

BYLAW NO. 02-2017

Prohibited Animals Bylaw

A BYLAW OF MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING PROHIBITED ANIMALS WITHIN THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133

Pursuant to the authority conferred upon it by the Municipal Government Act, the Council of Municipal District of Spirit River No. 133 hereby enacts as follows:

1.0 TITLE

1.1 This Bylaw may be referred to as the "Prohibited Animals Bylaw."

2.0 DEFINITIONS

In this bylaw, unless the content otherwise requires:

2.1 *Council* and *MD Council* mean the Council of Municipal District of Spirit River No. 133, Province of Alberta.

2.2 *MD* means Municipal District of Spirit River No. 133, Province of Alberta.

2.3 *MD Manager* means the Chief Administrative Officer of Municipal District of Spirit River No. 133 or his delegate.

2.4 *Peace Officer* means

(a) a member of the Royal Canadian Mounted Police, and

(b) a Peace Officer appointed for Municipal District of Spirit River No. 133 pursuant to the *Peace Officer Act*, SA 2006, c. P-35

2.5 *Prohibited Animal* are those animals that are not permitted within Municipal District of Spirit River No. 133 and are listed as follows: Wild Boar (*Sus scrofa*).

3.0 AUTHORITY

3.1 The MD Manager is hereby authorized to administer and enforce the provisions of this bylaw and may levy charges in accordance with this bylaw or as may be authorized by Council pursuant to the provisions of this bylaw. When this bylaw authorizes the MD to act or gives to the MD discretion, the MD Manager is authorized to act on behalf of the MD.

4.0 PROHIBITED ANIMALS

4.1 This bylaw regulates Prohibited Animals upon all properties within Municipal District of Spirit River No. 133 regardless of parcel size or Land Use District.

4.2 No person shall keep, either on a temporary or permanent basis, Prohibited Animals on any properties within Municipal District of Spirit River No. 133 boundaries.

- 4.3 Existing Wild Boar farms at the time of enactment of this Bylaw will be identified and be prohibited from expanding beyond the identified footprint of their approved permit. Wild Boars on existing farms with permits will not be considered Prohibited Animals under this Bylaw. Wild Boars at large are a declared pest under the Alberta Pest Act and will be handled as required by that Act. This authority to operate an existing Wild Boar farm will be provided in the form of a permit to operate and will be required annually. The MD has no obligation to renew permits of existing farms. Permit can be cancelled at any time at the discretion of the MD.
- 4.4 Any prohibited animals located within the MD must be euthanized or removed from the MD within seven (7) days of receiving written notice from a Peace Officer; the cost of removal will be at the sole responsibility of the landowner.

5.0 OFFENCES AND PENALTIES

- 5.1 A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable upon summary conviction to the specified penalty set out in Schedule "A", and in default of payment of any penalty, to imprisonment for up to 6 months.
- 5.2 Where a Peace Officer reasonably believes that a person has contravened any provision of this Bylaw, the Peace Officer may, in addition to any other remedy at law, serve upon the person a violation tag, in the form used by the MD, allowing payment of the penalty as set out in Schedule "B" for the particular offence, which payment will be accepted by the MD in lieu of prosecution for the offence, or a Peace Officer may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 (as amended), allowing a voluntary payment of the penalty as set out in Schedule "C", or, requiring a person to appear in court without the alternative of making a voluntary payment. The recording of the payment of a penalty made to the MD or the Provincial Court of Alberta shall constitute an acceptance of a guilty plea and conviction for the offence.
- 5.3 Any person who contravenes the same provision of this Bylaw after the date of the first contravention is liable to the specified penalties for such second, third or subsequent offence in the amount set out in Schedule "A".
- 5.4 This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act.

6.0 SEVERABILITY

- 6.1 Should any clause or part of this bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the clause or part found to be improperly enacted had not been enacted as part of this bylaw.

FIRST READING GIVEN THIS 3rd DAY OF MAY, 2017
SECOND READING GIVEN THIS 3rd DAY OF MAY, 2017
THIRD READING GIVEN THIS 3rd DAY OF MAY, 2017

REEVE

Stan Bzowy date signed _____

CAO

Kelly Hudson date signed _____

Prohibited Animals Bylaw

Municipal District of Spirit River No. 133

Schedule "A"

<u>Offence</u>	<u>Penalty</u>
Keeping or harboring any Prohibited Animals	
First Offence	\$ 4,000.00
Second Offence	6,000.00
Third or subsequent Offence	8,000.00

Reeve
Date Signed:

Municipal District of Spirit River No.133
CAO
Date signed:

Prohibited Animals Bylaw

Municipal District of Spirit River No. 133

Schedule "B"

VIOLATION TAG

Date: _____ 20____ TIME: _____

Location: _____

Name: _____

Address: _____

D.L. _____ D.O.B _____

.....
OFFENCE

.....
You may avoid appearance in court by voluntarily paying this specified penalty to the M.D of Spirit River within 10 days.

Specified Penalty

(See reverse of this ticket)

\$

.....
VEHICLE DESC. _____

LICENCE NO. _____

REG. OWNER _____

ADDRESS _____

Ticket No. _____

Issuing officer

Prohibited Animals Bylaw

Municipal District of Spirit River No. 133

Schedule "C"

NOTE

The Specified penalty as marked on the face of this ticket may be mailed to:

Municipal District of Spirit River No.133
Box 389
Spirit River, AB
T0H 3G0

or paid at the MD office located at: 4202-50TH Street Spirit River, AB

The specified penalty, voluntary payment option is valid for no more than 10 days from the date of issue of ticket. Thereafter, the person or firm ticketed will be summoned to appear in provincial court nearest the point at which the offence occurred.

Mathematics

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