



AGENDA
Municipal Planning Commission Meeting
Tuesday January 23, 2024
6:00pm

1. **Date/Place: January 23, 2024, 6:00pm at the Seniors Drop-in Centre 4918 50th Avenue, Bentley AB**

2. **Members Attendance:**

Mayor Rathjen
Deputy Mayor Valiquette
Councillor Hansen
Councillor Grimsdale
Councillor Eastman

CAO/Development Officer and Recording Secretary – Marc Fortais

3. **Amendments and Acceptance of Agenda**

4. **Previous Minutes:**

a) **Municipal Planning Commission Minutes September 26, 2023**

5. **New Business**

a) **Application for consideration: Sydney King & Owner Derek Forest 5018 49th Ave, permit 01-24 - Discretionary Use Commercial District to operate a Farm, Feed & Equine Therapy business.**

The applicant is requesting the following:

- **Approval of discretionary use in the C Commercial District to operate a retail farm feed and an equine therapy business. There are no renovations proposed to be undertaken and the request is if the Municipal Planning Commission will authorize this business as a discretionary use in the district.**



**Minutes of the Municipal Planning Commission Meeting of the Town of Bentley
Tuesday September 26, 2023**

Date & Place Minutes of the Municipal Planning Commission Meeting of the Town of Bentley held Tuesday September 26, 2023, at 6:15 pm, in the Seniors Drop-In Centre 4918 50th Ave, Bentley AB

In Attendance
Mayor Rathjen (Chair)
Deputy Mayor Eastman
Councillor Hansen
Councillor Grimsdale (Online)
Councillor Valiquette
CAO/Development Officer and Recording Secretary – Marc Fortais

Call To Order Mayor Rathjen Called the meeting to order at 6:15 pm

Indigenous Acknowledgement

“We acknowledge that we are meeting on Treaty 6 Territory and Home of Metis Nation Region 3, on land that is part of a historic agreement involving mutuality and respect. We recognize all the many First Nations, Metis, Inuit, and non-First Nations whose footsteps have marked these lands.”

Agenda

Motion MPC 25/2023 Moved by Councillor Grimsdale, “THAT the Agenda of the September 26, 2023, Municipal Planning Commission Meeting be accepted.”

Carried

Previous Minutes

Motion MPC 26/2023 Moved by Councilor Valiquette “THAT the minutes of the August 31, 2023, Municipal Planning Commission Meeting of the Town of Bentley be confirmed.”

Carried

New Business:

a) **Application for consideration: JDP Ventures – 4802 52nd Street Development Permit 15-23 – Addition of 16 40-foot shipping containers in the Heavy Industrial District to support the expansion of the storage business.**

The application was discussed at length and the pros and cons were debated. The MPC felt that the request to place 16 shipping containers was far too great of a variance to be approved. The Land Use bylaw clearly states that only 1 shipping container per hectare is permitted. Although MPC felt that it was great that the company was considering an expansion of the facility, they did not want the entrance to the community to be full of shipping containers that may deteriorate over time. MPC also indicated that they would support a development application for expansion that included steel buildings in alignment with the existing storage facility.

Motion MPC 27/2023 Moved by Councillor Grimsdale, “THAT the Municipal Planning Commission does not approve Development Permit Application 15-23 from JDP Ventures for the placement of 16 new shipping containers on the property to be used for the purposes of on-site storage in support of a business expansion of Bentley Storage.”

Carried

Adjournment

Motion MPC 28/2023 Moved by Councilor Eastman “THAT the municipal planning commission meeting of September 26, 2023, be adjourned at 6:30pm.

Carried

Mayor Rathjen

CAO Marc Fortais



REPORT TO MUNICIPAL PLANNING COMMISSION

Date	January 23, 2024
Item	Sydney King – Consideration for Discretionary Use – Farm & Feed Store and Equine Therapy, located at 5018 49 th Ave
Prepared by	Marc Fortais, CAO

SUMMARY

THAT the Municipal Planning Commission consider the approval of the Development Permit Application 01-24 (**Attachment #1**) from Sydney Mae King and approval from the current owner Derek Forest. The application is being considered as a discretionary use similar to a veterinary clinic in the Commercial District.

This Development Permit application is being considered by the Municipal Planning Commission (MPC) because the current Land Use Bylaw does not specifically define Equine therapy under permitted or discretionary use. Considering the nature and operation of the business operation, which is similar to a Veterinary Clinic use, the proposed Equine Therapy might be considered a Discretionary use which requires MPC approval for a Development Permit. The Development Officer would recommend approval of a Development Permit for a Limited Term of two years. This permit will be renewed if, in the opinion of the Development Officer, this business has no negative impact on the community and public interest.

BACKGROUND

The Town has received an application for a Development Permit to use an existing building located at 5018 49th Ave as a Farm & Feed Store and Equine Therapy business. The subject site is located in Central Commercial District (C). The proposed business intends to offer a feed and farm supply store that will supply feed and farm supply essentials, such as basic hardware, workwear, and a selection of equestrian track and clothing on consignment. It is also the hope of the applicant to be approved to offer her certified services of equine massage therapy and vertebral realignment. Equine therapy will take place inside the building and the animals will be secure while undergoing treatment. Equine therapy treatments are not anticipated to take place every day due to the length of time required to complete treatments and the strength required to do so. On any given day there would only be a maximum of three treatments per day, when they do occur. Loading and unloading from the trailer to the building will be direct, with no grazing or stopping. Any horses waiting for an appointment must wait secured in their trailer until ready to be served. Animal behavior will be assessed prior to approving treatment to ensure that only well-behaved animals will be eligible for the treatment. Odor and waste will be removed and treated immediately to not cause any disturbance or inconvenience to the neighboring businesses.

A letter of support has also been provided by the building owners of 5018 49th Ave and they have signed the development permit application. In addition, Bentley Family Dentistry has also provided a letter of support for the application with no major concerns assuming waste is effectively managed.

PLANNING and DEVELOPMENT ANALYSIS

According to the Town's Land Use Bylaw operating the proposed Farm and Feed business would be considered as a Retail Sales use which is permitted in the Commercial District. However, Equine Therapy is a unique use which is not listed under the Permitted or Discretionary uses in the district. Our planning consultant PCPS provided guidance to indicate that the use would be similar in nature to a veterinary clinic. Under the current Land Use Bylaw, a Veterinary Clinic is a Discretionary use within the Commercial District.

In addition, a review was undertaken of the Animal Control Bylaw #152/2011 (**Attachment #2**) under Part 4 Other Animals and Fowl which states:

- 1.) No person shall keep or maintain any livestock, exotic birds, poultry, or exotic animals on a parcel of land except for the following:
 - a. Agricultural animals may be kept within a residential parcel of size larger than 1 acre provided that no complaints are received, or damage proven to another's property as a consequence of said animals being kept within the said residential parcel.
 - b. Agricultural animals may be kept within the boundaries of a land use district classified as Urban Reserve in the Town of Bentley Land Use Bylaw, if such keeping is listed as allowable in the said Land Use Bylaw for that specific district, provided that no complaints are received, or damage proven to another's property as a consequence of said animal(s) being kept within the boundaries of the said Urban Reserve District.
 - c. Fowl may be kept within the boundaries of a land use district classified as Urban Reserve in the Town of Bentley Land Use Bylaw, if such keeping is listed as allowable in the said Land Use Bylaw for that specific district, provided that no complaints are received, or damage proven to another's property as a consequence of said fowl being kept within the boundaries of the said Urban Reserve District.
 - d. Notwithstanding the above, animals in the Town for parades, gymkhanas, exhibitions and rodeos duly authorized or permitted by the Town are not subject to the provisions of this By-law, provided that in all instances, such animals are under the direct care and supervision of competent persons and the area the animals are held is left clean and feces removed.

There is no specific mention in the animal control bylaw regarding the operations of equine therapy, however, the horses that will receive therapy are not permanently residing on the property, they are there for a limited time period, and they will be controlled by the business owner. Therefore, in alignment with item d.) if the Municipal Planning Commission chooses to approve the discretionary use in this district, it should be conditional that the animals remain under direct control of the business owner during the loading and unloading procedure, and that the feces are managed and cleaned immediately.

It is also important to note that as the Development Officer for the town, we also asked Ms. King:

- How would she deal with the smell and removal of feces?
- If she had sufficient space for unloading and loading animals.

- How will she manage to load and unload animals safely, minimizing the risk of them getting loose or damaging other property within the commercial district?
- To obtain a letter of support from the neighboring business Bentley Dental

It is the Development Officer's understanding that there are no contemplated renovations or major modifications required to the space and there is sufficient room for loading and unloading based on the long access from the alley. The location is at the edge of the commercial district and access can be from Railway Ave, minimizing travel through the community.

The Development Officer is recommending that the Municipal Planning Commission consider approval of Development Permit 01-24 as this is a unique business and will offer something currently not offered within the community of Bentley. I believe that as long as there are safe loading and unloading procedures, there is effective waste management and there are proper assessments of animal behavior prior to allowing treatment, this will be a great business for the community.

FINANCIAL AND BUDGET IMPLICATIONS

None

RECOMMENDATION

THAT the Municipal Planning Commission Approves the Development Permit Application 01-24 Sydney Mae King and approved by the current owner Derek Forest for the operation of a farm and feed store with equine therapy as a discretionary use in the commercial district under the following conditions:

This Development Permit is valid for Two years. It will be renewed if, in the opinion of the Development Officer, the business has no negative impacts on the community and public interest; AND

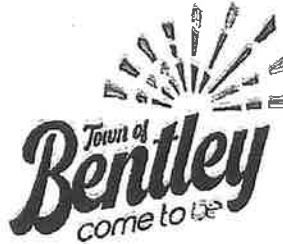
THAT the business owner effectively manages waste (feces and urine) produced by any animal receiving equine therapy in a timely manner, so as to not cause a disturbance to neighboring properties; AND

THAT loading and unloading into the building will be managed by the business owner safely and securely so as to not cause any damage or disturbance to neighbor properties; AND

THAT all other setback requirements, and any other requirements as outlined by the Land Use Bylaw and/or through the Alberta Building Code and National Safety Code for the handling of large animals (horses), must be met.

ATTACHMENTS

- 1) Development Permit Application 01-24 – 5018 49th Ave – Sydney King & Owner Derek Forest – Farm, Feed & Equine Therapy – Discretionary Use
- 2) Bylaw 152-2011 – Animal Control Bylaw



TOWN OF BENTLEY
 Box 179
 Bentley, AB T0C 0J0
 Ph: (403) 748-4044
 Fax: (403) 748-3213

Permit # _____
 Fee: \$ _____
 Tax Roll # 684000

DEVELOPMENT PERMIT APPLICATION

I/We hereby make application of a development permit pursuant to the Town of Bentley's Land Use By-law. The plans, supporting documents and application fee attached herewith form a part of this application.

Applicant(s) Sydney Mae King Home Phone _____
Please Print
 Address: 5421 50th St, Bentley, AB Cell Phone 587-876-1268
T0C 0J0 PO Box 859
 Fax: _____
 Email: sydneymking8@gmail.com

Legal: (Lot(s)) PTN.9 Block 17 Plan 5319CG

Municipal Address: 5018 49th AVE BENTLEY ALBERTA.

Description of Development: No formal renovations are to be done.

Value of Development \$ _____

Land Use District: _____ Current Use of Lands & Buildings: Vacant

Proposed Use of Lands & Buildings: Feed and Farm Supply Store

Site Area Size: _____ Total Floor Area: 2080 SQ FT

Ground Floor Area: 2080 SQ FT Upper Floor Area: _____

Building Height (from ground elevation): 24 FT +/-

(if applicable) Number of Parking Spaces: 8 +/- Loading Spaces: 4 +/-

Side-yard Set-backs: Front (m) 1m +/- Rear (m) 21m +/-

Side (m) 1m +/- Side (m) 1m +/-

Other Information: Please provide any other pertinent information below or on separate sheet
Additional pertinent information detailed on following page.

I/We hereby certify that I am/we are the registered owner(s) or authorized to act on behalf of the registered owner(s) and that the information on this form and on the attached plans and supporting materials is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

Date Signed: JAN 4/2024 Derek Forest
 Signature of Owner or Authorized Agent
1183271 ALB LTD.
 Signature of Owner or Authorized Agent

RIGHT OF ENTRY

I/We, being the registered owner(s) or person(s) in possession of the land and building(s) thereon, hereby consent to an authorized person designated by the Town of Bentley entering upon the said property for the purpose of inspection.

Date Signed: JAN 4/2024 Derek Forest
 Signature of Owner or Authorized Agent

Development Permit Application: Letter of Intent

January 3rd, 2024

Re: Town of Bentley Municipal Planning Commission

4918 50th Avenue,

Bentley, AB.

Mailing Address:

Box 179, Bentley AB T0C 0J0

info@townofbentley.ca

Main office: (403) 748-4044

Subject: Proposed intentions for use of land and building of 5018 49th Avenue, Bentley, AB.

To the Town of Bentley Municipal Planning Commissioners: Mayor Greg Rathjen, Councillor Lenore Eastman, Councillor Dale Grimdsdale, Deputy Mayor Pam Hansen, and Councillor Brenda Valiquette,

Hello, my name is Sydney King. I am writing this letter of intent to you, as I am in the process of building a business plan to open a feed and farm supply store in our beautiful town of Bentley. Along with various farm animal feeds and farm supply essentials, such as: basic hardware, workwear, and a selection of equestrian tack and clothing on consignment, I also hope to offer my certified services of equine massage therapy and vertebral realignment.

Over the last two years, I have been operating my small business of equine bodywork services by driving to the client. Derek and Dawn-Marie Forest, the owners of the property 5018 49th Avenue, Bentley, have been a client of mine from the beginning. It was Dawn-Marie who had the idea to offer my equine bodywork services from her building, as nobody else in the area offers these services from a specific location. Being able to offer massage therapy and vertebral realignment services on certain days each week from a set location will allow my business to stand out tremendously in the industry. Some advantages that come with this new opportunity

Development Permit Application: Letter of Intent

include warmth, bright lighting, consistent hours, and the elimination of a mileage fee for every customer.

To share some details about the experience that my clients will receive, the average “Full Body Session” takes from an hour and a half to two hours to complete. Due to this length of time, my body is only strong enough to work on a maximum of three horses per day, and equine bodywork services will not be offered every day that the store is open. I have always had a mandatory pre-appointment form that is filled out by the clients’ owner. In this form, specific details of each horse are disclosed, providing the therapist with extensive background information of the client horse. From this form, I will be able to decide if this client is able to receive my services from inside of the building in town, or if I will drive to where that horse lives, as I have done so for the last two years. Rules that will be implemented and written on each pre-appointment form will include but not be limited to: no stallions, no grazing, meaning that all horses must go to and from the trailer and building with no stopping, horses will not be allowed to be tied on the outside of the horse trailer, horses that are waiting for their appointment must wait within the closed horse trailer, and finally, no horses that present abnormal T.P.R. or show visual signs of illness will be welcome. It will be made very clear on each form that the building location is within the town of Bentley, meaning that only very well behaved and easily handled horses are welcome, and that the horse’s trailer loading and unloading experience is an absolute. To prevent the situation where a client horse could get away from their owner, the horse trailer will be backed up to the building’s overhead door. The overhead door will be opened before the trailer door is unlocked, the horse will be calmly led directly into the building, where the overhead door will then be closed immediately upon the horse entering, and the horse will be secured in the bodywork station where a cross-tie is installed, (with the same steps followed in reverse when the horse exits the building). The land between the overhead door and the back alley will always be cleared of snow, ice, mud, and all other obstacles, to ensure that the process of loading and unloading is seamless and efficient. Due to this strict and thought-out plan regarding all horse handling, no formal renovations will need to be made to guarantee maximum safety of all parties. As equine manure and urine are unavoidable, I will have wood shavings on hand to immediately absorb any excess moisture that may be excreted, and once absorbed, along with all solids, these matters will be placed in the horse trailer in which the horse was transported in, and taken back home. Using products such as scented Pine-Sol and Virkon will ensure that

Development Permit Application: Letter of Intent

biosecurity protocols are met in between each client, and that the smell of equine fecal and urine matter is never a problem.

The above letter contains the proposed intentions for the use of building and land of 5018 49th Avenue, Bentley, AB. This letter has covered the additional pertinent information regarding the Development Permit Application, directed to the Town of Bentley Municipal Planning Commission, and covers materials of what my intent of the building and land is, what I will do to professionally handle smell, cleanup, animal waste, loading and unloading of client horses, general safety procedures, and explaining why no formal renovations are necessary.

Please do not hesitate to contact me with any questions, comments, or concerns that you may have.

Thank you so very much for your time,

Sincerely,

A handwritten signature in cursive script, appearing to read 'S. King', written in black ink.

- Sydney M. King

(GradDipEquineScience, E.R. T., C.E.M.T.)

Cell: 587-876-1268

Email: sydneymking8@gmail.com

To whom it may concern,

Dec 20, 2023

We are aware that Sydney King is interested in opening a stock feed store with equine massage to take place in the back of the building. We as owners of the building are ok with this. We believe she is a responsible person and will keep the inside and outside clean and handle any horse droppings accordingly.

Thank you,

Derek Forest

Owner of the building at 5018 49th Ave, Bentley, Alberta

Any questions or concerns please do drop a line to derekforest@hotmail.com or call 403-352-6028 or 403-358-1655



January 3rd, 2023

To whom it may concern,

The Town of Bentley has been very good to our family and our business. Whenever new businesses move in and thrive, it benefits everyone both in town and the surrounding area. We have been informed that the building next to us is looking to open as an equine therapy facility and feed store. Although we have a couple small concerns, as we would for most types of businesses, we are very supportive of this endeavor. Bentley is an agricultural community and there are so many different equine activities in this area and think it is a really good fit for our town.

There is lots of room both out front and in the back alley for people to load and unload horses. The railroad right-of-way provides a large parking lot if people want to drop a trailer or go tour the other businesses around town. After speaking with Sydney, there will not be a huge impact as far as waste products or smells (certainly not as potent as the south blowing winds from the pig farm) given the nature of her services. And since most of this will be in the back alley, our patients will never have to see it and our staff won't mind.

On behalf of my wife, myself and our entire team, I hope you will grant Ms. King the opportunity to bring this novel business to our wonderful little town. We are in full support.

Thanks for your time,


Dr. Scott Wyzykoski

Box 1065, Bentley, AB, T0C 0J1
403-685-8080

Sydney King,

GradDipEquineScience, C.E.M.T., E.R.T.

5421 50th Street,
Bentley, AB, T0C 0J0
P.O. Box 859
587-876-1268
sydneymking8@gmail.com

EXPERIENCE

Olds College of Agriculture and Technology, Olds, AB — Equine Production Barn Manager

PRESENT

A temporary contract of managing the equine production barn facility and its livestock. Maintaining the overall health and wellbeing of nine stallions, eighteen pregnant mares, and nine practice mares. Upkeep and care for the post-secondary facility and the land to the highest standard.

McKendrick Stable, Bentley, AB — Riding Instructor and Stablehand

June 2023 - October 2023

Teaching english and western riders of various ages and skill levels about proper grooming, tacking, horsemanship, and caring for horses. Riding training horses and completing barn chores.

Access Insurance Group Ltd., Red Deer, AB — Reception Coordinator and Processing Associate

February 2023 - June 2023

Answering phone calls and emails from all client and co-worker inquiries. Managing mail, courier, and bank exchanges. Processing various documents into the company system, and taking payment from clients.

The Drop Coffee and Tea, Bentley, AB — Assistant Manager

May 2020 - February 2023

Creating food and beverages of a wide variety to serve to customers, training new hires, maintaining inventory of all products, content and menu inspiration, cleaning and maintenance of appliances.

EDUCATION

Olds College of Agriculture and Technology, Olds, AB — Diploma of Equine Science

September 2019 - April 2021

A blend of professional education in both business and equine studies, including classes such as marketing, equine nutrition, anatomy and

SKILLS

Professional and consistent customer relations.

Prioritization of multiple tasks.

Productive in individual and team settings.

High quality work under pressure and in a fast paced, changing environment.

AWARDS

Completed Equine Science Diploma with Honours.

Completed Equine Reproduction Technician program with Honours with Distinction.

REFERENCES

- Mary Jo McPherson,

Personal Reference

403-318-2562

- Diana Spelt,

Employer at The Drop Coffee and Tea

403-896-1145

- Dr. Marion Anderson,

physiology, and western horsemanship, this two year diploma inspired me to believe that I can make my passion, my career.

The School of Equine Massage and Rehabilitation Therapies, Edmonton, AB — Certificate of Equine Massage and Vertebral Realignment Therapist

August 2021 - September 2021

From the first day of class to the final exam, a combination of hands-on learning and textbook work about equine anatomy, starting a business, various massage techniques, and special projects allowed for an informative and realistic experience as to what it should look like to be a successful and impactful certified equine bodyworker.

Olds College of Agriculture and Technology, Olds, AB — Certificate of Equine Reproduction Technician

October 2021 - June 2022

Over the course of nine months, education and work experience were received simultaneously, as the reproduction and foaling program at Olds College runs as an operating business to the public, with an amazing reputation to uphold. The 2022 breeding season was the busiest Olds College had ever seen, which ensured that my graduating class was confident in our skills and knowledge.

Instructor, Equine Science Diploma and Equine Reproduction Technician Certificate.

Supervisor of Equine Production Barn Manager Position at Olds College of Agriculture and Technology.

403-302-1811

VOLUNTEERING

Benalto Shadow Riders 4H — Level 1 to 3 Instructor

Teaching western riding lessons in preparation for the club's upcoming spring show season.

4H Alberta — Judge for District Level Public Speaking Event

Junior, intermediate, and senior level judge for district level speeches in annual public speaking event.

Bentley Community Hall Event "A Night with the Ukrainians" — Hostess

Greeting attendees and organizing details of public evening event, with the goal to welcome Ukrainians to Bentley.

Amazing Horse Country — Farmhand and Assistant Trainer

Helping prepare and organize the farm for clinics and events, content

creation, and working with Scott Phillips and his horses.

Bylaw No. 152/2011

A Bylaw of the Town of Bentley, in the Province of Alberta, to provide for the regulation and control of animals within the Town.

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000 c. M-26, a Council may pass by-laws for municipal purposes respecting wild and domestic animals and activities in relation to them.

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

This Bylaw is cited as the "**Animal Control Bylaw**".

PART 1 – DEFINITIONS

For the purposes of this Animal Control By-law, the following definitions shall apply;

1. "**Aggressive Dog**" means any dog with a known propensity, tendency or disposition to attack any person or animal.
2. "**Animal Control Officer**" means the person employed by the Contractor under the contract between the Town and the Contractor to enforce all or any part of the provisions of this Bylaw, or a person so appointed by the Town including a member of the Royal Canadian Mounted Police or By-law Enforcement or Peace Officers.
3. "**Animal**" means any live animal, including but not limited to exotic and domestic animals, exotic and domestic birds, and livestock;
4. "**Barking**" shall mean the continuous barking of a dog for five minutes or longer, more than two times per hour.
5. "**Biting**" shall mean the grabbing, holding, bruising or breaking of skin of any person or other animal
6. "**Cat**" shall mean a male or female cat
7. "**Contractor**" means a person employed or under contract by the Town to enforce the provisions of this Bylaw and maintain and administer an impound facility for dogs;



Initial

8. **“Control”** means that the animal(s) are on a leash or tether or subject to immediate response on command of the owner;
9. **“Damage to Property”** means damage to property other than the Owner’s Property, and includes defecating or urinating on such property;
10. **“Defecation”** shall mean the discharge of feces from the body of an animal onto another’s property
11. **“Distress”** means the state of being in need of proper care, food or shelter, of being injured, sick or in pain, or suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect;
12. **“Dog”** means any domesticated dog;
13. **“Domestic Animal”** means an animal kept in a domestic situation as a pet, including but not limited to dogs, cats, rabbits, parakeets, iguanas, ferrets, lizards, gerbils, and other similar animals kept as domestic pets.
14. **“Domestic Bird”** means any tame poultry typically raised for food or as a pet, including but not limited to chickens, turkeys, geese, ducks and other similar bird;
15. **“Exotic Animal”** means non-indigenous animals including, but not limited to llamas, alpacas, emus, ostriches, pigs (Vietnamese Potbellied pigs), non-indigenous fur bearing animals and other similar animals and related species;
16. **“Exotic Bird”** means a non-domestic bird, including but not limited to, partridge, quail, pheasants, peafowl, doves, swans, cranes, and other similar fowl and/or other related species of bird;
17. **“Feral Dogs / Cats”** means free-ranging dogs or cats that are of a domestic breed origin but have escaped from domestication and returned, partly or wholly, to a wild state;
18. **“License”** means a yearly dog or cat registration, dated & sequentially numbered to correspond with the license tag.
19. **“License Tag”** means the annual tag issued by the Town to an Owner for each dog or cat licensed by the Town of Bentley, designed to be affixed to a collar that may be worn by a dog or cat;
20. **“Livestock”** means any type of cattle, horses, pigs, poultry and fowl, sheep, goats, chickens and other similar animals related species;



21. **“Nuisance”** means the keeping of any animal(s) that is or becomes injurious or obnoxious to an individual, property or community at large by reason of:
- ◆ accumulation and/or disposal of animal waste, or
 - ◆ accumulation and/or disposal of material contaminated by animal waste, or
 - ◆ trespass of the animal upon property, or
 - ◆ barking or other excessive or persistent howling or other noise; or
 - ◆ threat from the animal to public health and/or safety, or
 - ◆ be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to person as long as such restraint provides suitable ventilation;
22. **“Owner”** means any person, partnership, association or corporation
- ◆ owning or possessing or having charge of or control over any animal; or
 - ◆ harbouring any animal; or
 - ◆ permitting any animal to remain about his house or premises, or
 - ◆ in the case of a dog, a person whom a license tag has been issued.
23. **“Parks and Playground”** includes all lands used for picnic grounds, campgrounds, playgrounds, playing fields, school grounds or any open space, including bicycle or walking paths/trails, under the control, care, custody or management of the Town, whether located within the boundaries of the Town of Bentley or not.
24. **“Running at Large”** means an animal that is off the premises of the Owner and is not under the control of any person.
25. **“Threatening Behaviour”** means behaviour that creates a reasonable apprehension of a threat of physical injury and may include aggressiveness, growling, lunging, snarling or chasing in a menacing fashion.
26. **“Town”** shall mean the Municipal Corporation of the Town of Bentley;
27. **“Council”** shall mean the Town Council for the Municipal Corporation of the Town of Bentley in the Province of Alberta;



Initial

PART 2 LICENSING AND PROVISIONS

1. The owner of every dog and cat in the Town, over the age of 6 months, shall each year, register such dog or cat with the Town and for such registration shall pay an annual license fee as set out in Schedule "A" and may be amended from time to time by amendment of this By-law;
2. Upon receipt of payment of the license fee for each dog and cat, a license tag indicating a number corresponding to the number in the master register, shall be issued to the owner;
3. The license tag issued shall be attached to the collar worn by such dog or cat and the owner shall ensure that the collar and tag are worn during those occasions when the dog or cat is not on the owner's premises;
4. License tags are not transferrable from one dog or cat to another and no refund shall be made on any license fee due to death or sale of the dog or cat or upon the owner's relocating from the Town before expiration of the license period;
5. A license tag shall be issued free of charge annually to the owners of dogs showing proof of certification as a "service dog", pursuant to Government of Alberta Service Dog Regulation 197/2008 and amendments thereto;
6. A license tag is valid only for the period January 1 to December 31 in the year for which it is issued.

PART 3 RESPONSIBILITIES OF ANIMAL OWNERS

1. No person shall allow any animal under their control to run at large;
2. No more than three (3) dogs over the age of six (6) months shall be kept on any property within the Town;
3. No person shall keep cats over the age of six (6) months in greater numbers than three (3) on any property within the Town;
4. The owner of a dog or cat shall ensure that such dog or cat is licensed for the current year;
5. The owner of a dog or cat shall ensure that the dog or cat is not off the premises without a collar, with the license tag attached and a leash;


Initial

7. The owner is responsible to provide identification (name, address, date of birth and license tag number or proof thereof) upon request of any Animal Control, Police, By-law or Peace Officer;
8. No person shall beat, cruelly ill treat, torment, overload or otherwise abuse an animal or otherwise cause or allow the animal to be in distress;
9. No person shall abandon his/her animal(s);
10. The owner of a dog, cat or other animal shall ensure that such animal does not:
 - a. act in a threatening behaviour towards a person that causes that person to fear for his safety, while on public or private property, except where that person is actually trespassing on the property of the dog owner, or chase another animal, bicycle, motor vehicle, other vehicle or otherwise engage in any activity that causes injury to a person or another animal, or
 - b. cause damage to public, or private property; or
 - c. be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides suitable ventilation, or
 - d. cause garbage retained in waste receptacles or other containers to be scattered on public or private property, or
 - e. enter into or upon the immediate area of playground equipment in a playground, or
 - f. defecate on any public or private property other than the property of its owner. In the event defecation does occur, the owner shall remove such defecation immediately, or
 - g. bark or howl so as to disturb the peace of others, or
 - h. a female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat, or have it taken to a licensed kennel, during the whole time that it is in heat.



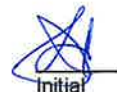
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PART 4 OTHER ANIMALS AND FOWL

1. No person shall keep or maintain any livestock, exotic birds, poultry, or exotic animals on a parcel of land except for the following;
 - a. Agricultural animals may be kept within a residential parcel of a size larger than 1 acre provided that no complaints are received or damage proven to another's property as a consequence of said animal(s) being kept within the said residential parcel,
 - b. Agricultural animals may be kept within the boundaries of a land use district classified as Urban Reserve in the Town of Bentley Land Use By-law, if such keeping is listed as allowable in the said Land Use By-law for that specific district, provided that no complaints are received or damage proven to another's property as a consequence of said animal(s) being kept within the boundaries of the said Urban Reserve district,
 - c. Fowl may be kept within the boundaries of a land use district classified a Urban Reserve in the Town of Bentley Land Use By-law, if such keeping is listed as allowable in the said land Use By-law for that specific district, provided that no complaints are received or damage proven to another's property as a consequence of said fowl being kept within the boundaries of the said Urban Reserve district,
 - d. Notwithstanding the above, animals in the Town for parades, gymkhanas, exhibitions and rodeos duly authorized or permitted by the Town are not subject to the provisions of this By-law, provided that in all instances, such animals are under the direct care and supervision of competent persons and the area the animals are held is left clean and feces is removed.

PART 5 RESPONSIBILITIES OF THE TOWN

1. The Town of Bentley shall arrange for a compound to be established for the keeping and impounding of dogs and cats and the Animal Control Officer shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of such pound.
2. The Animal Control Officer shall keep an up-to-date record of all complaints, notices, and reports and a similar record for their dispositions.



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3. The Animal Control Officer may seize and impound:
 - a) every dog or cat running at large
 - b) every dog or cat not wearing a collar and license tag when off the premises of the owner
 - c) every unleashed dog or cat found on parks and playgrounds
 - d) every female dog or cat in heat not confined and housed.
4. In the act of pursuit of any animal in violation of this Bylaw, any officer empowered to apprehend is hereby authorized to enter upon private property at all reasonable times, provided however, that in this section, private property shall not include any building occupied as a residence.
5. The control of dangerous animals by use of tranquilizer guns will be restricted to the local Veterinarian Clinic and / or Animal Control Officer.
6. Any person having a problem with an animal on his property may apply to the Town for the use of a tender trap, provided by the Town or the Animal Control Officer to catch the animal. Any animals obtained in this manner are the responsibility of the person using the trap and no person shall hold the Town responsible whether financially, civilly or criminally as a result of the capture, removal or impoundment of any animal.

PART 6 INTERFERENCE

1. No person, whether or not he or she is the owner of an animal which is being or has been pursued or captured shall:
 - a) Interfere with or attempt to obstruct an Animal Control Officer who was attempting to capture or who has captured any animal in accordance with the provisions of this Bylaw;
 - b) Unlock or unlatch or otherwise open the van or vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape there from;
 - c) Remove or attempt to remove any animal from the possession of the Animal Control Officer,
 - d) Provide false or misleading information to any Animal Control Officer.



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- e) The owner or occupier of any private property may apprehend an animal found running at large over his property and shall immediately thereafter notify the Animal Control Officer of the fact. The Animal Control Officer shall as soon as possible after receipt of such notice arrange to take delivery of the animal(s).
- f) Where there are more than three (3) dogs or cats are kept on any property, the Animal Control Officer may order the owner of such animals to be removed, within a reasonable time period.

PART 6 IMPOUNDED ANIMALS

1. The Animal Control Officer shall keep all impounded animals for a period of not less than 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 healthy dog or cat may be redeemed by its owner, upon payment to the Animal Control Officer of:
 - a) The appropriate fine where applicable; and
 - b) The appropriate license fee when a dog or cat is not licensed; and
 - c) Kennel fees as specified from time to time in the contract between the Town and the Animal Control contract.
 - d) Notwithstanding the foregoing, the owner of any dog impounded may not redeem the same if the impounded dog was vicious and had been impounded for being vicious to any person or animal. If the dog impounded was vicious at the time it was picked up, then the Animal Control Officer shall make application under the Dangerous Dog Act for an order directing that the dog be destroyed. No dog having a vicious or annoying record may be resold by the Animal Control Officer.
2. At the expiration of the 72 hour period any dog or cat not redeemed may be destroyed or sold;
3. The Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any dog or cat to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all expenses so incurred.


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PART 7 CONTROL OF RABIES

1. Any animal suspected of being rabid shall be taken to a veterinary surgeon for further action and determination of the fate of the animal.

PART 8 PENALTIES

1. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable for payment of the penalty as specified in Schedule "B" of this By-law.
2. The Animal Control Officer, may enforce the provisions of this Bylaw, and may issue an offence ticket to an owner of a dog or cat alleged to have committed one or more of the above offences and require a payment of the appropriate fine as provided in this Part and per Schedule "B".
3. A person whom an offence ticket has been issued shall pay the penalty therein specified within the time therein stated:
 - a) Should a person not pay the penalty as provided in subparagraph(a) hereof, and a prosecution has been entered against him, then he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket plus Court costs;
 - b) Notwithstanding anything therein contained, if a prosecution had been entered against any person for any offence under the Bylaw for which an offence ticket has been issued, the Town may accept payment of the penalty therein specified.
4. The offence ticket may be served upon a person in accordance with the provisions of the Provincial Offences Procedures Act of Alberta.
5. Should any person be guilty of an offence for which no penalty is specified then such person shall be liable upon summary conviction to a fine of not more than five thousand dollars (\$5,000.00) and not less than five hundred dollars (\$500.00), and in default of payment to imprisonment for a period not exceeding sixty (60) days.


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PART 9 – GENERAL

In this By-law, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context in which this By-law has application is required.

The headings in this Bylaw may be used as aids to interpret the provisions following the headings.

It is the intention of the Council of the Town of Bentley that each separate provision of this By-law will be deemed independent of all other provisions and it is further the intention of the Council that if any provision of this By-law be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this By-law will remain valid and enforceable.

PART 9 RESCINDED BY-LAWS

By-laws No. 63/01, 75/03, 70/03, 105/06 and 122/2007 are hereby rescinded.

This By-law shall come into effect of the date of the final passing thereof.

Read a first time this 20th day of September, 2011.

Read a second time this 11th day of October, 2011.

Read a third and final time this 11th day of October, 2011.



Mayor



Chief Administrative Officer

Animal Control By-law No. 152/2011

SCHEDULE "A"
License Tags

1. license tags issued prior to January 31 in the year the license is issued will be as follows:

Male or female Unaltered	\$35.00
Spayed or Neutered	\$25.00

2. license tags issued after January 31 in the year the license is issued will be as follows:

Male or female Unaltered	\$45.00
Spayed or Neutered	\$35.00

SCHEDULE "B"

Penalties

		<u>First Offence</u>	<u>Second Offence</u>	<u>Third Offence</u>
Part 2.1	Failure to license dog or cat	75.00	100.00	125.00
Part 3.2	Keeping more than 3 dogs over the age of 6 months	100.00	125.00	150.00
Part 3.3	Keeping more than 3 cats over the age of 6 months	100.00	125.00	150.00
Part 3.4	Dog or cat running at large	75.00	150.00	200.00
Part 3.5	Dog or cat off premises without license tag	75.00	150.00	200.00
Part 3.8	Abusing an animal	100.00	200.00	300.00
Part 3.9	Abandoning an animal	100.00	200.00	300.00


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	<u>First Offence</u>	<u>Second Offence</u>	<u>Third Offence</u>
Part 3.10 (a) Threatening behaviour or cause injury to a person or other animal	200.00	500.00	1,000.00
Part 3.10 (b) Damage to public or private property	100.00	200.00	300.00
Part 3.10 (c) Left unattended in a motor vehicle	100.00	150.00	200.00
Part 3.10 (d) Scatter garbage	75.00	100.00	125.00
Part 3.10 (e) enter into or upon area of playground equipment	75.00	100.00	125.00
Part 3.10 (f) defecate on public or private property	100.00	150.00	200.00
Part 3.10 (g) barking or howling	100.00	125.00	150.00
Part 3.10 (h) female dogs in heat not confined	100.00	150.00	200.00
Part 6.1			
a) b) c) d) Interference/false information	100.00	200.00	300.00


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