

THE TOWN OF SWAN RIVER
BY-LAW NO. 23/96

BEING a By-law of the Town of Swan River regulating and prohibiting the keeping of animals and birds in the Town of Swan River.

WHEREAS Section 353 of The Municipal Act provides that "The Council of any municipality may pass by-laws for regulating or prohibiting the keeping, within the municipality, or within any prescribed area thereof, of domestic or wild animals, domestic or wild fowl or birds, or any species, class or type of such animals and fowl or birds, and either generally or of any kind of class specified in a by-law."

AND WHEREAS the Council of The Town of Swan River deems it to be in the best interest of all to regulate the keeping of animals and birds within the limits of The Town of Swan River.

AND WHEREAS the general intent to regulate is to prohibit as a general rule, and regulate in locations where the neighbouring persons and properties would not be adversely affected.

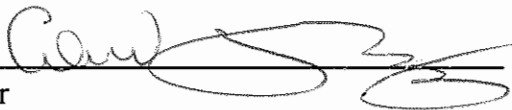
NOW THEREFORE, the Council of The Town of Swan River, in open session, enacts as follows:

1. That definitions in this By-law shall be as follows:
 - a) animal means horse, donkey, mule, cattle, pig, sheep, goat, and other animals of husbandry but does not include dog and cat;
 - b) fowl and bird means chicken, turkey, duck, goose, pigeon and other domesticated fowl, but does not include show pigeons, parrot, budgie or other such house birds;
 - c) to keep or to permit the keeping of animal or fowl does not include the bringing and keeping of animals or fowl for exhibitions, shows, sales or to animal clinics;
 - d) housing facility means the building or structure in which animals are housed and any fencing or containers appurtenant or adjacent therefore built and/or used for the purpose of containing animals.
2.
 - a) That no person shall keep or permit to be kept on his land and premises any animal, or bird within the limits of The Town of Swan River without a permit issued by the Town of Swan River in accordance with this By-law.
 - b) That any person may apply for a permit to keep animals in any location away from densely populated areas. Such an application shall:
 - i. set out the exact location;
 - ii. set out the number and type of animals to be kept;
 - iii. accurately describe the housing facilities proposed;
 - iv. set forth all persons owning land or residing within 300 feet of the proposed housing facilities;
 - v. set forth the proposed method for disposal of bedding, excrement, and other refuse and for the protection of environment standards.
 - c) Council shall consider such applications and shall provide notice to, and an opportunity for, all persons residing or owning property within 300 feet to make presentations to Council either supporting or opposing such an application, unless the applicant supplies consents from all persons residing within 300 feet of the proposed housing facility.

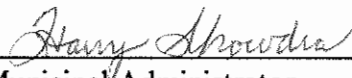
d) All permits granted:

- i. shall allow the holder thereof to keep only the number and type of animals named therein;
 - ii. shall expire on the 31st day of December for the year issued;
 - iii. may be renewed by the Town Administrator annually without further consideration by Council;
 - iv. may be cancelled at its discretion by the Council of the Town of Swan River after having given the permit holder not less than 14 days notice that it will consider a request to cancel the permit and allowing the permit holder an opportunity to address Council.
3. That any person found keeping or permitting any animal or fowl to be kept on his land and premises within the limits of The Town of Swan River without a permit, or with a permit but in contravention of the terms thereof, shall be guilty of an offence and be subject to a fine of not less than \$100.00 and not more than \$1,000.00, or imprisonment of not more than 30 days, or both.
4. That By-law No. 21/96 be hereby repealed.

DONE AND PASSED by Council of The Town of Swan River this 17th day of December, A.D., 1996.



Mayor



Municipal Administrator

TOWN OF SWAN RIVER

FORM OF PERMIT

_____ is permitted, pursuant to
By-law No. 23/96 of the Town of Swan River, to keep:

at _____ in the Town of Swan River
in housing facilities described in his/her application to the Town.

The permit holder is required to comply with all Health, Environmental and Animal
Husbandry standards, regulations, and laws.

This permit expires on December 31st, 19____.

Dated at the Town of Swan River in Manitoba this _____ day of

_____, 199_____.

Municipal Administrator