Bylaw No. 999 Industrial District Standards Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**5. Bylaw No. 1000 Commercial District Standards-Amended**

The Committee reviewed the changes to the Commercial District Standards Bylaw.

Motion by Councilor Ratz to accept Bylaw No. 1000 Commercial District Standards Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**6. Bylaw No. 1058 Noise Bylaw-Amended**

The Committee reviewed the changes to the Noise Bylaw.

Motion by Councilor Roberts to accept Bylaw No. 1058 Noise Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**7. Bylaw No. 1060 Cat Control Bylaw-Amended**

The Committee reviewed the changes to the Cat Control Bylaw.

**Policies & Priorities Committee Meeting – October 17, 2024**

**Page 3 of 4**

Motion by Councilor Ratz to accept Bylaw No. 1060 Cat Control Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**8. Bylaw No. 1079 Dog Control Bylaw-Amended**

The Committee reviewed the changes to the Dog Control Bylaw.

Motion by Councilor Fricke to accept Bylaw No. 1079 Dog Control Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**9. Bylaw No. 1080 Hobby Kennel License Bylaw-Amended**

The Committee reviewed the changes to the Hobby Kennel License Bylaw.

Motion by Councilor Roberts to accept Bylaw No. 1080 Hobby Kennel License Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**10. Bylaw No. 1081 Livestock Control Bylaw-Amended**

The Committee reviewed the changes to the Livestock Control Bylaw.

Motion by Councilor Ratz to accept Bylaw No. 1081 Livestock Control Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**11. Bylaw No. 2024 Fireworks Bylaw-Amended**

The Committee reviewed the changes to the Fireworks Bylaw.

Motion by Councilor Roberts to accept Bylaw No. 2024 Fireworks Bylaw as amended and forward to Council with the recommendation for adoption.

**CARRIED**

**NEW BUSINESS:**

**1. Initial Capital Expenses 2025**

The Committee reviewed the Capital Expenses that are forecasted for 2025.

Councilor Fricke questioned if the town should purchase more portable generators and include them on the list of capital expenses. R. McKay responded that the town currently has sufficient resources.

Councilor Allan clarifies the use of the Emergency Management Trailer.

Councilor Fricke clarified the purpose of the Lock Box program.

Councilor Roberts asked whether community hall tables would add to or replace existing stock.

CAO Blair states that this list is only an indication of what departments are considering, and that a priority list will be developed as budget planning progresses.

Motion by Councilor Wilcox to accept the Initial Capital Expenses as information.

**CARRIED**

**REPORTS:**

**1. Development Reports**

The Committee reviewed the Development Reports through October 11, 2024. There have been 64 new home permits and 105 compliances issued so far.

Councilor Fricke praises the department for its quick turnaround.

- a. Building Permit Listing
- b. Compliance Listing

**2. City Wide Protective Services Monthly Reports**

The Committee reviewed the following monthly reports for the months of September 2024.

- a. Fire Reports
- b. Bylaw Reports

**3. Emergency Services**

The Committee reviewed the following reports.

- a. Emergency Services Report
- b. Carstairs Emergency Management Agency (CEMA) Report

The Committee discussed service levels in Carstairs. The Committee agreed to maintain the current levels of service and to continue monitoring the matter.

Motion by Councilor Wilcox to accept the Emergency Services Reports as information.

**CARRIED**

**CORRESPONDENCE:**

**1. Letter of Concern**

The Committee addressed a resident's concern over a daycare that frequents a public playground. The Committee agreed that the daycare was using the playground for its intended purpose. Residents can report traffic issues to Emergency Services.

Motion by Councilor Fricke to accept the Letter of Concern as information.

**CARRIED**

**GENERAL DISCUSSION:**

**1. Planning for the Future**

Councilor Fricke believes that as the town grows and the changes that may occur with the election next year, it is critical to make plans for the future.

Councilor Roberts felt that having a strategic plan and a 10-year needs assessment would be beneficial.

**2. Heritage Fest Update**

Councilor Ratz informed the committee about Heritage Fest. They are recruiting volunteers to ensure that the festival continues. The Heritage Fest will be presenting at the next P&P meeting.

**NEXT MEETING:**

November 21, 2024

**ADJOURNMENT:**

Motion by Councilor Ratz to adjourn the meeting of October 17, 2024, at 3:05 p.m.

**CARRIED**

\_\_\_\_\_  
Dean Allan, Deputy Mayor

\_\_\_\_\_  
Rick Blair, CAO



**Renegades Minor Hockey Association**

To whom it may concern:

Renegades Minor Hockey has taken on the task to host tournaments within our 3 communities for all our teams over the Christmas Break, Dec 27 – 29<sup>th</sup>.

We are extremely excited to be working diligently through the planning process to host the 1<sup>st</sup> ever Renegades Association Tournament for all our teams. This year we made the decision to hold registration fees steady for our families; as we are all becoming more accustomed to the increases, we experience daily, we did not want hockey to be another increase. With that decision we had to look at an option to cover these costs which is where the tournament idea came to light.

I recently became aware of the potential opportunity to apply for a one-day waiver of our fees under the Town of Carstairs Not for Profit and Service Clubs policy; with this I would like to apply for the program to be considered for Saturday Dec. 28<sup>th</sup>.

Should you have any questions regarding this please feel free to reach out to me directly.

We greatly appreciate your consideration and time regarding this request.

Thank you in advance,

Joel Bruce

President  
Renegades Minor Hockey  
403-660-0812  
president@renegadesminorhockey.com

**CROSSFIELD - CARSTAIRS - DIDSBURY**



**Town of Carstairs**

**Policy:** Carstairs Facility Requests for Special Rates-Not for Profit and Service Clubs  
Policy No. 62-006-24

**Date:** January 8, 2024

**Repeals:** 62-001-18 Carstairs Facility Requests for Special Rates Not For Profit

62-002-18 Carstairs Facility Requests for Special Rates for Service Clubs

**Community Hall Special Request Guidelines  
(May 25, 2013 & Amended February 24, 2014)**

**Adopted by:** Council

**Policy Statement:**

The Town of Carstairs facilities which are available for use to members of the public and organizations for a fee. By making these facilities available for rentals, local community organizations will have a place to meet, learn, socialise, network, and promote the Town of Carstairs while also serving the community.

**Purpose:**

The purpose of this policy is to provide guidelines, schedules, and fee structure for the use and rental of Town of Carstairs owned facilities. This policy is applicable to all prospective non-profit and service club users of the town's designated buildings, spaces, and sporting areas.

**Definitions:**

**Council** means the Council of the Town of Carstairs, in the Province of Alberta.

**CAO** means the Chief Administrative Officer for the Town of Carstairs.

**Authority** means the authority for the Town of Carstairs Facilities Policy shall be by the approval of the Town of Carstairs Council and CAO.

**Minor Sports** means Carstairs based organizations affiliated with recognized provincial or national organizations, including but not limited to Carstairs Minor Hockey, Carstairs Minor Soccer, Carstairs Minor Baseball, Carstairs Figure Skating, Carstairs Minor Lacrosse, Carstairs Minor Football, R.M.A.A., Carstairs Home School, Hugh Sutherland School and Carstairs Elementary School.

**Service Club or Service organization** means a voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations. Including but not limited to the Carstairs Lions Club, Carstairs Elks, and Girl Guides.

**Not-for-profit** means entities, normally without transferable ownership interests, organized and operated exclusively for social, educational, professional, religious, health, charitable or any other not-for-profit purpose. A not-for-profit organization's members, contributors and other resource providers do not, in such capacity, receive any financial return directly from the organization.

**Seniors Group** means a not-for-profit group or organization whose activities are consistent with the goals, objectives and standards of the Town, and whose members are aged 60 and over, at least 75% in Carstairs recreation area.

**Rental Facility** means a facility owned by the Town that is available for rent and includes the facilities listed in the attachment Schedule "A".

**Special Events and Rentals** means rates for special events and fundraisers such as Sporting Tournaments, the Neighborhood Party, Annual Trade Shows, 4-H Show and Sale and Hugh Sutherland School Graduation.

**Special Events Exemptions:**

- a. Remembrance Day Ceremonies
- b. Neighborhood Party and Trade Show
- c. 4-H Show and Sale
- d. Hugh Sutherland School Graduation

**Criteria for Facility Special Rates:**

- a. All businesses pay regular rental rates.
- b. Fundraising events may receive a discount on regular rates. Fundraisers must be beneficial to community as a whole.
- c. Discounts for non-profit organizations, service clubs and community programs may receive up to 50%. Groups must demonstrate the need for the reduction in rates.
- d. Reduced rates for eligible parties are one facility only, once every three years. To find out eligibility - refer to Schedule "B".
- e. Only four organizations will be allotted a reduction in rates every year, unless in case of an emergency situation and then it will go to Council for approval.

**Community Hall: Request for Special Rates for Fundraising Events**

- a. Minimum charge for rental of Community Hall Auditorium \$100.00.
- b. Minimum charge for rental of Community Hall Small Meeting Room \$50.00.
- c. Minimum charge for rental of Community Hall Kitchen \$25.00.
- d. No additional charge for rental of Community Hall Bar included with rental of auditorium and small meeting room.
- e. Refer to Current Rates and Fees Bylaw – Schedule 'J'

**Arena:**

- a. Arena Meeting Room use with Regular Rental Fees:
  - i. Minor Hockey, RMAA, Figure Skating monthly meetings
  - ii. Lockers and Storage Fees- No fees are required on first storage room for the school, minor hockey, figure skating, RMAA, lacrosse, football, soccer, or 4H
- b. Fees for weekend tournaments will include a waiver of one day's rental fee or 50% fee for one day rental.
- c. Refer to Current Rates and Fees Bylaw – Schedule "F"

**Sports Fields:**

- a. Storage Fees- No fees are required on first storage room for Minor Ball, Minor Soccer or Football.
- b. Fees for weekend tournament will include waiver of one day's rental fee or 50% for one day.
- c. Refer to Current Rates and Fees Bylaw – Schedule "F"

**This Policy Repeals the Community Hall Special Rates Guidelines, 62-001-18 Carstairs Facility Requests for Special Rates Not For Profit, 62-002-18 Carstairs Facility Requests for Special Rates for Service Clubs**

Schedule "A"  
Schedule "B"

End Policy:  
/Carstairs01/24

Signatures  
M \_\_\_\_\_/24 Policy No. 62-006-24 was adopted by Council on January 8, 2024

  
\_\_\_\_\_  
Mayor, Lance Colby

  
\_\_\_\_\_  
CAO, Rick Blair

**SCHEDULE "A"**

**Community Hall - Request for Special Rental Rates for Fundraising Events**

Minimum Charge for rental of auditorium \$100 and of small meeting room \$50.  
Refer to Current Rates and Fees Bylaw – Schedule "J"

Organizations Eligible but not limited too:

AG Society	Hugh Sutherland School
Friends of the Library	Carstairs Elementary School
Minor Hockey	Carstairs Gymnastics
Carstairs Figure Skating	Dawn's School of Dance
Mountainview Seniors Housing	Mountainview Home School
Carstairs Library	

**Carstairs Memorial Arena - Request for Special Rates for Indoor Tournaments**

Fees for weekend tournaments will include a waiver of one day's rental fee or 50% fee for one day rental. Refer to Current Rates and Fees Bylaw – Schedule "F"

Organizations Eligible but not limited too:

Carstairs Figure Skating	
Carstairs Minor Hockey	Chargers Lacrosse
Other	RMAA

**Carstairs Sports Fields - Request for Special Rates for Tournament**

Fees for weekend tournament will include waiver of one day's rental fee or 50% for one day.  
Refer to Current Rates and Fees Bylaw – Schedule "F"

Organizations Eligible but not limited too:

Carstairs Minor Soccer – Tiny LaFleur  
HSS Football Association – Arena Field  
Carstairs Minor Ball- Memorial Park/Tiny LaFleur  
Other

**Community Hall - Request for Special Rental Rates for Service Club Meetings & Fundraising Events**

Minimum Charge for rental of auditorium \$100 and of small meeting room \$50.  
Refer to Current Rates and Fees Bylaw – Schedule "J"

Organizations Eligible but not limited too:

Carstairs Elks  
Carstairs Lions  
Girl Guides  
Other

**SCHEDULE "B"**

The Special Facility Rental Request Listing will be updated monthly and will be available when required.