TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO. 2021/05

BEING A BYLAW OF THE TOWN OF ROCKY MOUNTAIN HOUSE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING WILDLIFE FEEDING.

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property, and wild animals and activities in relation to them; and

WHEREAS, pursuant to section 8 of the *Municipal Government Act*, a Council may by bylaw regulate or prohibit certain activities, including the creation of offences and penalties; and

WHEREAS, pursuant to section 133.1 of the Wildlife Regulation A.R. 143/1997, under the Wildlife Act, a person is prohibited from feeding certain Wildlife; and

WHEREAS, Fish and Wildlife Enforcement Services has identified that feeding Wildlife, attracts Wildlife and their prey to the area, contributing to habituated Wildlife and an increase in Wildlife and human interactions, creating subsequent risks and dangers, for both people and for Wildlife;

AND WHEREAS, Council of the Town of Rocky Mountain House wishes to prohibit the feeding of Wildlife to reduce the associated risks and danger.

NOW THEREFORE, the Town of Rocky Mountain House Council enacts as follows:

i. This Bylaw may be cited as the *Prohibition of Wildlife Feeding Bylaw*.

ii. Where the provisions of this Bylaw conflict with the provision of any other Bylaw of the Town of Rocky Mountain House, this Bylaw shall prevail.

SECTION 1: PURPOSE

1.1 The Town of Rocky Mountain House values it's citizens, Wildlife and surrounding natural areas and Wildlife. Feeding Wildlife brings Wildlife into the Town and contributes to Wildlife adapting to the urban environment, increasing the potential for problems or conflicts and increasing the risks to the health and safety of humans, as well as the health and safety of Wildlife.

1.2 The Town supports the prevention and the implementation of corrective measures to reduce the risks related to human-Wildlife conflict.

1.3 Recognizing the importance of ecosystem health to sustainability, the prevention and implementation of corrective measures are necessary to reduce the potential for human-Wildlife conflict and improve the overall adaptive response of people to living in a region where Wildlife is plentiful.

SECTION 2: INTERPRETATION

2.1 Words which have been defined in the *Municipal Government Act*, or the *Interpretation Act* as amended shall have the same meaning when used in this bylaw unless otherwise defined in Section 3.

SECTION 3: DEFINITIONS

3.1 "**Council**" means the duly elected municipal Council of the Town of Rocky Mountain House.

3.2 "**Dangerous Wildlife**" means a bear, cougar, coyote, wolf or any other Wildlife species deemed dangerous by a Peace Officer.

3.3 "**Peace Officer**" means any RCMP Officer, Community Peace Officer, Fish and Wildlife Officer or any other designated Peace Officer for the Province of Alberta.

3.4 "**Wildlife**" means non-domesticated animals that are wild by nature and living in their natural habitat, including Dangerous Wildlife, but does not include feral cats.

3.5 "**Violation Tag**" means a municipal tag or similar document in a form approved by the Town, authorized under the *Provincial Offences Procedures Act* as amended, issued for any offence in which a penalty may be paid out of court in lieu or appearing to answer a summons.

3.6 "**Violation Ticket**" means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the regulations thereunder.

SECTION 4: WILDLIFE FEEDING

4.1 For reasons of public health and safety, it is forbidden to intentionally feed any Wildlife within the boundaries of the Town of Rocky Mountain House.

4.2 No person shall toss, scatter or leave food outside a building or residence or within a park for the purposes of feeding or baiting wild animals.

4.3 Notwithstanding section 4.1 and 4.2, a person or owner may place or permit the placement of an outdoor bird feeder containing bird feed, seeds, suet, nectar or any other attractant provided that the bird feeder is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife other than birds.

4.4 Sections 4.1 and 4.2 does not apply in the following situations:

a. the leaving of food as bait in a trap by a property Owner or resident to capture a sick or injured Animal inhabiting or habituating their property pursuant to this By-law; or

b. the leaving of food as bait by a licensed trapper, an employee of a Peace Officer or pest control agency licensed by the province, in the performance of their duties.

SECTION 5: OBSTRUCTION

5.1 No person shall:

a. interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured, any Wildlife in accordance with the provisions of this bylaw;

b. remove, or attempt to remove, from possession of a Peace Officer, any animal which has been seized;

c. induce any animal to enter an area where it may be safe from capture, or otherwise assist the animal to escape capture.

5.2 No person shall falsely represent themselves as being in charge.

5.3 No person shall provide false information to a Peace Officer.

SECTION 6: ENFORCEMENT AND PENALTIES

6.1 The Community Peace Officer shall keep an up-to-date record of all complaints, notices, and reports and a similar record of the disposition, therefore.

6.2 Any person or owner who contravenes any provision of this bylaw is guilty of an offence and is liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding $1,000.

6.3 Any person or owner who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable for a minimum penalty of $250.

6.4 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.

6.5 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership that authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

6.6 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person or owner, where a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

6.7 The Violation Tag shall state:

a. the name of the accused;

b. the nature of the offence;

c. the penalty payable for the offence; and

d. the time period within which the penalty must be paid to avoid issuance of a Violation Ticket.

6.8 The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Rocky Mountain House the penalty specified on the Violation Tag.

6.9 If the penalty specified on a Violation Tag has not been paid within 14 days, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended.

6.10 Notwithstanding section 6.8 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

6.11 A Violation Tag or Ticket may be issued to such person or owner, either by,:

a. personally serving the Tag or Ticket on the accused;

b. mailing the Tag or Ticket by registered post to the last known address of the accused;

c. leaving a copy of the Tag or Ticket at the accused's usual place of residence or with another resident thereof who appears to be at least 16 years of age; or

d. by mailing the Tag or Ticket by registered post, in the case of an association, partnership or corporation, to the last known office address or registered office address, or if left with a person who appears to be at least 16 years of age and is employed by or is an officer of the association, partnership or corporation.

6.12 Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

SECTION 7.0 – ENACTMENT/EFFECTIVE DATE

7.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

7.2 Schedule A forms part of this bylaw.

7.3 This Bylaw shall take full force and effect upon third and final reading, and upon signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000, c. M-26.

READ a first time this 1st day of June, 2021.

READ a second time this 1st day of June, 2021.

Unanimous consent for third reading this 1st day of June, 2021.

Read a third time and passed this 1st day of June, 2021.

Redacted under Sect. 17 of the FOIP Act.

Tammy Burke, MAYOR

Redacted under Sect. 17 of the FOIP Act.

Dean Krause, CAO

SCHEDULE "A"

Penalties

Minimum Penalty: $250 unless otherwise specified below.

SECTION	DESCRIPTION	MINIMUM SPECIFIED PENALTY
4.1, 4.2, 4.3.b	Feeding Wildlife	$250.00
5	Obstructing a Peace Officer in Carrying Out Duties Under this Bylaw	$500.00 - $1,000.00
NOTE: REPEAT OR SUBSEQUENT OFFENCES MAY BE SUBJECT TO FINES THAT ARE DOUBLE IN VALUE		