

Bylaw 1073/AC/2021

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

WHEREAS Pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26, 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 Fairview, deem it desirable to regulate activities in relation to wildlife attractants and the feeding of deer and other wildlife within the Town of Fairview;

NOW THEREFORE Council of the Town of Fairview, duly assembled, enacts as follows:

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

2. DEFINITIONS

2.1 **Animal** means any wild animal.

2.2 **Chief Administrative Officer (CAO)** means the person appointed to the position of CAO for the Town of Fairview.

2.3 **Deer** means any member of the family Cervidae.

2.4 **Domestic animal** means an animal that has been tamed and is kept by humans as a pet.

2.5 **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 deer or other wildlife.

2.6 **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
- c) A Bylaw Enforcement Officer as appointed by the Town
- d) A District Fish and Wildlife Officer as appointed by the Solicitor General of Alberta

2.7 **person** means any:

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

2.8 **premises** means a residence, store, office, warehouse, yard or other place occupied or capable of being occupied.

2.9 **Wildlife** means any animal that is not normally domesticated.

2.10 **Wildlife attractant** means any substance which could, or be reasonably expected to, attract deer or other wildlife.

3. FEEDING AND ATTRACTANTS

- 3.1 No person shall intentionally 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 for the sole purpose of feeding birds.
- 3.4 Section 3.2 shall not apply in relation to:
 - a) a wildlife officer lawfully performing their duties;
 - b) fruit and vegetable gardening for human consumption; or
 - c) ornamental plants and flowers.

4. PENALTIES AND ENFORCEMENT

- 4.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine.
- 4.2 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.
- 4.3 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 subsequent contraventions shall be the amount stated in Schedule “A” for such offences.
- 4.4 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 violation tag.

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

6.3 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.

Read a first time this

Mayor Gordon Macleod

CAO Daryl Greenhill

Read a second time this

Mayor Gordon MacLeod

CAO Daryl Greenhill

Read a third time this

Mayor Gordon MacLeod

CAO Daryl Greenhill

SCHEDULE “A”
PENALTIES

SECTION	OFFENCE	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE	4 TH /SUB OFFENCE
3.1	Improperly store, handle, dispose of attractants	\$50	\$100	\$200	\$400
3.2	Feed deer or other wildlife	\$50	\$100	\$200	\$400