

Bylaw #1632

Cat Bylaw

A Bylaw of the Town of Cardston, in the Province of Alberta, to regulate the keeping of Cats.

Whereas Section 7 of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta 2000 provides for the passing of Bylaws regarding wild and domestic animals and activities in relation to them;

Now therefore, the Council of the Town of Cardston, in the Province of Alberta, duly assembled, enacts the following:

Title

1. This Bylaw shall be referred to as the Cat Bylaw

Definitions

2. In this Bylaw,
 - a. "Pound" means the Town facility established for the holding of impounded animals as set out in this Bylaw
 - b. "Animal Control Officer" means a person appointed by Council for the Town to carry out the provisions of this Bylaw, Community Peace Officer, Animal Control Officer, Police Officer or a member of the Royal Canadian Mounted Police.
 - c. "Altered" means spayed, neutered or otherwise rendered incapable of reproduction as certified by a qualified professional.
 - d. "CAO" means the Chief Administrative Officer for the Town of Cardston.
 - e. "Cat" means any *felis catus*.
 - 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 three (3) months.
 - g. "Cat Tag" means the annual Tag issued by the Town of Cardston to an owner for each licensed Cat.
 - h. "Feral Cat" means a domesticated cat that has returned to the wild, or the descendants of such an animal. It is distinguished from a stray cat, which is a pet cat that has been lost or abandoned, while feral cats have never been socialized. The offspring of a stray cat can be considered feral if born in the wild.
 - i. "Marked for Identification" means the placement of a traceable microchip or a Recognizable tattoo upon a Cat.
 - j. "Owner" means the keeper of a Cat and includes any person or persons:
 - i. Named as Owner on the Cat Tag Application;
 - ii. In possession of, control of, or having charge of any Cat, excluding any person who has found a Cat and has taken control of it for the purpose of locating its Owner or turning it over to an Animal Control Officer;

- iii. In possession or control of the property where a Cat appears to reside, either temporarily or permanently, in the Town; and
- iv. For the purposes of this Bylaw, a Cat can have more than one Owner (eg., cat sitter, additional family member).
- k. "Park or Parkland" means all lands used for picnic grounds, campgrounds, playgrounds, playing fields, or any other public open space, including all bicycle and hiking trails, swimming pools, and cemetery within the control and jurisdiction of the Town of Cardston.
- l. "Running at Large" means any Cat that is off the premises of the Owner and not under control of a person capable of controlling the Cat.
- m. "Tag" means a device as approved by the CAO and issued by the Town, or it's designate, showing that a Tag fee has been paid for a Cat.
- n. "Town" means the Town of Cardston.
- o. "Unsuitable Pet Owner" means a person who appears to be impaired, abusive, unable to control, or unable to provide proper care and sustenance to an animal.

Licensing

3. The Owner of any Cat shall apply for a Cat Tag immediately upon becoming the Owner of that cat, or when the Cat becomes three (3) months of age, shall obtain or renew the Cat Tag prior to January 31 of each year.
 - a. The Cat Tag must be attached by the Owner to a collar and worn around the neck of the Cat for which it was purchased.
4. When any Cat Tag is lost or destroyed, the Owner shall apply for a replacement, and the fee designated in Schedule B of this Bylaw shall be charged.
5. A Tag is only valid for the period of January 1 to December 31 in the year it is issued.
6. A Tag is not transferable from any one Cat to another.
7. No refund will be made for any issued Tag.

Offences

8. The Owner of a Cat is guilty of an offence if:
 - a. The Cat is Running at Large;
 - b. The Cat defecates on any public or private property not owned or occupied by the Owner, and the Owner fails to immediately remove the defecated material
 - c. The Owner allows defecated material to accumulate on their own property to such an extent that it is reasonably likely to annoy or pose a health risk to others;
 - d. The Cat damages property
 - e. The Cat upsets 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.
 - f. The Cat bites, scratches, or otherwise injures other Cats or domestic animals;
 - g. The Cat bites, scratches or otherwise injures a person;
9. A person is guilty of an offence if the person:

- a. Interferes with or obstructs, or attempts to interfere with or obstruct an Animal Control Officer who is attempting to capture, or who has captured any Cat;
- b. Provides false or misleading information to any Animal Control Officer;
- c. Unlocks, unlatches, or otherwise opens or enters, without permission, any pen or vehicle in which any Cat, captured for impoundment, has been placed;
- d. Removes, or attempts to remove, any Cat from the possession of any Animal Control Officer;
- e. Unlocks, unlatches, or otherwise opens any fence, gate, or retaining device, on any property but their own, used for the purpose of constraining a Cat; or
- f. Teases, torments, provokes, or otherwise harasses a Cat in any way, shape, or form.
- g. Intentionally feeds a wild animal or leaves food or attractants of any type out of doors on private or public property in such a manner as to attract or be accessible to a wild, feral, or stray domestic animal, unless authorized by an Animal Control Officer or their designate.

Fancier's License

10. The maximum number of Cats in a single-family dwelling or household shall be restricted to two (2) Cats over the age of three (3) months unless the Owners has obtained a Fancier's License.
11. Any person requesting a Cat Fancier's License shall submit an application to the Town. All applications shall disclose:
 - a. location for license
 - b. purpose
 - c. breed and sex of cats
 - d. type of facilities
12. Any approved Fancier's 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.
13. A Cat Fancier's License may not be issued without having the proposed location inspected by an Animal Control Officer.
 - a. A Cat Fancier's License will not be issued if, in the opinion of the Animal Control Officer, the site or conditions are unsuitable.
 - b. Any person may appeal the decision of the Animal Control Officer to the CAO provided such appeal is submitted in writing within fourteen (14) days of the date of the Animal Control Officer's decision.
14. An Animal Control Officer may rescind a 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 licensee.
15. Volunteers working with a Town-approved rescue society may house 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 sides of the premises have given written consent approving of the same.
 - a. Grandfather Clause – now therefore as there are persons within the Town of Cardston who have been caring for Cats prior to January 1, 2006, those Cats which were

registered by them prior to that date are exempt from needing a Fanciers License. However, any new Cats added to those previously recorded over the two limit will require a Cat Fanciers permit application and all conditions of this by-law will be in affect. All Cats within this classification must be fully detailed and photographed in each file held by the Town.

Impounding

16. An Animal Control Officer may capture and impound any Cat which is:
 - a. running at large;
 - b. named or described or otherwise designated in a complaint alleging the Cat to be causing a problem for the complainant;
 - c. chasing, worrying or annoying any wildlife, livestock or domestic animal on property other than that belonging to the owner of the Cat;
 - d. a public nuisance, including but not limited to meowing excessively or unnecessarily, defecating or otherwise creating disturbance whether the Cat is on the property of the owner or not;
 - e. required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta or any regulation made thereunder.
17. The Animal Control Officer shall make reasonable efforts to identify and contact the Owner of the impounded Cat.
18. The Animal Control Officer is authorized to enter any privately owned premises, other than a dwelling or private building, at any reasonable time for the purpose of enforcing the provisions of this Bylaw.
19. Trapping devices may be used to capture Cats within the Town provided they are used humanely under the direction of an Animal Control Officer.
 - a. All traps placed at a citizen's request must be checked by said citizen at least every 12 hours and if any Cat is trapped inside the citizen must advise the Animal Control Officer of such.
20. If an Animal Control Officer knows or can ascertain the name of the Owner of any impounded Cat he shall serve the owner with a copy of the Notice in Schedule C of this Bylaw, either personally, by leaving it, or by mailing it to the last known address of the owner.
 - a. An Owner of a Cat to whom a notice is mailed is deemed to have received the notice within seventy-two (72) hours from the time it is mailed.
21. The Owner of any impounded Cat that is being released with conditions may reclaim the Cat from the Pound by paying to an Animal Control Officer or the Town all fines or fees and by obtaining the Tag or Fancier's License for such Cat should a Tag or Fancier's License be required under this Bylaw.
 - a. Where a Cat is claimed, the owner shall provide proof of ownership of the Cat which will be at the discretion of the Animal Control Officer.
 - b. The owner of a Cat 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 Cat.

22. The Animal Control Officer shall have the authority to refuse the adoption of any Cat, housed at the Pound, to a person he or she deems as an Unsuitable Pet Owner.

Order to Euthanize a Cat

23. The Town of Cardston generally abides by a No Kill Policy, except in extraordinary circumstances. To euthanize a Cat in extraordinary circumstances:
 - a. The CAO or their designate will order that a Cat be euthanized, provided that the CAO or designate is satisfied that the Cat constitutes a continuing danger to persons or domestic animals and cannot be rehabilitated;
 - b. The Animal Control Officer shall notify the Owner of the Cat that an order to euthanize has been issued as soon as possible;
 - c. No Cat may be euthanized until 10 days after the date of delivery of the notice to the Owner, or, where an appeal has been filed, until that appeal has been resolved;
 - i. Where an order has been issued to euthanize a Cat, the Owner may appeal the order to Town Council within three (3) days.
24. The Animal Control Officer shall not sell or destroy an impounded Cat until the following conditions are met:
 - a. After a Cat 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 Cat is in the Pound, or
 - ii. three (3) business days, if the name and address of the owner is not known, the Animal Control Officer may cause the Cat to be adopted or given to animal rescue, unless a person having the authority orders the retention or the destruction of the Cat, or unless the owner of the Cat makes arrangements with the Animal Control Officer for the further retention of the Cat.
 - b. Notwithstanding Subsection (a) the By-law Enforcement Officer may:
 - i. retain a Cat for a longer period; or
 - ii. euthanize a Cat after a shorter period in extraordinary circumstances.
 - c. The Animal Control Officer may offer for adoption all unclaimed Cats 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 Animal Control Officer may, before adopting an unclaimed Cat, require that the Cat be spayed or neutered by the buyer.
 - e. The purchaser of a Cat 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 Cat shall cease at that time.
 - f. When the Animal Control Officer agrees to euthanize a Cat the owner shall pay to the Animal Control Officer a veterinary fee as set out in Schedule B of this Bylaw

Disease Control

25. The owner of a Cat which is suffering from any communicable disease shall not permit the Cat to be in any public place, and shall not keep the Cat in contact with or in proximity of any other Cat free of such disease.
 - a. Any person who owns or who harbors, maintains or keeps a Cat 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 Cat locked up or caged;
 - ii. shall not permit another Cat to come in contact with it;
 - iii. shall immediately report the matter to the medical officer of the Chinook Health Region, the Federal District Veterinarian and the Animal Control Officer.
 - b. Any person that is bitten by a Cat shall forthwith notify the Chinook Health Region, which will deal with the incident.
 - c. The Owner of any Cat that is bitten by a Feral Cat or is suspected of being bitten by any animal that is suspected to have rabies shall forthwith contact the Regional Veterinarian who shall deal with the incident.
26. Any person leaving a Cat unattended in a motor vehicle must ensure suitable ventilation and water is provided for the Cat.
27. 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.
 - a. The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to Cat Owner shall be the same amounts as shown in Schedule A.
 - b. 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.
28. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein. Furthermore it is 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.

Repeal

29. Bylaw 1548 and amendments thereto are hereby repealed.

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

Received First Reading this 10th day of March, 2015.

Received Second Reading this 14th day of July, 2015.

Received Third and Final Reading this 14th day of July, 2015.

Signed by the Mayor and the Chief Administrative Officer this 15th day of July, 2015.

Mayor
Maggie Kronen

Chief Administrative Officer
Jeff Shaw

Schedule A

Penalties

Level A Offences

Location	Description	1 st Offence	2 nd Offence	3 rd Offence
3	Fail to wear License	\$75	\$150	\$225
8.a	Running at Large	\$75	\$150	\$225
8.b	Fail to remove defecation	\$75	\$150	\$225
8.d	Cause damage	\$75	\$150	\$225
8.e	Upset waste receptacle	\$75	\$150	\$225
26	Cat left without ventilation	\$75	\$150	\$225

Level B Offences

Location	Description	1 st Offence	2 nd Offence	3 rd Offence
3	Fail to license Cat	\$100	\$200	\$300
8.c	Accumulation of Defecation on Owners Property	\$100	\$200	\$300
8.f	Injure other Cats or Domestic Animals	\$100 and Veterinary Costs	\$200 and Veterinary Costs	\$300 and Veterinary Costs
8.g	Injure a Person	\$100	\$200	\$300
9.b	Provide False Information	\$100	\$200	\$300
9.c	Release Caged Cat	\$100	\$200	\$300
9.e	Release Cat from Private Trap	\$100	\$200	\$300
9.f	Provoke Cat	\$100	\$200	\$300
9.g	Feed feral cats	\$100	\$200	\$300
25	Fail to confine contagious Cat	\$100	\$200	\$300

Level C Offences

Location	Description	1 st Offence	2 nd Offence	3 rd Offence
9.a	Interference	\$250	\$500	\$1000
9.d	Removes Apprehended Cat	\$250	\$500	\$1000
25.a	Fail to confine and report cat with Rabies.	\$250	\$500	\$1000

Schedule B

Fees

Description	Fee
Impound Fee	\$60
Care and Sustenance Fee (per day or portion thereof to commence at midnight on the day of impoundment)	\$15
Veterinary Fee	Amount Expended
Owner Drop-off Fee	\$50
Refundable deposit for sterilization - Cat neutered	\$75
Refundable deposit for sterilization - Cat spayed	\$150
Town resident adoption fee	\$20

Annual License Fees

Altered (Spayed or Neutered)	Before January 31 st or New	\$15
	After January 31 st	\$25
Unaltered	Before January 31 st or New	\$35
	After January 31 st	\$45
Fancier's License	Before January 31 st or New	\$50
	After January 31 st	\$75
Replacement Fee	1 st replacement is free	Half the original cost thereafter

Schedule C

Addressee Name

Box

Cardston, AB, T0K 0K0

Re: Notice of Breach of Bylaw #1632 - Cat Bylaw

Dear (Addressee),

This letter is to inform you that your Cat has been determined to be in breach of the Town of Cardston's Cat Bylaw. We recognize that cats can be difficult to control. But we also recognize that cat owners accept a burden of responsibility when they buy or adopt an animal. This includes being familiar with and obeying the laws on pet ownership in your community. To help you fulfil your responsibilities, we need to bring to your attention that we have determined that you, as the owner of your cat, are in breach of the Cat Bylaw in in following way.

Describe the Nature of the Offence

Because this is the (number of the offence) of this Bylaw this year, the fine for this infraction is \$_____. Please bring this notice with you to the Town Office where you can pay this fine amount by cash, cheque, or debit. This payment amount does not cover the impounding, veterinary, or care and sustenance fees that have accrued if we are holding your pet in the pound.

We hope that you will be able to find an effective solution for this issue to keep this from recurring in the future. We would be happy to offer ideas and suggestions if you are having difficulties finding an effective solution.

Thank you for your understanding and cooperation.

Regards,

Animal Control Officer