

Bylaw # 902

BEING a By-Law of the Town of Carstairs in the Province of Alberta, to regulate and restrain the running at large of cats in the Town of Carstairs.

WHEREAS, pursuant to the provisions of the Municipal Government Act S.A. 1994 c. M-26.1, as amended, under Part 2, Section 7(h) a Municipal Council may pass any Bylaw with respect to wild and domestic animals and activities in relation to them,

NOW THEREFORE, the Council for the Town of Carstairs enacts as follows:

1. TITLE

This Bylaw shall be cited as "The Cat Bylaw".

2. INTERPRETATION AND APPLICATION

In this Bylaw, unless the context otherwise requires:

- 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) Carstairs - means the Municipal Corporation of the Town of Carstairs or the area contained within the boundary thereof as the context requires.
- c) Cat - means either a male or female feline family.
- d) 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.
- e) Runs at Large – means off the premises of the owner and not under the control of any person.

3. RESPONSIBILITY OF ANIMAL OWNER

The owner of an animal:

- a) shall ensure that the animal is not running at large, and
- b) 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. 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.

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

6. 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.

7. 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.

8. 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.

9. 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 11:00 p.m. on one day to 6:00 a.m. the following day, 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.

Penalties for contravention of this section can also be found in the rates 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.

10. 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.

- 11. Bylaw No. 769 is hereby repealed.

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

Read a first time this 10th day of April, 2007, AD.

Read a second time this 10th day of April, 2007, AD.

Read a third time and finally passed, this 10th day of April, 2007, AD.

Mayor, Lance Colby

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.

Rates Bylaw Inclusions

Section	Offense	1 st Offense	2 nd Offense	3 rd Offense
8(i)	Run at large	\$50.00	\$75.00	\$150.00
8(ii)	Damage Property	\$50.00	\$75.00	\$150.00
8(iii)	Contravene Section 5	\$250.00	\$500.00	\$1000.00
9(a)(i)	Entice cat to run at Large	\$100.00	\$200.00	\$400.00
9(a)(ii)	Tease cat in trap	\$250.00	\$500.00	\$1000.00
9(a)(iii)	Throw/poke object in Trap with cat inside	\$500.00	\$1000.00	\$2000.00
9(a)(iv)	Fail to check trap hourly	\$250.00	\$500.00	\$1000.00
9(a)(v)	Leave trap unattended	\$250.00	\$500.00	\$1000.00
9(a)(vi)	Leave trap set between 2300 – 0600	\$250.00	\$500.00	\$1000.00
9(a)(vii)	Fail to deliver in 24hrs	\$250.00	\$500.00	\$1000.00