

A BYLAW OF THE TOWN OF CARDSTON RELATING TO THE REGULATION
AND KEEPINGS OF CATS

WHEREAS Section 7 of the Municipal Government Act, Being Chapter M-26.1, Statutes of Alberta, 1994 provides for the passing of bylaws to regulate and control animals within the municipality;

AND WHEREAS Council for The Town of Cardston has deemed it's advisable to pass a bylaw to regulate the registration and keeping of cats and to promote the concept of responsible pet ownership.

NOW THEREFORE, THE COUNCILL OF THE TOWN OF CARDSTON, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. This Bylaw shall be referred to as the Cat control bylaw
2. In this bylaw:
 - a. "Animal" refers to a cat
 - b. "Pound" means the Town facility established for the holding of impounded animals as set out in this bylaw
 - c. "Bylaw Enforcement Officer" means the person in care and control of the Pound or their designate and "Bylaw Enforcement Officer" means a person appointed by the Town pursuant to provisions of Section 555 of the Municipal Government Act, S.A. (1994), Chapter M-26.1.
 - d. "Altered" means spayed, neutered or otherwise incapable of reproduction as certified by a qualified professional.
 - e. "Cat" shall mean either the male or female of the feline family.
 - f. "Cat Fanciers License" shall mean a cat license issued annually to an owner permitting the keeping or harboring, on land or premises occupied by the owner of up to four (4) licensed cats over the age of six months.
 - g. "Town" means Town of Cardston
 - h. "Leash" means a chain or other material capable of restraining an animal.
 - i. "Marked for Identification" means the placement of a traceable microchip or a discernable tattoo upon an animal.
 - j. "Owner" means any person who owns the cat or who has charge, care, custody, or control of, or has a right to control an animal for thirty (30) or more consecutive days, except a veterinarian caring for an animal in the regular practice of veterinary medicine.
 - k. "Parkland" means all recreational land areas owned or controlled by and lying within the Town limits.
 - l. "Provincial Court" means the Provincial Court of Alberta
 - m. "Tag" means a device as approved by the Municipal Administrator, hereinafter referred to as Administrator and issued by the Town of Cardston, or its designate, showing that a licensee fee as been paid for a cat.
 - n. "Ticket" means any ticket which is authorized by the Municipal Government Act, S.A. (1994), Chapter P-21.5, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.
 - o. "Unsuitable Pet Owner" means a person who appears to be impaired, abusive or unable to provide the proper care and sustenance to an animal.
3. The owner of every cat shall, on the 2nd day of January in each year, or within two (2) weeks of the time he or she becomes the owner of a cat, purchase a license and shall be required to leave his name and address to which the notice may be sent. License fees are set out in

Schedule A of this bylaw. Upon purchasing a license, for a cat, the owner shall be given a "Cat Tag" and figures indicating the year in which the license fee has been paid, and a number corresponding with the number under which the said cat has been registered, and which cat tag shall be attached by the owner to a collar and caused to be worn around the neck of the cat.

4. a. The owner of a cat shall ensure that the cat is not running at large.
- b. Where a cat is found running at large the owner hereof shall be deemed to have failed or refused to comply with the requirements of Subsection (a).
5. a. The owner of a cat shall ensure that such cat shall not:
 - i. Bite, scratch or do any other act that injures a person;
 - ii. cause damage to property or other animals;
 - iii. Upset waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the cat.
6. a. Any owner whose cat defecates on any public or private property other than the property of its owner shall remove forthwith any defecated matter deposited.
- b. A registered owner and or tenant shall not allow the accumulation of cat defecation on their property to become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease.
7. No person shall:
 - a. Interfere with or attempt to obstruct a Bylaw Enforcement Officer or Peace Officer who is attempting to capture, or who has captured any animal in accordance with the provisions of this bylaw;
 - b. Induce any animal to enter a house or other place where it may be safe from capture, or otherwise assist the animal to escape capture;
 - c. Falsely represent himself as being in charge or control of an animal so as to establish that the animal is restrained as the term is defined by this bylaw;
 - d. Unlock or unlatch or otherwise open the vehicle or trap in which animals captured for impoundment have been placed so as to allow or attempt to allow any animal or animals to escape therefrom;
 - e. Remove or attempt to remove any animal from the possession of the Bylaw Enforcement Officer or Peace Officer;
 - f. Untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
 - g. Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town of Cardston
- 8.

- a. The maximum number of cats in a single-family dwelling or household shall be restricted to two (2) cats over the age of six months except in the case where an owner is in receipt of a Cat Fancier's License.
 - b. Notwithstanding Subsection (a) any owner of more than two (2) cats at the date this bylaw comes into effect shall not be required to obtain a Cat Fancier's License with respect to these cats, however clause 2 f shall apply. The burden of proof relating to the date of ownership of a cat under this Section shall rest with the owner.
 - c.
 - i. Any person requesting a Cat Fancier's License shall submit an application to the Animal Services Manager.
 - ii. All applications shall disclose:
 - a. location for license
 - b. purpose
 - c. breed and sex of cats
 - d. type of facilities
 - iii. A Bylaw Enforcement Officer shall not issue a Cat Fancier's License without first inspecting the proposed location.
 - iv. A Bylaw Enforcement Officer shall not issue a Cat Fancier's License if in his opinion the site or conditions are unsuitable.
 - v. Any person may appeal the decision of the Bylaw Enforcement Officer to the Town Manager provided such appeal is submitted in writing within fourteen (14) days of the date of the Bylaw Enforcement Officer's decision.
 - vi. Any approved license shall be issued upon the payment of the fee specified in Schedule "B" of this Bylaw. Each cat owned under a Cat Fancier's License shall be licensed.
 - vii. A Bylaw Enforcement Officer may remove the Cat Fancier's License upon receipt of bona fide complaints from two (2) or more neighbors residing within sixty (60) meters of the residence of the license.
 - d. Volunteers working with a Town-approved rescue society may house up to five (5) mature cats on their premises provided the residence is registered with the Town and that the cats are on a temporary basis of less than 90 days and that the neighbors on both side of the premises have given written consent approving of the same.
9. A Bylaw Enforcement Officer may capture and impound any animal which is:
- a. running at large;
 - b. named or described or otherwise designated in a complaint alleging the animal to be aggressive;
 - c. chasing, worrying or annoying any wildlife, livestock or domestic animal on property other than that belonging to the owner of the animal;
 - d. a public nuisance, including but not limited to meowing excessively or unnecessarily, or otherwise creating disturbance whether the animal is on the property of the owner or not;

- e. is required to be impounded pursuant to the provisions any Statute of Canada or of the Province of Alberta or any regulation made thereunder.
10. In the enforcement of this bylaw the Bylaw Enforcement Officer or Peace Officer may, after giving reasonable notice to the owner or occupier of land to be entered to carry out the inspection, remedy, enforcement or action enter any privately owned land at any reasonable time, provided however, that in this section the word "premises" does not include a building and provided the provisions of the Section 542 of the Municipal Government Act, S.A. (1994) Chapter M-26.1 are complied with.
 11. Trapping devices may be used to capture cats within the Town provided they are used humanely under the direction of a Bylaw Enforcement Officer.
 12.
 - a. If a Bylaw Enforcement Officer knows or can ascertain the name of the owner of any impounded animal he shall serve the owner with a copy of the Notice in Schedule "C" of this Bylaw, either personally or by leaving it, or by mailing it to the last known address of the owner.
 - b. An owner of an animal to whom a notice is mailed pursuant to the subsection (a) is deemed to have received a Notice within seventy-two (72) hours from the time it is mailed.
 13.
 - a. The owner of any impounded animal that is being released with conditions may reclaim the animal from the Pound by paying to a Bylaw Enforcement Officer, and by obtaining the license for such animal should a license be required under this Bylaw.
 - b. Where an animal is claimed, the owner shall provide proof of ownership of the animal.
 - c. The owner of an animal who has been found not guilty of committing an offence under this Bylaw may request the return of any fees paid by him for reclaiming his animal.
 14. The Bylaw Enforcement Officer shall have the authority to refuse the adoption of any animal, housed at the Pound, to a person he or she deems as an unsuitable pet owner.
 15. The Bylaw Enforcement Officer shall not sell or destroy an impounded animal until the following conditions are met:
 - a. After an animal is retained in the Pound for:
 - i. two (2) business days after the owner has received notice or is deemed by Section 10 to have received notice that the animal is in the Pound, or
 - ii. three (3) business days, if the name and address of the owner is not known, or unless a person having the authority orders the retention or the destruction of the animal, or unless the owner of the animal makes arrangements with the Bylaw Enforcement Officer for the further retention of the animal the Bylaw Enforcement Officer may cause the animal to be sold or destroyed.
 - b. Notwithstanding Subsection (a) the By-law Enforcement Officer may:
 - i. retain an animal for a longer period; or
 - ii. euthanize an animal after a shorter period if humane purposes warrant.
 - c. The Bylaw Enforcement Officer may offer for sale all unclaimed animals which have been in the Pound for:
 - i. Two (2) business days or longer after the owner has received notice or is deemed by Section 10 to have

received notice when the name and address of the owner are known; and

ii. Three (3) business days or longer if the name and address of the owner are not known.

- d. The Bylaw Enforcement Officer shall, before selling an unclaimed animal require that the animal be spayed or neutered by the buyer.
- e. The purchaser of an animal from the Pound pursuant to the provisions of this Section shall obtain full right and the title to it and the right and title of the former owner of the animal shall cease.
- f. When the Bylaw Enforcement Officer agrees to euthanize an animal the owner shall pay to the Bylaw Enforcement Officer a fee as set out in Schedule "B" of this Bylaw

16.

- a. The owner of an animal which is suffering from any communicable disease shall not permit the animal to be in any public place, and shall not keep the animal in contact with or in proximity of any other animal free of such disease.
- b. Any person who owns or who harbors, maintains or keeps an animal which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies:
 - i. shall endeavor to keep the animal locked up or tied up;
 - ii. shall not permit another animal to come in contact with it;
 - iii. shall immediately report the matter to the medical officer of health of the Chinook Health Region, the Federal District Veterinarian and the Bylaw Enforcement Officer.
- c. Any person that is bitten by an animal shall forthwith notify the Chinook Health Region, which will deal with the incident.
- d. Any animal that is bitten by a wild animal or is suspected of being bitten by a wild animal or an animal that is suspected to have rabies, the owner or person shall forthwith contact the Regional Veterinarian and this person shall deal with the incident.

17. Any person leaving an animal unattended in a motor vehicle must ensure suitable ventilation and water is provided for the animal.

18.

- a. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than two thousand, five hundred dollars (\$2,500) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- b. The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to aggressive cats shall be the same amounts as shown in Schedule "A" regarding Section 4(a)(i)
- c. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs from which he is liable under the provisions of this Bylaw.

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

This Bylaw shall come in force upon Third and Final Reading.

Received First Reading this 26 day of July 2005.

Received Second Reading this 27 day of September 2005.

Received Third & Final Reading this 22 day of November 2005.

SIGNED by the Mayor and Chief Administrative Officer this _____ day of _____, 2005.

MAYOR

MUNICIPAL ADMINISTRATOR

Schedule "A"
Specific Penalties

<u>Section</u>	<u>Violation</u>	<u>Penalty</u>
3.a.	Registration Fee	- Non – Neutered - Neutered
		\$20.00 \$ 5.00
4. a.	Cat not Licensed	\$50.00
	Running at large	\$50.00
5. a. i.	Bite, scratch or do any other act that injures a person	\$50.00
5. a. ii.	Cat causes damage	\$50.00
5. a. iii.	Cat upsets waste receptacles	\$50.00
6.	Cat defecation	\$50.00
7.	Interference	\$50.00
16. a.	Animals with communicable diseases in public places	\$50.00
16. b.	Failure to lock, isolate and report an animal with rabies	\$50.00
17.	Animals left without ventilation	\$50.00

Schedule "B"
Other Fees Relating To Cats

<u>Description</u>	<u>Fee</u>
a) Impoundment fees	\$60.00
b) Care and Sustenance (per day or portion thereof to commence at midnight on the day of impoundment	\$9.00
c) Veterinary fee	Amount Expended
d) Owner drop off fee	\$10.00
e) Refundable deposit for sterilization - cat neutered	\$59.00
f) Refundable deposit for sterilization - cat spayed	\$107.00
g) Town resident adoption fee	\$10.00
h) Destruction of cat	\$60.00 +GST
i) Fanciers license	\$50.00

SCHEDULE "C"
TOWN OF CARDSTON
NOTICE OF BREACH OF BY-LAW
"THE CARDSTON CAT BY-LAW"

TO: (Name)
(Address)

RE: Type of Cat
Place:
Time:

DATE:

NATURE OF
OFFENCE _____

Being a breach of the Section _____, Subsection _____, of By-law
No. _____. And the First, Second, Third, More offences of the same for the year
20____.

TAKE NOTICE that upon production of this Notice within two (2) working days
from the date of service together with the payment of \$_____ to the Desk
Clerk at the Cardston Town Office or to a By-law officer, an official receipt for
such payment shall be issued, and subject to the provisions of Section 15 of
By-law No. _____, such payment shall be accepted in lieu of prosecution.

PEACE OFFICER

BY-LAW ENFORCEMENT OFFICER

SERVED PERSONALLY this ____ day of _____, A.D. 20____

TO _____
AT _____
BY _____ TAG NO. _____