

Bylaw No. 1060

BEING a Bylaw of the Town of Carstairs, in the Province of Alberta, the purpose of this Bylaw is to regulate and control cats within the limits of the Town of Carstairs.

WHEREAS, Section 7. (a) of the Municipal Government Act, Chapter M-26 RSA 2000 as amended; a council may pass bylaws for municipal purposes respecting the following matter; the safety, health and welfare of people and the protection of people and property;

WHEREAS, Section 7. (h) of the Municipal Government Act, Chapter M-26 RSA 2000 as amended; a council may pass bylaws for municipal purposes respecting the following matter; wild and domestic animals and activities in relation to them;

WHEREAS, it is deemed expedient to enact a Bylaw for the regulation and control of cats within the boundaries of the Town of Carstairs:

NOW THEREFORE the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

This Bylaw shall be named "The Cat Control Bylaw".

2. INTERPRETATION AND APPLICATION

In this Bylaw:

- a. Animal Control Officer - means a person employed from time to time to enforce the provisions of this bylaw, or a person so appointed by the Town of Carstairs.
- b. "Bylaw Enforcement Officer" - means a person appointed by the Town in accordance to the provisions of 555.1 of the Municipal Government Act.
- c. Carstairs - means the Municipal Corporation of the Town of Carstairs or the area contained within the boundary thereof as the context requires.
- d. Cat - means either a male or female feline family.
- e. Owner - means an individual or body corporate having legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or suffers the animal to remain on his/her premises.
- f. Runs at Large – means off the premises of the owner and not under the control of any person.

3. RESPONSIBILITY OF CAT OWNER

The owner of the cat shall:

- a. Ensure that the cat is not running at large, and
- b. Ensure if cat defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately;
- c. Not allow the premise to become littered with cat feces to an extent that the premise becomes objectionable, either visually or because of foul odors, to residents of neighboring properties.
- d. Shall not allow or permit his cat to damage public property or the property of any other person or to injure or harass domestic or wild animals such as other cats or birds, but not to include mice, voles and moles on the owner's property.

4. COMMUNICABLE DISEASES

An owner of a cat known to have or suspected of having rabies:

- a. Shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to an Animal Control Officer.

- b. Shall confine or isolate the cat, in such a manner as prescribed by the persons in subsection 7 (a) so as to prevent further spread of the disease;
- c. Shall keep the cat confined for not less than ten (10) days.

5. LICENSING

By January 31st of each year, the owner of a cat shall obtain a license for such cat (3 months of age or older) and shall pay for such license an annual fee as set out in the Rates & Fees Bylaw.

- a. Upon payment of the license fee by the owner the Town Office shall issue to the owner a metallic tag for each cat license.
- b. Every owner shall provide his or her cat with a collar to which the owner shall affix the metallic tag for such cat and the owner shall ensure that the collar and tag are worn by such cat whenever the cat is off such owner's premises.
- c. Upon losing a cat license the owner of a cat shall contact the Town Office Staff who will issue a new tag to the owner.
- d. Anyone who becomes owner of a cat for which a license has been obtained for the current calendar year shall advise the Town Office of such change or ownership on the first day the Town Office is open after he or she becomes owner of the cat but no additional license fee is payable in such event.
- e. No person shall be entitled to a license rebate under this Bylaw.
- f. The municipality shall keep current records of:
 - (i) the name and address of each owner;
 - (ii) the breed, color and sex of each owner's cat
 - (iii) the number on each metallic tag issued to the owner for his or her cat; and
 - (iv) the license fees paid by each owner
- g. A cat license is not required by persons temporarily in the Town for a period not exceeding two weeks in any calendar year.
- h. Any person temporarily in the Town for a period of greater than two weeks in any calendar year and who would otherwise be required to obtain a license for a cat under this Bylaw, may apply to the Chief Administrative Officer for an extension of the two week grace period described in subsection 9 (g).

6. ANIMAL CONTROL AUTHORITY

- a. The Animal Control Officer shall keep an up to date record of all complaints, notices, and reports regarding cats and a similar record of their disposition.
- b. The Animal Control Officer, a Peace Officer, or a Bylaw Enforcement Officer may seize and impound any cat running at large.

7. INTERFERENCE WITH ENFORCEMENT OF A BYLAW

No person, whether or not he is the Owner of a cat which is being or has been pursued or captured shall:

- a. interfere with or attempt to obstruct an Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer who is attempting to capture or who has captured any cat in accordance with the provisions of this bylaw; or
- b. open the van or vehicle in which cats captured for impoundment have been placed, so as to allow or attempt to allow any cat to escape therefrom;

- c. remove or attempt to remove any cat from the possession of the Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer.

8. RECLAIMING

- a. The owner of any impounded cat may reclaim the cat from the Town by paying the fees as set out in the Rates & Fees Bylaw.
- b. An Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded cat, its owner, if known, and to a veterinarian and an Animal Control Officer shall take into account any recommendations of such veterinarian in dealing with the cat while the cat is impounded.
- c. An owner of an impounded cat shall be liable to the Town Office for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such impounded cat.

9. RELEASE OF IMPOUNDED CATS

- a. The Town shall keep all impounded cats for a period of at least 72 hours, including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the 72 hour period. During this period, any cat may be redeemed, by its Owner, upon payment to the Town of:
 - i) impound, kennel and necessary veterinary fees incurred as a result of the impoundment and/or,
 - ii) accepting service of the appropriate bylaw violation ticket
- b. At the expiry of the 72 hour period, any cat not redeemed may be destroyed or sold and any proceeds kept by the Town.
- c. The Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any cat to a veterinarian and act upon his/her recommendation. The owner, if known, shall be held responsible for all charges resulting therefrom.

10. TRAPPING OF CATS

- a. Any person who has a complaint about a cat running at large or causing damage to their property may request a cat trap from the Town of Carstairs.
- b. Complainants, upon receiving a cat trap, shall comply with the Procedure and Guidelines for the Trapping of Stray Cats, annexed as Schedule "A" to this Bylaw, and such other terms and conditions as the Town may require.
- c. The provision of a cat trap to a Complainant shall be at the sole discretion of the Town of Carstairs.

11. OFFENCES

- a. Any person whose;
 - i) cat runs at large is guilty of an offence
 - ii) cat damages public or private property is guilty of an offence
 - iii) found to have contravened any provision of Section 5 of this Bylaw is guilty of an offence Specified Penalties for offences are located in the rates bylaw.

12. OTHER PROVISIONS

- a. No person shall:
 - i) entice a cat to run at large; or
 - ii) tease a cat caught in a cat trap; or
 - iii) throw or poke any object into a cat trap when a cat is caught therein; or
 - iv) fail to check a set cat trap on his premises hourly, or as otherwise required by the Town; or
 - v) leave a set cat trap unattended, except as authorized by the Town; or
 - vi) leave a cat trap set between the hours of see Schedule A.1 (h), unless authorized by the Town; or
 - vii) fail to deliver a trapped animal to the Town within 24 hours of the time it is trapped.

13. ENFORCEMENT

- a. All fines for contravention of this Bylaw are outlined in the current Rates & Fees Bylaw.
- b. The Animal Control Officer, Peace Officer or Bylaw Enforcement Officer may enforce the provisions of this Bylaw and, where he or she has reasonable grounds to believe that a person has committed a breach of any provision of this Bylaw, he or she may issue an offence ticket to an Owner of a cat alleged to have committed one or more of the offences hereinbefore described designating the specified penalty for such offence.
- c. The Animal Control Officer, Peace Officer or Bylaw Enforcement Officer who finds any person who violates any of section 9(a) who is the person in lawful control of the issued trap may seize the trap immediately upon noting the violation as well as issue an offence notice or Provincial Summons for the violation. If the person issued the offence notice or Provincial Summons is found guilty they Animal Control Officer, Peace Officer or Bylaw Enforcement Officer may refuse future requests for a trap by the convicted person.

14. PENALTIES – VOLUNTARY PAYMENT

- a. Where an Animal Control Officer, believes that a person has contravened any provisions of this Bylaw, he or she may in his or her absolute discretion serve upon such a person a ticket as provided by this section either personally or by mailing by ordinary mail addresses to or leaving the tag at the last known address of such person and such service shall be good and sufficient for the purpose of this Bylaw;
- b. A ticket under this section shall in such form as determined by the Town and shall state the section of this Bylaw which the person to whom such ticket is issued is accused of having violated, and the amount from Schedule 'M' of the current Rates & Fees Bylaw that will be accepted by the Town in lieu of prosecution;
- c. Upon the production of a ticket issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Town of the fee provided in the Rates & Fees Bylaw. The person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued;
- d. Nothing in this section shall prevent a person to whom a ticket has been issued from defending any prosecution commenced by the Town for any contravention of the provisions of this Bylaw.

- e. If an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he or she may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of The Provincial Offences Procedures Act, R.S.A. 2000, Chapter P-34 as amended.
- f. The specified penalty payable in respect of a contravention of a provision of this Bylaw in proceedings commenced under The Provincial Offences Procedure Act is the amount shown in the Rates & Fees Bylaw in respect of that provision.

15. SEVERABILITY OF BYLAW PROVISIONS

It is the intention of Council that:

- a. Each separate provision of this Bylaw shall be deemed independent of all other provisions; and
- b. if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

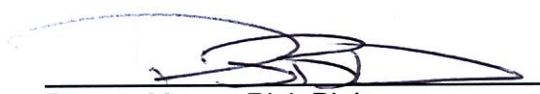
16. This Bylaw hereby repeals Bylaw No. 902 Cat Bylaw – Amended.

17. This Bylaw shall come into force and effect upon third and final reading thereof.

Read a first time this 26th day of February, 2018, AD.

Read a second time this 26th day of February 2018, AD.

Read a third time and finally passed, this 26th day of February, 2018, AD.


Deputy Mayor, Rick Blair
CAO, Carl McDonnell

SCHEDULE "A"

PROCEDURE AND GUIDELINES FOR TRAPPING OF STRAY CATS

1. Procedure and Guidelines

- a) A citizen of the Town of Carstairs who is annoyed with damages done to his or her property as a result of a stray cat may telephone the Town and voice a complaint, requesting a cat trap.
- b) The Complainant will attend the office of the Town and, if the complaint is found to be valid, the Complainant will be requested to sign the form and an agreement provided by the Town, and the Town will then provide a cat trap to the Complainant.
- c) The Complainant will be required to pay a \$20.00 deposit to the Town. This deposit will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from the Town.
- d) The Complainant will set the cat trap in a place protected from the elements, on the premises of the Complainant for a period of not more than 72 hours, after which time he or she will return the trap to the Town.
- e) It will be the responsibility of the Complainant to check the trap regularly i.e. within a four hour timeframe, or as approved by the Town and, if an animal is caught, the Complainant must bring the animal and the trap to the Town within 24 hours following the trapping.
- f) The Town may enter and inspect the premises of the Complainant and ascertain if a cat trap has been properly placed or set and if a cat has been trapped.
- h) No traps are to be set from 4:00 p.m. Friday to 8:00 a.m. Monday or Tuesday on a long weekend unless given written authorization from the Bylaw Officer.
- i) At such time as the Town takes possession of a trapped cat, the Town will try to locate an identifying tag or tattoo on the cat and, if found, will make every effort to contact the Owner of the cat in order to report that it has been impounded by the Town.
- j) If an identification tag or tattoo cannot be found on the impounded cat, the Town will keep the cat for a period of at least 72 hours. After said 72 hour period, it shall be up to the discretion of the Town as to whether or not the trapped cat shall be kept, sold to a new owner, or be euthanized. However, notwithstanding the care taken to ensure return of an Owner's cat, if a trapped cat shall be found by the Town to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded.
- k) At such time as a cat owner attends the Town office for the purpose of picking up his or her cat which was running at large, an offence ticket will be issued in accordance with this Bylaw. Additional charges which must be paid at time of pick-up will be assessed relating to overnight charges if incurred, impound charges and vet examination fee.
- l) It is the responsibility of the Complainant to ensure that, once a cat is trapped on his or her property, that said cat shall not be abused contrary to section 9(a) (ii) and 9(a) (iii) of this Bylaw, by anyone on his or her property or by anyone coming onto his or her property.
- m) Any person seeing a cat in a trap being abused is encouraged to telephone and report the abuse to the Town, at which time the Town will immediately attend at the premises where the abuse has taken place and will remove the cat and the trap forthwith.
- n) The Town will not provide service after normal business hours.
- o) No cat traps will be provided by the Town to a Complainant when weather conditions are, or are forecast to be, colder than 0 degrees Celsius or warmer than 27 degrees Celsius within the 72 hour period from the time of issue.
- p) Any person who abuses, teases or pokes an animal in a cat trap or is causing pain, suffering, or injury to any animal may be charged with an offence under section 446 of the Criminal Code of Canada.