

TOWN OF BEAVERLODGE

BYLAW # 1021

**A BYLAW OF THE TOWN OF BEAVERLODGE IN THE PROVINCE OF ALBERTA TO
PROHIBIT THE FEEDING OF WILDLIFE IN THE TOWN OF BEAVERLODGE**

WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26, pursuant to Section 7(a) provided that the Council of a Municipality may pass Bylaws for Municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, pursuant to Section 7(h) of the Municipal Government Act, a Council may pass Bylaws for Municipal purposes respecting wild and domestic animals and activities in relation to them; and

WHEREAS, pursuant to Section 7(i) of the Municipal Government Act, a Council may pass Bylaws for Municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein; and

WHEREAS, pursuant to Section 8 of the Municipal Government Act, a Council may in Bylaw:

- (a) Regulate or prohibit

NOW THEREFORE, the Council of the Town of Beaverlodge enacts as follows:

SECTION 1 - SHORT TITLE

- 1.0 This Bylaw shall be called the "Wildlife Feeding Bylaw".

SECTION 2 – INTERPRETATION

- 2.0 In this Bylaw, the following terms will have the following definitions:

"ACT" means the Municipal Government Act, RSA 2000, Chapter M-26, as amended, or any statute enacted in its place.

"Chief Administrative Officer (CAO)" means the person appointed by Council to the position of Chief Administrative Officer under Section 205 of the Municipal Government Act.

"Council" means the Mayor and Councillors duly elected pursuant to the provisions of the *Local Authorities Election Act*.

"Device" means feeding stands, salt blocks, bird feeders less than (eight) 8 feet in height.

"Enforcement Officer" a member of the Royal Canadian Mounted Police, a Community Peace Officer as appointed by the Solicitor General of Alberta, or a Bylaw Enforcement Officer as appointed by the Town to enforce Bylaws of the Town.

"Feed" means deliberately providing, leaving or placing in, on or about land or premises any wildlife attractants with the intention that wildlife be enticed to such wildlife attractants with the intention that they be eaten by the wildlife.

BYLAW # 1021 – PROHIBIT FEEDING OF WILDLIFE

“Municipal Violation Tag” means a ticket alleging an offence issued pursuant to the authority of a Bylaw of the Town.

“Natural” means food or other substances consumed by wildlife, produced by or existing in nature, not artificial.

“Person” means any individual, business entity, society, partnership, heirs, executors, administrators or assigns.

“Premises” means a residence, store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person.

“Substance” means a food substance or other edible substance accessible to wildlife.

“Town” means the Town of Beaverlodge.

“Wildlife Attractant” means any substance which could, or be reasonably expected to, attract deer or other wildlife including but not limited to: food products, pet food, feed, grain or salt.

“Wildlife” means all mammals other than domestic animals (some examples include, but are not exclusive to deer, bears, fox, squirrels, etc.)

SECTION 3 – PROHIBITION AGAINST FEEDING WILDLIFE

3.1 No person shall store, handle or dispose of any wildlife attractants in such a manner so they are or may become accessible to wildlife.

3.2 No person shall feed, attempt to feed, or permit the feeding of, either directly or indirectly, any wildlife by leaving or placing, in, on, or about any premises, any feed or wildlife attractants for the purpose of feeding such wildlife.

3.3 For Certainty, the prohibition in Section 3.1 does not apply in relation to:

- a) A wildlife officer or a wildlife guardian as defined in the *Wildlife Act* while lawfully performing their duties, or a person under the direction of or with the permission of a wildlife officer or wildlife guardian
- b) Farm operations, except where feed or bales have been stored negligently;
- c) Fruit or vegetable gardening for human consumption; or
- d) Natural product including ornamental plants and flowers.
- e) Any natural product that is growing on a particular land owned or occupied where feeding of wildlife is occurring.

3.4 Notwithstanding Section 3.2, a person may place or allow to be placed a bird feeder, using bird feed only, on their premises so long as such bird feeder and any contents contained therein are not or may not become accessible to wildlife.

3.5 Each property owner or occupier shall have the duty to remove any device placed on the owner's or occupier's property in violation of this bylaw.

BYLAW # 1021 – PROHIBIT FEEDING OF WILDLIFE

3.6 Each property owner or occupier shall have the duty to remove any device placed on the owner's or occupier's property to which wild animals or from which wild animals actually feed. Alternatively, a property owner or occupier may modify such a device or make other changes to the property that prevents wild animals from having access to feeding from the device. Failure to remove such a device or to make such modifications within (twenty-four) 24 hours after notice is given by the Town of Beaverlodge shall constitute a separate violation.

SECTION 4.0 – ENFORCEMENT AND ENTRY

4.1 At any reasonable time, an Enforcement Officer may enter upon the property in order to ascertain whether the provisions of this Bylaw are being observed. Where an Enforcement Officer believes that, as a result of a breach of this bylaw, wildlife is located on or near the property and has endangered or harmed a person or a domestic animal, or presents an imminent threat to the safety of any person or a domestic animal, or presents an imminent threat to the safety of any person, the officer may take steps to prevent, avert, reduce or mitigate the harm or threat or provide assistance. In doing so, the officer may seek assistance of a Conservation Officer or a police officer as may be reasonable or necessary in the circumstances.

4.2 A person must not obstruct or interfere with an Enforcement Officer who has entered onto a property pursuant to section 4.1, or another person assisting the officer.

4.3 The Chief Administrative Officer or their designates may prescribe any form, notice or ticket or other administrative matter required pursuant to this Bylaw.

SECTION 5.0 – OFFENCE AND PENALTY

5.1 A person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction as per Schedule "A".

5.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.

5.3 Any Enforcement Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:

- a) a Municipal Violation Tag allowing a payment of the specified penalty to the Town; or
- b) a Violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*.

SECTION 6.0 – SEVERABILITY

6.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

BYLAW # 1021 – PROHIBIT FEEDING OF WILDLIFE

SECTION 7.0 – GENERAL

7.1 Any person who contravenes any provision of this Bylaw by:

- a) doing any act or thing which the person is prohibited from doing; or
- b) failing to do any act or thing the person is required to do;

is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this bylaw.

7.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw(s), or any requirement of any lawful permit, order or license.

7.3 Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

7.4 Words in the singular include the plural and words in the plural include the singular.

7.5 This bylaw is gender-neutral and, accordingly, any references to one gender includes the other.

7.6 All schedules attached to this Bylaw shall form a part of this Bylaw and may, from time to time, be amended.

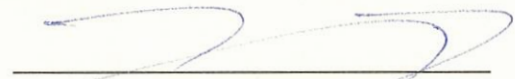
7.7 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Town from pursuing any other remedy in relation to a premises as provided by the Municipal Government Act, or any other law of the Province of Alberta.

This Bylaw shall come into full force and effect upon third and final reading,


READ A FIRST TIME this 11th day of September, 2023.

READ A SECOND TIME this 25th day of September, 2023.

READ A THIRD TIME AND PASSED this 25th day of September, 2023.



Mayor



Chief Administrative Officer

SCHEDULE "A"

PENALTIES

SECTION	OFFENCE	1 ST OFFENCE	2 ND /Sub OFFENCE
3.1	Improperly store, handle or dispose of Wildlife Attractants	\$250.00	\$500.00
3.2	Feed Wildlife	\$250.00	\$500.00
3.5	Place a Device so as to be or become accessible to Wildlife	\$150.00	\$300.00
3.6	Failure to remove a Device or to make modifications to the Device or property to prevent the feeding of Wildlife within twenty-four (24) hours	\$250.00	\$500.00
4.2	Willfully obstruct, hinder or interfere with Enforcement Officer	\$500.00	\$1000.00