

**BYLAW 06/21**

**A BYLAW OF FLAGSTAFF COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING PROHIBITED ANIMALS WITHIN THE MUNICIPAL BOUNDARIES OF FLAGSTAFF COUNTY**

**WHEREAS** the Municipal Government Act, RSA 2000, Chapter M- 26, and amendments thereto, grants Council the authority to pass bylaws to regulate Prohibited Animals;

**AND WHEREAS** the Council of Flagstaff County deems it necessary and proper to regulate Prohibited Animals within the limits of the County;

**NOW THEREFORE** the Council of Flagstaff County, in the Province of Alberta, duly assembled, hereby enact as follows:

**1.1 BYLAW TITLE**

This Bylaw shall be known as the "Prohibited Animal Bylaw"

**1.2 DEFINITIONS**

In this Bylaw unless the context otherwise requires:

(a) "**Act**" shall mean the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.1, as amended or repealed and replaced from time to time.

(b) "**Bylaw Enforcement Officer**" shall mean;

(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 Peace Officer appointed under the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties;

(iii) a Bylaw Enforcement Officer appointed by the council under the authority of the Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto; or

(iv) a Designated Officer.

(c) "**Council**" shall mean the Council of Flagstaff County.

(d) "**County**" shall mean Flagstaff County.

(e) "**Court**" shall mean the Provincial Court of Alberta.

(d) "**Designated Officer**" shall mean a Designated Officer as defined in the Municipal Government Act.

(d) "**Lands**" shall mean land, buildings, premises, excavations, stockpiles, structures, and appurtenances, or any personal property located thereupon, within the municipal boundaries of the County.

(e) "**Occupy**" or "**Occupier**" shall mean residing on or to be in apparent possession or control of property.

(f) "**Order**" shall mean an Order issued by a Bylaw Enforcement Officer or a Designated Officer under Section 545 of the Act, as applicable.

(g) "**Owner**" shall mean:

(i) In the case of land, any person who is registered under the Land Titles Act as the owner of the land, or is listed on the County's assessment role as such; or

(ii) In the case of property other than land, any person who is in lawful possession or control of the property.

(h) "**Person**" shall mean: An individual, and the heirs, executors, administrators, or other legal representatives of an individual; or Any business entity including a firm, partnership, association, corporation, company, or society.

(i) "Premises" shall mean the external surfaces of all buildings, and the whole or part of any land, including land immediately adjacent to any building or buildings, situated in whole or in part within the County and including any land or buildings owned or leased by the County.

(j) "Prohibited Animals" are those animals that are not permitted within Flagstaff County and are listed as follows: **Wild Boar (Sus scrofa)**.

(k) "Subsequent Offence" shall mean any repeat violation of this Bylaw that occurs after a summary conviction.

(l) "Wild Boar (Sus scrofa)" shall mean a dangerous pig that is covered in hair and often lives in the wild.

### 1.3 GENERAL PROHIBITION

(a) No person shall keep, either on a temporary or permanent basis any Prohibited Animals on any properties or premises within Flagstaff County.

(b) Any Prohibited Animals located within the County must be euthanized or removed from the County within seven (7) days of receiving an order from a Bylaw Enforcement Officer or Designated Officer. The cost of removal will be at the sole responsibility of the Owner.

### 1.4 SUMMARY CONVICTION

(a) A Person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a specified penalty as outlined in Schedule "A" – Specified Penalties.

### 1.5 SEVERABILITY

(a) Should any provision of this Bylaw be declared invalid by a Court of competent jurisdiction, then such provision shall be severed, and the remaining portion of the Bylaw shall be maintained.

### 1.6 EFFECTIVE DATE

(a) This Bylaw shall come into full force and effect upon passing of the third reading.

READ A FIRST TIME this 8 day of Sept, 2021.

READ A SECOND TIME this 8 day of Sept, 2021.

READ FOR A THIRD AND FINAL TIME this 8 day of Sept, 2021.

SIGNED and PASSED this 8 day of Sept, 2021.



REEVE



CHIEF ADMINISTRATIVE OFFICER

**Schedule "A" - SPECIFIED PENALTIES**

| <b>Description</b>   | <b>Fee</b> |
|--|------------|
| Keeping Prohibited Animals on any property or premises within the County | \$5,000.00 |