



BYLAW NO. 09.18

*BEING A BYLAW OF YELLOWHEAD COUNTY, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING PROHIBITED ANIMALS WITHIN THE MUNICIPALITY.*

WHEREAS, the Municipal Government Act , R.S.A., 2000 c. M-26, as amended provides that 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

NOW THEREFORE, the Council of Yellowhead County, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, c. M-26, with amendments thereto, enacts as follows:

1. TITLE

This Bylaw may be cited as the “Prohibited Animals Bylaw”

2. PURPOSE

The purpose of this Bylaw is to Regulate Prohibited Animals within Yellowhead County as listed in Schedule A.

3. DEFINITIONS

- a. “Peace Officer” means any person authorized to enforce this bylaw by the council and includes:
 - i. a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member's powers or duties.
 - ii. a member of a municipal police service, while the member is in the exercise or discharge of the member's powers or duties.
 - iii. a Peace Officer appointed pursuant to the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties, and
 - iv. a Bylaw Enforcement Officer appointed by the council under the authority of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended.
- b. “Person” includes but is not limited to one or more individuals, partnership, bodies corporate, unincorporated organizations, governments, government agencies, trustees, executors, administrators or other legal representatives, other than the County or its legal representatives.
- c. “Prohibited Animal” shall mean an animal that is not permitted within Yellowhead County as listed in Schedule A.
- d. “Violation Tag” shall mean a tag or similar document used by the county, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended

- e. "Violation Ticket" shall mean a ticket issued pursuant to Part 2 or Part 3 of the Provincial Offences Procedure Act, RSA, c P-34, as amended, and any regulations thereunder.

4. OFFENCES

- a. Any person who keeps or harbours any prohibited animals within the municipal boundaries of the County is guilty of an offence.
- b. No Person shall keep, either on a temporary or permanent basis any Prohibited Animals on any premises within the Yellowhead County boundary.
- c. Any Prohibited Animals located within Yellowhead County must be euthanized, or removed from the County within (7) days of receiving an Order from a Peace Officer. The cost of the removal will be the sole responsibility of the landowner.
- d. Any person legally keeping or harbouring prohibited animals prior to the enactment of this Bylaw or any subsequent amendments to this Bylaw will be permitted, through an annual permit, to continue existing operations - without expanding beyond the existing geographic size and location as described on the date of enactment of this Bylaw or amendments to this Bylaw. Prohibited Animals thusly grandfathered will not be considered Prohibited Animals under this Bylaw so long as the conditions of the annual Permit are met. Yellowhead County has no obligation to renew this annual Permit, and said Permit can be cancelled at any time.

5. PENALTIES

- a. Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable to a penalty. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "B."
- b. A Peace Officer may issue a violation tag pursuant to the Municipal Government Act, R.S.A 2000, c. M-26 , as amended, to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- c. If the Violation Tag is not paid within the prescribed time period, the Peace Officer may issue a violation ticket pursuant to the Part 2 or Part 3 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations thereunder.
- d. Notwithstanding Section 5(c) of this Bylaw, A Peace Officer may immediately issue a Violation Ticket pursuant to the Part 2 or Part 3 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations thereunder, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- e. Where a person has been convicted a second time under the same section of this Bylaw within a TWENTY- FOUR (24) month period, the specified penalty payable in respect of the second contravention shall be in the amount as shown in accordance with "Second Offence" as listed on Schedule "B."

Schedule "B"

Section	Offence	Penalty	2 nd Offence
4.a	Keep or Harbour any prohibited animals	\$1000.00	\$2000.00
4.b.	Fail to Comply with an Order	\$2500.00	\$5000.00

Schedule "A"

Prohibited Animals List

1. Wild Boar (*Sus scrofa*)

- 6. Should any provision of this Bylaw be found to be invalid, then such invalid provision shall be severed and the remaining Bylaw shall remain valid and enforceable.
- 7. This Bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, Being Chapter M-26, R.S.A., 2000.

READ a first time this 10 Day of April A.D., 2018

READ a second time this 10 Day of April A.D., 2018

READ a third time this 10 Day of April A.D., 2018

SIGNED this 10 Day of April A.D., 2018



Mayor



Chief Administrative Officer