

BYLAW 28-21

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA RESPECTING DEER AND WILDLIFE FEEDING AND ATTRACTANTS IN THE TOWN OF OKOTOKS

WHEREAS pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting wild and domestic animals and activities in relation to them; and

WHEREAS the Council of the Town of Okotoks deems it desirable to regulate activities in relation to wildlife attractants and the feeding of deer and other wildlife within the Town of Okotoks;

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

This bylaw may be known as the “Deer and Wildlife Feeding and Attractants Bylaw”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 2.1 **animal** means any member of the animal kingdom but does not include domestic animals, livestock, wildlife, or humans;
- 2.2 **Chief Administrative Officer (CAO)** means the person appointed to the position of Chief Administrative Officer for the Town of Okotoks, by Council, within the meaning of the *MGA*;
- 2.3 **Council** means the Mayor and Councilors duly elected pursuant to the provisions of the *Local Authorities Election Act*;
- 2.4 **deer** means any member of the family *Cervidae*;
- 2.5 **domestic animal** means an animal that has been tamed and is kept by humans as a household pet, especially members of species that have, through selective breeding, become notably different than their wild ancestors but does not include wildlife or livestock;
- 2.6 **feed** means providing, leaving or placing in, on or about land or premises any wildlife attractants with the intention that deer or other wildlife be enticed to such wildlife attractants with the intention that they be eaten by the deer or other wildlife;

2.7 **livestock** includes but is not limited to:

- a) animals of the avian species including chickens, turkeys, ducks, geese, or pheasants,
- b) domestically reared or kept deer, reindeer, moose, elk, or bison,
- c) farm bred fur bearing animals including foxes or mink,
- d) animals of the bovine species,
- e) horses, mules, ass, swine, emus, ostriches, camels, llamas, alpacas, sheep, pigs or goats,
- f) any animals kept for agricultural purposes,

but does not include hens kept pursuant to the Okotoks Urban Hen Bylaw;

2.8 **Peace Officer** means:

- a) a member of the Royal Canadian Mounted Police,
- b) a Community Peace Officer as appointed by the Solicitor General of Alberta, or
- c) a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;

2.9 **person** means any:

- a) individual, or
- b) business entity including a firm, partnership, association, corporation, company or society;

2.10 **premises** means a residence, store, office, warehouse, factory, building, enclosure, yard or other place occupied, or capable of being occupied, by any person;

2.11 **Town** means the Town of Okotoks, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;

2.12 **violation tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;

2.13 **violation ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*;

2.14 **wildlife** means any animal that is not normally domesticated, including but not limited to:

- a) feral domesticated animals,
- b) fur-bearing animals,
- c) migratory game birds,
- d) upland game birds,
- e) birds of prey,
- f) big game,
- g) non-game animals, and
- h) any hybrid offspring resulting from the crossing of two (2) wildlife animals.

2.15 **wildlife attractant** means any substance which could, or be reasonably expected to, attract deer or other wildlife including but not limited to:

- a) food for domesticated animals or livestock including, but not limited to:
 - i. pet food,
 - ii. livestock food,
- b) food for birds including, but not limited to:
 - i. birdseed,
 - ii. suet,
 - iii. hummingbird nectar,
 - iv. honey,
- c) compost waste which includes but is not limited to:
 - i. lawn clippings,
 - ii. leaves,
 - iii. branches,
- d) salt,
- e) food for human consumption,
- f) residential garbage,
- g) waste,
- h) recyclable materials,
- i) game meat,
- j) restaurant grease,
- k) ash,
- l) petroleum products,
- m) antifreeze,
- n) paint,
- o) outdoor refrigerators or freezers.

3. FEEDING AND ATTRACTANTS

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

- 3.2 No person shall feed, attempt to feed, or permit the feeding of, either directly or indirectly, any deer or other wildlife by leaving or placing, in, on, or about any premises, any wildlife attractants for the purpose of feeding such deer or other wildlife.
- 3.3 Notwithstanding Section 3.2, a person may place, or allow to be placed, a bird feeder on their premises so long as such bird feeder and any contents contained therein are not or may not become accessible to deer or other wildlife.
- 3.4 Section 3.2 shall 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;
 - c) fruit and vegetable gardening for human consumption; or
 - d) ornamental plants and flowers.

4. PENALTIES AND ENFORCEMENT

- 4.1 No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.
- 4.2 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) Dollars, imprisonment for a term not exceeding one (1) year, or both.
- 4.3 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.
- 4.4 Where a person contravenes the same provision of this Bylaw two (2) or more times within one twelve (12) month period, the specified penalty payable in respect of the second or subsequent contravention shall be the amount stated in Schedule "A" for such offences.
- 4.5 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
- 4.6 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other bylaw.

- 4.7 Any Peace 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 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*.
- 4.8 Service of a violation tag will be sufficient if it is:
- a) personally served; or
 - b) served by regular mail to the person's last known mailing address.
- 4.9 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a) specify the fine amount established by this Bylaw for the offence; or
 - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 4.10 A person who commits an offence may:
- a) if a violation ticket is issued in respect of the offence; and
 - b) if the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the provincial courthouse specified on the violation ticket.

5. SEVERABILITY

- 5.1 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.

6. GENERAL

- 6.1 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.

- 6.2 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 licence.
- 6.3 Any heading, 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.
- 6.4 Words in the singular include the plural and words in the plural include the singular.
- 6.5 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 6.6 All schedules attached to this Bylaw shall form a part of this Bylaw and may, from time to time, be amended.
- 6.7 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 19th day of July, 2021.

READ A SECOND TIME this 19th day of July, 2021.

READ A THIRD TIME AND PASSED this 19th day of July, 2021.

Original Signed

Deputy Mayor

Original Signed

Chief Administrative Officer

SCHEDULE "A"
PENALTIES

SECTION	OFFENCE	1st OFFENCE	2ND/Sub OFFENCE
3.1	Improperly store, handle, dispose of wildlife attractants	250.00	500.00
3.2	Feed deer or other wildlife	250.00	500.00
3.3	Place bird feeder so as to be or become accessible to deer or other wildlife	150.00	300.00
4.1	Willfully obstruct, hinder or interfere with Peace Officer	500.00	1000.00