

CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA

BYLAW NO. 3-04

RESCINDED

Rescinded By: 03-20

Date: 18 FEB 2021

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.

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 OTHER ANIMAL BYLAW".

SECTION II DEFINITIONS

- 2.1 **ANIMAL CONTROL OFFICER:** means any person or persons, firm or corporation appointed by resolution of Council to carry out the provisions of this Bylaw.
- 2.2 **DOMESTICATED ANIMALS:** means an animal, which is of docile nature or disposition, which was either born in captivity or has been tamed.
- 2.3 **EXOTIC ANIMAL:** means an animal as set out in Schedule "A" to this Bylaw which is not a Wild Animal.
- 2.4 **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.



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- 2.5 PEACE OFFICER:** means a member of the Royal Canadian Mounted Police, or a Special Constable or Police Officer as appointed under the *Police Act*.
- 2.6 POULTRY/FOWL:** means birds kept for use or pleasure and includes, but is not limited to chickens, turkeys, geese, pheasants. This does not include birds subject to the provisions of the Wildlife Act.
- 2.7 POUND:** means a place, dwelling that the Council shall provide or designate for the confinement of impounded dogs.
- 2.8 VILLAGE:** means the Village of Barnwell in the Province of Alberta.
- 2.9 WILD ANIMAL:** means an animal of wild, untamed, uncultured, feral, or brutal nature or disposition. An animal which was once a domesticated animal can become a wild animal.

SECTION III OTHER, DOMESTIC AND EXOTIC ANIMALS

- 3.1** No person may keep within the limits of the Village of Barnwell, Livestock, except as hereinafter provided.
- A. Horses and cows shall be allowed or permitted on those lands zoned Agricultural pursuant to Bylaw 1-97 of the Village of Barnwell.
- B. Any livestock kept in accordance with Subsection 3.1(A) must be securely enclosed in a fenced area and/or pen and not permitted to be at large, off of the owners property.
- 3.2** No person may keep within the limits of the Village of Barnwell any other Poultry/fowl, Exotic or wildlife animals.
- 3.3** 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 of the owners property. These other animals include, but are not limited to: Rabbits, Iguanas, Gerbils, Guinea Pigs, Hamsters, Domesticated Mice, Domesticated birds and/or Ferrets.



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- A. Section 3.3 shall not apply to Cats

- 3.4 Failure to comply with any subsection of Section VII 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 **PENALTIES:** 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 serve upon such person a notice of form commonly called a Bylaw Ticket, having printed wording approved by the Village Administrator, as per Schedule "C".

- 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 double 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 "A", to a person authorized by the Village, 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.

SECTION VII EFFECTIVE DATE

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



Village of Barnwell
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READ A FIRST TIME THIS 22nd DAY OF APRIL, 2004

READ A SECOND TIME THIS 22nd DAY OF APRIL, 2004

BY UNANIMOUS CONSENT, READ A THIRD TIME AND FINALLY PASSED THIS
22nd DAY OF APRIL, 2004


MAYOR


ADMINISTRATOR



Village of Barnwell
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SCHEDULE "A"
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
Rhinocerotidae	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 "A" CONT'D

Giraffidae Giraffe, Okapi
Anitlocapridae 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

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

Serpents: Snakes

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

Raptors: Diurnal and Norturnal

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

Arachnids

All Spiders

Insects

All venomous insects



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SCHEDULE "B"

VOLUNTARY PENALTIES (per Calendar year)

<u>For Violation of</u>	<u>FIRST</u>	<u>SECOND</u>	<u>THIRD</u>
Section 3.1	\$ 100	\$ 250	\$ 500
Section 3.2	\$ 100	\$ 250	\$ 500
Section 3.3	\$ 50	\$ 75	\$ 125

SCHEDULE "C"

**VILLAGE OF BARNWELL
Animal Ticket**

No. _____

This ticket is issued for breach of the Village of Barnwell Dog Bylaw No. 7-90, The Restricted Dog Bylaw No. 2-02 & any amendments hereto.

Offence:

First / Second / Third or Subsequent Offence

Bylaw No.: _____ Section _____

Date: _____

Time: _____ am / pm

Location:

Penalty*	\$ _____
Impoundment Fees	\$ _____
License Fees	\$ _____
Other Charges	\$ _____
TOTAL PAYABLE	\$ _____

*The amount of the penalty only will be reduced by 20% if payment in full is received at the Village Office within five working days of the date of the offence.

You may avoid prosecution for this offence by paying the amount indicated to the Village of Barnwell within twenty-one (21) days from the date of service of this notice. Failure to do so will result in prosecution in court. Payment may be remitted by mail but should be accompanied by this notice.

DESCRIPTION OF ANIMAL

License No. _____ Not Licensed _____
Color _____ Breed _____
Neutered Male / Un-Neutered Male / Spayed Female / Un-spayed Female
Owner _____
Address _____
Notice Delivered to _____
DATED _____

ISSUED BY: _____ DATED: _____

PEACE OFFICER/ANIMAL CONTROL OFFICER

