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Being a Bylaw of the Summer Village of Silver Sands for the Purpose of Regulating and Controlling the Feeding of Wildlife Within the Corporate Limits of the Municipality

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**WHEREAS** pursuant to Section 7 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended, a municipality may pass bylaws with respect to wild and domestic animals and activities in relation to them and the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the Council of the Summer Village of Silver Sands deems it desirable to regulate activities in relation to Wildlife Attractants and the Feeding of deer and other Wildlife within the boundaries of the municipality;

**NOW THEREFORE**, the Council of the Summer Village of Silver Sands, in the Province of Alberta, duly assembled, enacts as follows:

**A. TITLE:**

This bylaw shall be cited as the "Feeding of Wildlife Bylaw".

**B. DEFINITIONS:**

For the purposes of this bylaw:

1. "**Animal**" means any bird, reptile, amphibian, or mammal excluding humans and Wildlife;
2. "**Backyard Bird**" means a common seed or nectar eating bird that one might find in a typical suburban backyard including, without limitation, robins, woodpeckers, hummingbirds, finches, thrushes, and sparrows, but does not include gulls, ravens, crows, or magpies;
3. "**Bylaw**" means this Feeding of Wildlife Bylaw;
4. "**Bylaw Enforcement Officer**" means a bylaw enforcement officer appointed or employed or otherwise contracted by the Summer Village, or a Community Peace Officer appointed or employed or otherwise contracted by the Summer Village;
5. "**Court**" means the Alberta Court of Justice;
6. "**Day**" means a continuous period of twenty-four hours, or part thereof;
7. "**Designated Officer**" has the same meaning as defined in the *Municipal Government Act*;
8. "**Domestic Animal**" means a domesticated Animal that lives and breeds in a tame condition and, without restricting the generality of the foregoing, shall include a dog, a cat, a rabbit, and a ferret, but shall not include Livestock or Wildlife;
9. "**Feed**" means providing, leaving, or placing in on or about land or premises any Wildlife Attractants such that deer or other Wildlife will be enticed to such Wildlife Attractants with the intention that they be eaten by the deer or other Wildlife;

10. **"Livestock"** includes, but is not limited to:
  - a. a horse, mule, donkey, swine, camel, llama, alpaca, sheep or goat;
  - b. domestically reared or kept deer, reindeer, moose, elk, or bison;
  - c. farm bred fur bearing animals including foxes or mink;
  - d. animals of the bovine species;
  - e. emus, ostriches, chickens, roosters, turkeys, ducks, geese, peacocks, peahens, or pheasants; and
  - f. all other animals that are kept for agricultural purposes,but does not include cats, dogs or other Domestic Animals;
11. **"Municipal Government Act"** or the "Act" means the *Municipal Government Act*, RSA 2000, c M-26 and the regulations thereunder;
12. **"Municipal Violation Tag"** means a notice issued by the Summer Village that alleges an offence and provides a person with the opportunity to pay a fine amount to the Summer Village in lieu of prosecution for the offence;
13. **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, SA 2006, c P-3.5 or a Bylaw Enforcement Officer;
14. **"Person"** includes a corporation, an individual, and the heirs, executors, administrator or other legal representatives of an individual;
15. **"Property"** includes any lands, buildings or premises in the Summer Village;
16. **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, and the regulations thereunder;
17. **"Songbird"** means a bird belonging to the oscine division in ornithology;
18. **"Summer Village"** means the Summer Village of Silver Sands;
19. **"Violation Ticket"** has the same meaning as that term is used in the *Provincial Offences Procedure Act*;
20. **"Wildlife"** means any Animal that is not normally domesticated and includes, but is not limited to:
  - a. fur-bearing Animals;
  - b. migratory game birds;
  - c. birds of prey;
  - d. big game;
  - e. non-game Animals; and
  - f. any hybrid offspring resulting from the crossing of two (2) Wildlife Animals;
21. **"Wildlife Act"** means the *Wildlife Act*, RSA 2000, c W-10.

22. **"Wildlife Attractants"** means any substance other than water for Domestic Animals that could reasonably be expected to attract Wildlife including, but not limited to, food products, domestic garbage, pet food, bird seed, suet, salt, compost, a carcass or part of a carcass of an Animal, fish or meat, or fallen fruit from trees.

**C. FEEDING AND ATTRACTANTS**

1. No person shall store, handle, dispose of, or fail to dispose of, any Wildlife Attractants in such a manner that they are, or may become, accessible to deer or other Wildlife.
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.
3. Notwithstanding Section C.2, a person may place, or allow to be placed, a bird feeder intended for Songbirds or Backyard Birds on their premises provided that the following requirements are met:
  - a. the premises is private property and the property owner or occupant has given permission for the placement of the bird feeder;
  - b. the bird feeder and any contents contained therein are placed in such a fashion that they are not or may not become accessible to deer or other Wildlife;
  - c. any food spilled from the bird feeder is removed in a timely manner; and
  - d. the bird feeder is kept in sanitary condition and good working order.
4. Section C.2 shall not apply in relation to:
  - a. a wildlife officer or wildlife guardian as defined in the *Wildlife Act* while lawfully performing their duties, or a person under the direction of or with the permission of a wildlife officer or wildlife guardian;
  - b. farm operations;
  - c. fruit and vegetable gardening for human consumption;
  - d. ornamental plants and flowers;
  - e. a person participating in a cultural or spiritual practice outdoors, provided that the person removes all Wildlife Attractants from the outdoor location at the conclusion of the practice;
  - f. a licensed trapper, authorized wildlife rehabilitator or employee of a licensed pest management operator or exterminator leaving food as bait to catch Wildlife as part of their professional duties;
  - g. a person feeding Wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution; or

- h. a person fishing in accordance with a valid Provincial license or in accordance with Provincial regulations.

#### **D. PENALTIES AND ENFORCEMENT**

1. No person shall willfully or knowingly obstruct a Peace Officer, or a person aiding a Peace Officer in their duties, from enforcing the provisions of this Bylaw.
2. Any person who commits a breach of any of the provisions of this Bylaw commits an offence.
3. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.
4. A person who is guilty of an offence under this Bylaw is liable:
  - a. To a fine in an amount not less than as set out in Schedule A; or
  - b. On summary conviction, to a fine of not less than \$100.00 and not more than \$10,000.00, or imprisonment for not more than six months, or both.
5. If a Municipal Violation Tag is issued in respect of an offence, the Municipal Violation Tag must specify the fine established by this Bylaw for the offence.
6. A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence under the *Provincial Offences Procedure Act*.
7. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person by issuing a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
8. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - a. specify the fine amount established by this Bylaw for the offence; or
  - b. require a person to appear in court without the alternative of making a voluntary payment.
9. A person who commits an offence may, if a Violation Ticket is issued in respect of the offence and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine.
10. Nothing in this Section shall prevent any Peace Officer from issuing a Violation Ticket requiring the court appearance of the defendant pursuant to the *Provincial Offences Procedure Act*, or from laying an information instead of issuing a Violation Ticket or Municipal Violation Tag.
11. A Municipal Violation Tag shall be deemed to be sufficiently served:
  - a. by leaving a copy with the accused person;

- b. by leaving a copy for the accused person at the accused person's most usual place of residence with someone residing at the residence who is apparently 16 years of age or older; or
  - c. by mailing a copy by recorded mail to the last known address of the accused person; or
  - d. where the accused is an association, partnership, or other body corporate:
    - i. by serving it, using a method of service identified in subsections (a), (b), or (c) on a director of the body corporate;
    - ii. by leaving it at or serving it by recorded mail to the registered office address of the body corporate; or
    - iii. by leaving it with a person who appears to have management or control responsibilities in respect of the body corporate at its principal place of business.
12. Nothing in this Section shall prevent any person from defending a charge of committing a breach of this Bylaw.
  13. The Summer Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Summer Village may consider any practical concerns, including municipal budget and personnel resources.
  14. A Bylaw Enforcement Officer or Designated Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act*, and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit, or preclude the Summer Village from taking multiple steps to address the feeding of Wildlife in the municipality.

## **E. GENERAL**

1. Nothing in this Bylaw relieves a person from complying with any provision of any Federal or Provincial law or regulation, other bylaw(s), or any requirement of any lawful permit, order, or licence.
2. Any references in this Bylaw to any statutes, regulations, bylaws or other enactments is to those statutes, regulations, bylaws or other enactments as amended or replaced from time to time and any amendments thereto.
3. Whenever a singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context requires.
4. The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.
5. Schedule A forms part of this Bylaw.
6. Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**F. COMING INTO FORCE**

THAT this BYLAW shall come into force and effective on the date of the third and final reading.

Read a first time on this \_\_30th\_\_ day of \_\_August\_\_, 2024.

Read a second time on this \_\_30th\_\_ day of \_\_August\_\_, 2024.

Unanimous Consent to proceed to third reading on this \_\_30th\_\_ day of \_\_August\_\_, 2024.

Read a third and final time on this \_\_30th\_\_ day of \_\_August\_\_, 2024.

Signed this \_\_30th\_\_ day of \_\_August\_\_, 2024.

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Mayor, Bernie Poulin

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Chief Administrative Officer, Wendy Wildman

SCHEDULE "A"

**FINE SCHEDULE**

<b>Section</b>	<b>Offence</b>	<b>First Offence</b>	<b>Second Offence in a 12-month period</b>	<b>Third and Subsequent Offences in a 12-month period</b>
C.1	Store, handle, dispose of, or fail to dispose of, any Wildlife Attractants in such a manner that they are or may become accessible to deer or other Wildlife.	\$100.00	\$500.00	\$500.00
C.2.	Feeding, attempting to Feed, or permitting the Feeding of Wildlife	\$100.00	\$500.00	\$500.00
D.1	Obstruct a Peace Officer	\$100.00	\$500.00	\$500.00
	Violation of any other provisions of the Bylaw	\$100.00	\$200.00	\$300.00