



Province of Alberta

ANIMAL HEALTH ACT

LIVESTOCK MARKET REGULATION

Alberta Regulation 133/2014

Extract

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ALBERTA REGULATION 133/2014
Animal Health Act
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Schedules

Definitions**1** In this Regulation,

- (a) “gathering station” means a non-commercial facility that is used infrequently and on an informal basis to assemble livestock of more than one owner for shipment by any form of transportation;
- (b) “highway” means a highway as defined under the *Traffic Safety Act*;
- (c) “livestock” means alpacas, asses, birds (including poultry), bison, cattle, cervids, goats, horses, llamas, mules, sheep, swine and wild boar;
- (d) “livestock market” means any area of land, including buildings, structures, pens, fences, gates, chutes, weigh scales and any other equipment located on the land, that is operated
 - (i) as a public market for the purchase or sale, or both, of livestock or for the receiving of livestock for sale on consignment, or
 - (ii) to assemble livestock for shipment by any form of transportation and includes any premises maintained with respect to the movement of livestock by a common carrier as a service to livestock owners,

but does not include the following:

- (iii) a pet store;
- (iv) a facility that is associated with an abattoir for the purpose of holding livestock for slaughter;
- (v) any area of land or facility used in respect of the sale of livestock by a producer or feedlot operator where the livestock offered for sale have been held on that land for growing, sustaining, finishing or breeding purposes;
- (vi) any area of land or facility used for the purpose of holding an annual sale or a semi-annual sale of registered purebred livestock or commercial breeding livestock by a breeder or a group of breeders;
- (vii) any area of land or facility used for the purpose of holding a sale of livestock on behalf of members of recognized 4-H clubs;

- (viii) a gathering station;
- (e) “municipal authority” means a municipal authority as defined in the *Municipal Government Act*;
- (f) “operator” means a person who operates a livestock market;
- (g) “premises identification account” means a premises identification account as defined in the *Premises Identification Regulation* (AR 200/2008);
- (h) “premises identification number” means a premises identification number as defined in the *Premises Identification Regulation* (AR 200/2008);
- (i) “road authority” means a road authority as defined under the *Traffic Safety Act*.

Application for livestock market licence

2(1) Every application for a livestock market licence must

- (a) be made to the Minister in the form set out in Schedule 1,
- (b) include a diagram indicating
 - (i) the legal land description of the location of the livestock market and, if applicable, the municipal address of the livestock market,
 - (ii) the vehicle entrances to and exits from the livestock market where the livestock market is located adjacent to a road,
 - (iii) the location of the buildings, structures, fences and pens,
 - (iv) the vehicle cleaning area and manure and soiled bedding storage area as required under section 14, and
 - (v) how the construction of the livestock market addresses the requirements set out in section 12,

and

- (c) be accompanied by a fee of \$100.

(2) Where a person applies for a licence to operate a livestock market for which no licence was subsisting in the 12 months

immediately preceding the date of the application, that person must provide the Minister with a written statement

- (a) from the municipal authority indicating that a development permit has been issued for the livestock market, and
- (b) from the relevant road authority approving the location of the livestock market and the vehicle entrances to and exits from the livestock market where that livestock market is situated adjacent to a highway.

(3) No person shall intentionally make a false statement in an application for a licence.

Suspension or cancellation of licence

3(1) Where an operator has intentionally made a false statement in the application for a licence or has contravened the *Livestock Identification and Commerce Act*, the Minister may

- (a) suspend the operator's licence for a period that the Minister considers appropriate, or
- (b) cancel the operator's licence.

(2) Where the Minister has suspended or cancelled a licence under this section, the Minister shall notify the operator in writing of that fact.

(3) Where the Minister has suspended or cancelled a licence, the operator shall immediately cease operating the livestock market.

Notice of closure

4(1) Where a licence is cancelled or suspended, an inspector may place on the livestock receiving chute or area of the livestock market a notice stating "CLOSED BY ORDER OF ALBERTA AGRICULTURE AND RURAL DEVELOPMENT".

(2) The notice placed on the livestock receiving chute or area of a livestock market under subsection (1) must be removed by an inspector if a person presents the inspector with a new or reinstated licence permitting the operation of that livestock market.

(3) No person shall remove, modify or destroy a notice posted under this section by the inspector without the authorization of the inspector.

Expiry of licence

5 A licence expires on December 31 of the 5th year following the year in which it was issued.

Licence must be displayed

6 An operator must display the operator's licence at all times in a prominent location within the livestock market.

Records

7(1) The operator shall keep an accurate record of each transaction relating to livestock that takes place at a livestock market, including

- (a) the livestock owner's name, address, telephone number and premises identification number,
- (b) for horses, cattle and sheep, the number, colour, kind and brand or identifier as recorded in the livestock manifest required under the *Livestock Identification and Commerce General Regulation* (AR 208/2008),
- (c) for livestock other than the livestock referred to in clause (b), the number, species, sex and livestock identifier, if available, and if the livestock identifier is unavailable, a description of each head of livestock, and
- (d) the name, address and telephone number of each purchaser of livestock.

(2) The operator shall maintain a record kept under this section for at least 10 years from the date that the transaction took place and provide the record to the Minister upon request within 2 business days or any other period of time acceptable to the Minister.

(3) If an operator who is required to keep records and report information pursuant to subsection (1) is also required to keep the same records and report the same information under the *Livestock Identification and Commerce Act*, the operator is deemed to have satisfied the requirement to keep records and report information under this Regulation if the same records are kept and the same information is reported as under the *Livestock Identification and Commerce Act*.

Change of contact information

8 Every operator shall notify the Minister in writing and within 30 days of a change in the operator's contact information and any change in the contact information for the person who will be the

primary contact for the livestock market during and after business hours, including the operator's or the person's

- (a) mailing address,
- (b) telephone number,
- (c) cell phone number, if available,
- (d) fax number, if available, and
- (e) e-mail address, if available.

Change in ownership

9(1) On a change of ownership of a livestock market, the operator shall notify the Minister forthwith and return the unexpired licence to the Minister.

(2) Without limiting subsection (1),

- (a) in the case of a licence issued to a partnership, a change in ownership is deemed to have occurred if there is a change in the partners of the partnership, and
- (b) in the case of a licence issued to a corporation, a change in ownership is deemed to have occurred if 50% or more of the beneficial ownership of the shares in the corporation are sold, assigned or transferred.

Surrender of licence

10 An operator who intends to cease operating a livestock market shall notify the Minister at least 14 days prior to the cessation of the operation of the livestock market and shall return the licence to the Minister once the operation of the livestock market has ceased.

Effect of surrender, suspension, cancellation or expiry of licence

11(1) Section 7(2) continues to apply to an operator whose licence has been surrendered, suspended or cancelled or has expired.

(2) An operator whose licence has been surrendered or cancelled or has expired shall for 10 years following the date of the surrender, cancellation or expiry notify the Minister within 14 days of any change in contact information.

(3) An operator whose licence has been suspended shall, during the period of the suspension, notify the Minister within 14 days of any change of address.

Construction and maintenance

12 The operator shall ensure that a livestock market is constructed and maintained in such a manner that

- (a) all swine and calf pens have solid partitions to a minimum height of 1.25 metres,
- (b) every pen and passageway outside its buildings has a concrete floor or earth floor that is adequately drained,
- (c) every pen and passageway inside its buildings and every sales ring has a concrete floor that is scored and adequately drained,
- (d) every structure or area used for the confining or handling of livestock, including chutes and squeezes, minimizes the possibility of injury to livestock, and
- (e) the livestock located at that facility cannot have contact with livestock located outside of the livestock market.

Additional livestock market capacity

13(1) An operator must apply to the Minister in a form acceptable to the Minister if the operator wishes to

- (a) expand the total area of the livestock market, or
- (b) expand any buildings, structures or other facilities within the livestock market.

(2) An application under subsection (1) must include

- (a) details of the expansion requested,
- (b) the approval from the municipal authority respecting the expansion of the livestock market,
- (c) the approval from the relevant highway authority, if the proposed expansion will change the vehicle entrances and exits to the livestock market where the livestock market is located adjacent to a highway, and
- (d) a revised diagram illustrating the proposed expansion of the livestock market, including any difference from any diagram submitted to the Minister as part of the application for the same or a previous licence.

(3) When considering an application under this section, the Minister may require the operator to provide any additional information the Minister considers necessary.

(4) The operator shall ensure that the changes to the livestock market described in subsection (1) meet the requirements of this Regulation.

(5) The Minister may approve or refuse an application under this section and must inform the operator in writing of the decision.

Sanitation and other requirements

14 The operator of a livestock market shall, with respect to that livestock market,

- (a) provide an area where vehicles used to transport livestock to the livestock market may be cleaned by removing manure and bedding,
- (b) keep the livestock market free of all litter, refuse and weeds to the satisfaction of an inspector,
- (c) provide an area for the storage of all manure and soiled bedding in such a manner that livestock cannot have contact with it,
- (d) dispose of all manure and soiled bedding in such a manner that livestock cannot have contact with it for a minimum of one year,
- (e) provide suitable bedding that is clean, dry and adequate to meet the needs of the species and age of the livestock using it,
- (f) comply with the requirements of the *Disposal of Dead Animals Regulation* respecting the disposal of dead animals, and
- (g) control the fly population to the satisfaction of an inspector.

Cleaning and disinfecting

15(1) An operator must thoroughly clean the areas of the livestock market that are used by livestock, which includes scraping out or removing bedding and manure after each sale or assembly of livestock.

(2) An operator must clean the livestock market if ordered to do so by an inspector.

(3) An operator must thoroughly disinfect the livestock market if ordered to do so by an inspector.

Prohibition of use of area or structure

16(1) Where, in the opinion of an inspector, any area of or structure in a livestock market used for holding livestock is unsanitary, not maintained in good repair or fails to meet the requirements of this Regulation, the inspector may prohibit the use of that area of or structure in the livestock market and

- (a) direct that no person shall use that area or structure, and
- (b) post a notice on that area of or structure in the livestock market stating the area of or structure in the livestock market is closed.

(2) Where an inspector has prohibited the use of an area or structure or posted a notice pursuant to subsection (1), no person shall use that area of or structure in the livestock market to hold livestock until

- (a) the area of or structure in the livestock market is made sanitary and put in good repair to the satisfaction of an inspector, and
- (b) an inspector has
 - (i) directed that the use of the area or structure is permitted, or
 - (ii) removed the notice referred to in subsection (1).

(3) No person shall remove, modify or destroy a notice posted by an inspector under this section unless authorized to do so by an inspector.

(4) A person shall comply with a direction of an inspector or a notice posted by an inspector.

Order to detain livestock

17(1) Where the chief provincial veterinarian or an inspector appointed under section 6(2) of the Act forms the opinion on reasonable grounds that

- (a) the movement of livestock or a species of livestock within or to or from a livestock market, or
- (b) the conduct of sales or other transactions with respect to livestock or a species of livestock at a livestock market

constitutes a threat to the health of the animals, the chief provincial veterinarian or the inspector may order, verbally or in writing, the operator to detain some or all of the livestock in the livestock

market or restrict the movement of livestock for the purpose of assessing the threat to the health of livestock and preventing the spread of the disease.

(2) Where livestock are detained under subsection (1), the chief provincial veterinarian or an inspector may post in the area of the livestock market where the livestock are detained a copy of the order issued under subsection (1) if the order was issued in writing, or a notice stating livestock must not be removed from the area without permission from the chief provincial veterinarian.

Order to close

18(1) Where the chief provincial veterinarian forms the opinion on reasonable grounds that

- (a) the movement of livestock or a species of livestock within or to or from a livestock market, or
- (b) the conduct of sales or other transactions with respect to livestock or a species of livestock at a livestock market

constitutes a threat to the health of the animals, the chief provincial veterinarian may order, verbally or in writing, the operator to close part or all of the livestock market or restrict the movement of livestock until, in the opinion of the chief provincial veterinarian, that health threat has been removed.

(2) Where a livestock market or a portion of the livestock market is closed under subsection (1), the chief provincial veterinarian or an inspector may place at each entrance to the livestock market or part of the livestock market that has been closed, a copy of the order issued under subsection (1) if the order was issued in writing, or a notice stating the livestock market or a part of the livestock market is closed.

Orders or notices

19(1) Where the order or notice referred to in section 17 or 18 is placed on an entrance to an area or on a structure, only a person authorized by the chief provincial veterinarian may

- (a) remove livestock from that area or structure,
- (b) place additional livestock in that area or structure,
- (c) enter that area or structure, or
- (d) remove, modify or destroy the order or notice.

(2) Every person must comply with an order made or notice referred to under section 17 or 18.

Misleading statements

20 No operator shall make or require or permit an employee or a person who is under contract to the operator to make any statement or representation or publish information in any form that misrepresents or misleads any person or is likely to misrepresent or mislead any person with respect to the health or condition of livestock at a livestock market.

Licences continued

21 A livestock market operator's licence and an assembling station operator's licence issued under the *Livestock Market and Livestock Assembling Station Operator's Licence Regulation* (AR 110/2009) continues as a livestock market licence under this Regulation until it would have expired under that Regulation.

Appeal

22 An application for an appeal for the purposes of section 46(1)(c), (d) or (e) of the Act must be made in the form set out in Schedule 2 to this Regulation.

Fee not refundable

23(1) Subject to subsection (2), any fee paid under this Regulation is not refundable.

(2) Where the Minister refuses to issue a licence under section 43.4 of the Act, the Minister shall return the licence fee to the applicant.

Notice to operator

24 A notice to be given to an operator by the Minister under this Regulation may be given by personal service or by registered mail addressed to the most recent mailing address provided by the operator for the purposes of this Regulation.

Offences

25 A person who contravenes or fails to comply with this Regulation or with an order, direction or notice issued under this Regulation is guilty of an offence.

Penalties

26(1) A person who is guilty of an offence under section 25 is liable

- (a) for a first offence, to a fine of not more than \$15 000 and, in the case of a continuing offence, to a further fine of not more than \$1000 for each day or part of a day during which the offence continues after the first day, and
- (b) for a 2nd or subsequent offence,
 - (i) to a fine of not more than \$30 000 and, in the case of a continuing offence, to a further fine of not more than \$2000 for each day or part of a day during which the offence continues after the first day, or
 - (ii) to imprisonment for a term not exceeding one year, or to both fines and imprisonment.

(2) A prosecution under subsection (1) may be commenced within 2 years of the commission of the alleged offence but not afterwards.

Repeal

27 The following regulations are repealed:

- (a) *Livestock Market and Livestock Assembling Station Regulation* (AR 70/2000);
- (b) *Livestock Market and Livestock Assembling Station Operator's Licence Regulation* (AR 110/2009);
- (c) *Livestock Disease Control Regulation* (AR 69/2000).

Expiry

28 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2023.

Coming into force

29 This Regulation comes into force on the coming into force of section 19 of the *Animal Health Amendment Act, 2009*.

Schedule 1

Application for Livestock Market Licence

Property where livestock market is located

Qtr	Sec	Twp	Rge	W of

OR

Other legal description

Premises identification number

Livestock market will be operated by

Name of operator		
Operator's premises identification account		
Mailing address		
Town or city	Province	Postal code
Phone number	Fax number (if available)	
Cell phone number (if available)	E-mail (if available)	

Signature of operator	Date
-----------------------	------

Person who will be primary contact for the livestock market during and after business hours

Name of individual		
Mailing address		
Town or city	Province	Postal code
Phone number	Fax number (if available)	
Cell phone number (if available)	E-mail (if available)	

Signature of operator	Date
-----------------------	------

Schedule 2

Notice of Appeal

Animal Health Act (Section 46(1)(c), (d) and (e))

TO: Minister of Agriculture and Rural Development

Legislature Building
10800 97 Avenue
Edmonton, Alberta
T5K 2B6

TAKE NOTICE THAT (name of appellant) of (address of appellant) wishes to appeal the decision of the Minister, dated the (day) of (month), (year), to:

- _____ refuse to issue a licence
- _____ suspend a licence
- _____ cancel a licence
- _____ impose terms and conditions on or vary the terms and conditions of a licence

A copy of that decision is attached and forms part of this appeal.

The grounds for the appeal are as follows:

(attach additional sheet if necessary)

DATED at _____, Alberta, this _____ day of _____, 20__.

(Signature)



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