



BYLAW NO. 02-2010 TOWN OF VEGREVILLE

THIS BY-LAW BEING BY-LAW NO. 02-2010 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A PROBLEM WILDLIFE BYLAW

WHEREAS under the provisions of the *Municipal Government Act*, the Council of the Town of Vegreville may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, under the provisions of the *Municipal Government Act*, the Council of the Town of Vegreville may pass Bylaws respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS, it is desirable to establish a Bylaw to control the destruction of problem or nuisance wildlife within the municipal boundary;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF VEGREVILLE ENACTS AS FOLLOWS:

This Bylaw may be cited as the "Problem Wildlife Bylaw."

1. DEFINITIONS

- 1.1 "Court" means the Provincial Court of Alberta or Alberta Court of Queen's Bench.
- 1.2 "Crown" means the Crown in right of Alberta.
- 1.3 "Highway" means the highway as defined in the *Traffic Safety Act*.
- 1.4 "Inspector" means a person appointed as an inspector to enforce provisions of this Bylaw.
- 1.5 "Occupant" means a person occupying or exercising control or having the right to occupy exercise control over land or property.
- 1.6 "Owner" means:
 - i) in the case of land, a person who is registered under the *Land Titles Act* as the owner of land, or
 - ii) in the case of personal property, a person who is in lawful possession of it or has the right to exercise control over it.

- 1.7 "Peace Officer" means a member of the Royal Canadian Mounted Police, or a Community Peace Officer appointed pursuant to the provisions of the *Peace Officer Act*, Revised Statutes of Alberta, 2006, Chapter P-3.5 and all amendments or successors thereto.
- 1.8 "Problem Wildlife" means any animal identified in this Bylaw.
- 1.9 "Town" means the Town of Vegreville.

2. APPLICATION OF BYLAW

- 2.1 An owner or occupant of land shall prevent the establishment of, control or destroy problem wildlife on the land the owner owns or occupies.

3. NOTICE

- 3.1 When a Peace Officer or Inspector is of the opinion or has received complaints regarding land or property that contains or is likely to contain problem wildlife as defined in this Bylaw, he may issue a notice in writing directed to the owner or occupant of the land or property:
 - 3.1.1 setting out the legal land description of the land;
 - 3.1.2 naming the problem wildlife;
 - 3.1.3 specifying the measures to be taken and the material, if any, to be used to prevent the establishment or to control or destroy the problem wildlife;
 - 3.1.4 requiring the measures described in clause (3.1.3) to be taken within a specified period of time.
- 3.2 If a notice is directed to a person other than the owner of the land or property under Section 3.1, the Peace Officer or Inspector shall also serve a copy of the notice on the owner.
- 3.3 A notice issued under Section 3.1 and a copy of the notice shall be in a form prescribed by the Bylaw and may be served by:
 - 3.3.1 delivering it personally to the person intended to be served;
 - 3.3.2 by leaving it with a person apparently over the age of 18 years at the dwelling place or place of business of the person who is intended to be served;
 - 3.3.3 by sending it by ordinary mail to be the last known address of the person who is intended to be served as shown on the assessment tax roll of the municipality within which the land or property to which it relates is located.
- 3.4 If, in the opinion of the Peace Officer or Inspector, service under Section 3.3 cannot reasonably be affected, the Peace Officer or Inspector may post the notice or copy of the notice in a conspicuous place on the land, property or on the private dwelling house of the person who is intended to be served.

4. COMPLIANCE WITH NOTICE

- 4.1 A person to whom a notice is directed under Section 3.1 or a person on whom a copy of the notice is served under Section 3.2 shall carry out the directions contained in the notice.

4.2 If a Peace Officer or Inspector finds problem wildlife on land or property in respect of which the Peace Officer or Inspector is not reasonably able to discover the owner, occupant or person in control, or determines that it is not practical to issue a notice under Section 3, a Peace Officer or Inspector may take immediate measures consistent with good agricultural practice to prevent its establishment or to control or destroy it.

5. POWERS OF THE PEACE OFFICER OR INSPECTOR

5.1 In this section, "Land" does not include a private dwelling house.

5.2 A Peace Officer or Inspector may, for the purpose of carrying out the Peace Officer or Inspector's duties:

5.2.1 enter at any reasonable hour on any land to inspect the land or any buildings or property;

5.2.2 take specimens of problem wildlife and of any matter or thing that contains or is suspected of containing problem wildlife;

5.2.3 a Peace Officer or Inspector shall carry the identification supplied by the Town of Vegreville and shall show it upon request to a person owning or in charge of anything affected by the Peace Officer or Inspector's activities in accordance with this Bylaw.

6. RECOVERY OF EXPENSES

6.1 If expenses are incurred by a Peace Officer or Inspector pursuant to Section 4.2, the Town manager or designate of the Town of Vegreville shall serve a statement and a demand for payment on the owner of the land or property in respect of which the work was carried out.

6.2 The statement of expenses and demand for payment shall be served by any of the methods set out in Section 3.

6.3 In the case of expenses incurred for work carried out, if the owner fails to pay the amount set out in the statement of expenses, after 30 days after receiving the statement of expenses and demand for payment, the Town Manager or designate shall add the amount of those expenses to the tax roll as a tax against the land to which the work was carried out and it shall be collected in the same manner as taxes.

7. PROHIBITIONS

7.1 No person shall in any manner obstruct a Peace Officer or Inspector in the discharge of his duties.

8. OFFENCES AND PENALTIES

8.1 A person who obstructs a Peace Officer or Inspector in the lawful execution of their duties is guilty of an offence and liable to a fine of not more than \$5,000.00 dollars and in default of payment to a term of imprisonment of not more than 60 days.

9. SCHEDULES

9.1 Schedule "A" and "B" may be changed by resolution from Town Council from time to time.

10. EFFECTIVE DATE OF BYLAW

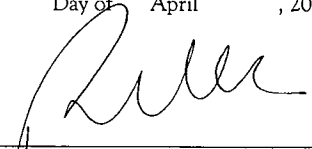
10.1 This Bylaw comes into force on the day it is finally passed.

READ for a first time this 12th Day of April, 2010 A.D.

READ for a second time this 12th Day of April, 2010 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 12th Day of April, 2010 A.D.



RICHARD N. COLEMAN
MAYOR



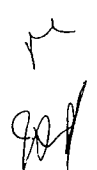
JODY QUICKSTAD
TOWN MANAGER

BYLAW NO. 02-2010

SCHEDULE "A"

PROBLEM WILDLIFE DESIGNATION

- (a) Richardson's ground squirrel (*Spermophilus richardsonii*);
- (b) Franklin's ground squirrel (*Spermophilus franklinii*);
- (c) Thirteen-lined ground squirrel (*Spermophilus tridecemlineatus*);
- (d) Columbian ground squirrel (*Spermophilus columbianus*);
- (e) Northern pocket gopher (*Thomomys talpoides*);



BYLAW NO. 02-2010

SCHEDULE "B"

NOTICE TO CONTROL PROBLEM WILDLIFE

File No.: _____

Date: _____

Dear Sir/Madam:

The property located at _____ (address), Lot(s) _____, Block _____,
Plan _____ is infested with the following Problem Wildlife:

Problem Wildlife:

Methods to Control Problem Wildlife:

In order to contain this infestation in our community, the Town of Vegreville is asking your cooperation and requests that you take the following measures to remedy the problem.

Please give the matter your immediate attention by the methods outlined in this notice within fourteen (14) days of the mailing of this notice.

In the event that you have any questions or require further clarification in this matter, please contact the undersigned at (780) 632-2606.

If the work is not completed by _____, the Town of Vegreville will have the work done by a contractor at the owner's expense.

Yours truly,

Problem Wildlife Inspector

