

**CORPORATION OF THE VILLAGE OF BARNWELL**

**IN THE**

**PROVINCE OF ALBERTA**

**BYLAW NO. 03-20**

**A BYLAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL OF WILD, EXOTIC, WILDLIFE AND OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BARNWELL**

**WHEREAS** the Council of the Village of Barnwell, in the Province of Alberta, duly assembled, may pass a Bylaw and or regulations pursuant to Section 7 of the Municipal Government Act, being Chapter M-26.1, Statutes of Alberta, and any amendments thereto;

**AND WHEREAS** it is deemed that this Bylaw will be to the general benefit of the citizens within the Village of Barnwell.

**AND WHEREAS** the Village of Barnwell Dog Bylaw and Restricted Dog Bylaw regulates the dogs in the Village, these are not addressed within this Bylaw.

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

**SECTION I**

1.1 This Bylaw may be cited as the "**Animal Regulations Bylaw**".

**SECTION II DEFINITIONS**

2.1 Act: means the Municipal Government Act, RSA 2000, c, M-26.1, section 541.

2.2 ANIMAL CONTROL OFFICER: means any person or persons, firm or corporation appointed by resolution of Council to carry out the provisions of this Bylaw.

2.3 COUNCIL: means the Municipal Council of the Village of Barnwell.

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- 2.4 DESIGNATED OFFICER: means the Chief Administrative Officer, Bylaw Enforcement Officer, R.C.M.P Officer and or Peace Officer.
- 2.5 DOMESTICATED ANIMALS: means an animal, which is of docile nature or disposition, which was either born in captivity or has been tamed.
- 2.6 EXOTIC ANIMAL: means an animal as set out in Schedule C to this Bylaw which is not a Wild Animal.
- 2.7 LIVESTOCK: means livestock kept for use or pleasure and includes, but is not limited to, cattle, horses, sheep, goats, swine, alpacas, ostriches, llamas and other animals commonly classified as livestock. This does not include species subject to provisions of the Wildlife Act.
- 2.8 OWNER: means any natural person or body corporate: who is the licensed Owner of the Animal; who has legal title to the Animal; who has possession or custody of the Animal, either temporarily or permanently; or who harbours the Animal, or allows the Animal to remain on his/her premises.
- 2.9 POULTRY/FOWL: means birds kept for use or pleasure and includes, but is not limited to chickens, turkeys, geese, and pheasants.

**SECTION III      DOMESTIC AND EXOTIC ANIMALS**

- 3.1 No person may keep livestock within the limits of the Village of Barnwell except as hereinafter provided.
  - A. Animals, as listed in Schedule A, shall be allowed or permitted on those lands zoned Transitional pursuant to Bylaw 1-19 of the Village of Barnwell Land Use Bylaw, that are larger than one and nine tenths (1.9) acres (0.78 ha) in size that includes a roaming pen of at least one (1) acre (0.4 ha) in size.
  - B. Any livestock must be securely enclosed in a fenced area and/or pen and not permitted to be at large, off the owner's property.
  - C. The number of Allowable Livestock is outlined in Schedule A.
- 3.2 It shall be the responsibility of the owner, agent or occupant of the parcel to remove manure, refuse and other matter associated with the keeping of animals and/or livestock at regular and appropriate times.

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- 3.3 No person may keep within the limits of the Village of Barnwell any other poultry/fowl, exotic or wildlife animals.
- 3.4 All other animals, not classified as livestock, poultry/fowl, wildlife or exotic, must be kept caged or in a pen and not permitted to be at large, off the owner's property. These other animals include, but are not limited to: rabbits, iguanas, gerbils, guinea pigs, hamsters, domesticated mice, domesticated birds and /or ferrets.
  - A. Section 3.4 shall not apply to cats.
- 3.5 Failure to comply with any subsection of Section III of the Bylaw may result in prosecution, or in lieu thereof payment of a voluntary fine as set out in Schedule B, which is attached and forms part of this bylaw.

**SECTION IV      PENALTIES**

- 4.1 Where an Animal Control Officer, Peace Officer or other person authorized to carry out the provisions of the Bylaw believes that a person has contravened any provision of this Bylaw, they may issue a violation ticket pursuant to the Provincial Offences Procedures Act RSA 2000, c P-24.
- 4.2 A Bylaw Ticket shall be deemed to have been sufficiently served:
  - A. if served personally on the accused; or
  - B. if served by registered mail; or
  - C. if left at the accused's usual place of abode with an inmate thereof who appears to be at least eighteen (18) years of age; or
  - D. where the accused is an association, partnership, corporation or registered kennel, if served by registered mail or if left with a person who appears to be at least eighteen (18) years of age and who is an employee or officer of the association, partnership, corporation or registered kennel.
- 4.3 Upon production of any such Bylaw Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified as per Schedule B, and such payment payable to the Village of Barnwell, upon receipt of payment an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution.

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- 4.4 If the person upon whom any such Bylaw Ticket is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.
- 4.5 Notwithstanding the provision section, a person to whom a ticket has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

**SECTION V SUMMARY CONVICTION**

- 5.1 A person who contravenes a provision of the Bylaw by doing something which he/she is prohibited from doing, or by failing to do something which he/she is required to do, or by doing something in a manner different from that in which he/she is required or permitted to do in the Bylaw, is guilty of an offense and liable to, upon summary conviction, a fine of not more than two thousand five hundred (\$2500.00) dollars, per infraction and upon failure to pay said fine and costs, to imprisonment for a period not exceeding thirty (30) days, per infraction.
- 5.2 In addition to the penalties in this Section, a Provincial Judge may, if he/she considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbors the animal to prevent such animal from doing mischief or causing a disturbance or nuisance complained of or issues an order for the animal to be destroyed.

**SECTION VI COUNCIL INTENT**

- 6.1 It is the intention of the Council of the Village of Barnwell, that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provision of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

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**SECTION VII EFFECTIVE DATE**

7.1 This Bylaw shall come into force and effect upon the final passing thereof.

7.2 Bylaw 03-04 is hereby repealed.

READ A FIRST TIME THIS 19th DAY OF NOVEMBER, 2020

READ A SECOND TIME THIS 18th DAY OF FEBRUARY, 2021

READ A THIRD TIME AND FINALLY PASSED THIS 18TH DAY OF FEBRUARY, 2021

  
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MAYOR

  
\_\_\_\_\_  
ADMINISTRATOR

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**SCHEDULE A**

**Allowable Livestock**

<b>Type of Animals</b>	<b>Number Allowed Per Pasture Acre</b>
Horse or horse/colt pair	1
Cow or cow/calf pair	1
Sheep or Goats	4
Miniature Horse/Miniature Horse/colt pair	3
If animal is not listed above, application may be made to the Development Authority	

**SCHEDULE B**

**Voluntary Penalties**  
(Per Calendar Year)

Violation of:	First	Second	Third
Section 3.1	\$100.00	\$250.00	\$500
Section 3.2	\$100.00	\$250.00	\$500
Section 3.3	\$100.00	\$250.00	\$500
Section 3.4	\$50.00	\$100.00	\$150

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**SCHEDULE C**

**EXOTIC ANIMALS**

**Mammals**

**Marsupial:** Marsupials or Pouched Mammals

Macropodidae	Kangaroos
Didelphidae	American Opossums
Dasyruidae	Marsupial Wolf, Tasmanian Devil, Tasmanian Tiger, Pouched Mouse
Notoryctidae	Australian Bandicoot (not the Indian Bandicoot, which is a marsupial)
Caenolestidae	Pouched Rat
Phalangeridae	Koala, Cuscus (a marsupial monkey), Flying Phalanger (similar to a flying squirrel)
Phacolomidae	Wombat

**Carnivora:** Carnivorous Land Mammals

Candidae	Wolf, Coyote, Fox, Wild Dog
Ursidae	Bear
Procyonidae	Raccoon, Panda, Coatimundi
Mustelidae	Weasels, Stoat, Wolverine, Marten, Mink, Badger, Skunk, Otter
Viverridae	Mongoose, Civet, Genet
Hyenidae	Hyena
Felidae	Ocelot, Lion, Tiger, Leopard, Panther, Lynx, Mountain Lion, Bobcat
Pinnipedia	Seals, Sea Lions, Walruses
Chiroptera	Bats

**Perissidactyla:** Odd-toed Hoofed Animals

Equidae	Horse, Ass, Zebra, Mule
Tapiridae	Tapir
Rhinicerotidae	Rhinoceros

**Artiodactyla:** Even-toed Hoofed Animals

Suidae	All pigs, Warthog
Tayassuidae	Peccaries
Hippopotamidae	Hippopotamus
Camelidae	Camel, Dromedaries, Llama, Alpacas
Tragulidae	Mouse Deer
Cervidae	Deer, Reindeer, Caribou, Moose, Elk, Antelope

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**SCHEDULE C continued**

Giraffidae	Giraffe, Okapi
Anilocapridae	Pronger-Horned Antelope
Bovidae	Sheep, Goat, Bison, Water Buffalo, Musk Ox, Cow, Heifer, Steer Bull

**Edentata:**

Mymecophagidae	Anteaters
Bradypodidae	Sloths
Dasypodidae	Armadillos

**Proboscidea:**

Elephantidae	Elephants
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**Primates**

Prosimii	
Anthropoidea	Tree Shrews, Lemurs, Lorises, Bush Babies, Tarsiers, Monkeys, Marmosets, Macaques, Baboons, Mandrills, Apes, Gibbons, Orangutans, Gorillas, Chimpanzees

**Reptiles**

Helodermatidae	The only other order of venomous non-snakes among the Reptiles: Gila Monster, Beaded Lizard
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**Serpents: Snakes**

Boidae	Pythons, Boa
Elapidae	Coral Snakes, Cobras, Kraits
Hydrophiidae	Sea Snakes
Casuariformes	Cassowaries, Emus
Apterygiformes	Kiwis

**Raptors: Diurnal and Nocturnal**

Falconiformes	Hawks, Falcons, Eagles, Buteos, Vultures, Kites, Condors, Ospreys, Sparrow Hawks
Strigiformes	Owls

**Arachnids**

All Spiders

**Insects**

All venomous insects