

BYLAW NUMBER 719-2009

BYLAW NUMBER 719-2009 OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REPEAL BYLAW NO. 667-2003 AND ANY AMENDMENTS THERETO, AND BEING REPLACED BY THIS BYLAW TO REGULATE, RESTRAIN THE RUNNING AT LARGE, THE LICENSING, AND IMPOUNDING OF CATS.

WHEREAS, THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, c. M-26 AS AMENDED AND THE PROVINCIAL OFFENCES PROCEDURE ACT, R.S.A. 2000, c. P-34 AS AMENDED, ENABLES A COUNCIL OF THE TOWN TO PASS BYLAWS RESPECTING WILD AND DOMESTIC ANIMALS, AND ACTIVITIES IN RELATION TO THEM;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF BASHAW, IN THE PROVINCE OF ALBERTA ENACTS A BYLAW REFERRED TO AS THE “CAT CONTROL BYLAW.”

DEFINITION – Part 1

1. “AT LARGE” means a Cat that is present at any place other than the property of it’s Owner and which is not being carried by any person, or is not otherwise restrained by a person controlling the Cat by means of a securely fastened leash.
2. “CONTRACTOR” means a person under contract by the Town to maintain and administer a pound facility or animal shelter for Cats.
3. “BYLAW ENFORCEMENT OFFICER” means an employee or independent contractor appointed by the Town to enforce the provision of the Town Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Special Constable. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s.542 of the Municipal Government Act.
4. “CAT” means either male or female of the feline family;
5. “OWNER” means:
 - (a) a person who has the care, charge, custody, Possession, or control of a Cat;
 - (b) a person who owns or claims a proprietary interest in a Cat;
 - (c) a person who harbors, suffers, or permits a Cat to be present on any property of the Owner or under that person’s control;
 - (d) a person who claims and receives a Cat from the custody an animal shelter or a Bylaw Enforcement Officer, or;
 - (e) a person to whom a license has been issued under Part 2 of this bylaw.
6. “POSSESSION” means:
 - (a) Exercising physical or effective control of a Cat;
 - (b) Having been given physical or effective control of a Cat by it’s Owner for the purpose of controlling the Cat for a specific period of time;
7. “PRIVATE PROPERTY” means all property within the Town other than property constituting Public Property.
8. “PUBLIC PROPERTY” means property owned by or under the control and management of the Government of Canada, Government of Alberta, or the Town, contained within the boundaries of the Town.
9. “TAG” means a current metal or other Tag issued by the Town to an Owner for each Cat he owns, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the master register book.
10. “TOWN” means the Town of Bashaw, in the Province of Alberta;

11. “VIOLATION TICKET” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.
12. “VIOLATION TAG” means a written notice, in a form approved by the Chief Administrative Office, issued by a Bylaw Enforcement Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Town Office within a set time period, that person will avoid prosecution for the offence.

LICENSING OF CATS – PART 2

1. A resident of Bashaw who is the Owner of any Cat aged six (6) weeks or older shall obtain a license for the Cat from the office of the Town of Bashaw as per Schedule “B”.
2. The Owner of every Cat shall, annually, on or before January 31st, renew the license for that Cat by submitting to the Town the annual licensing fee, as set out in Schedule “B”, along with any other information as may be required by the Town. A license shall be valid only for the year for which it was issued, regardless of actual date upon which the license was purchased;
3. Upon receipt of payment of the license fee for each Cat, a Tag indicating the year for which the fee has been paid and marked with a number corresponding to the number assigned to the Cat in the master register book, shall be issued to the Owner;
4. Every Owner shall provide his Cat with a collar to which the Owner shall affix the Tag for such Cat and the Owner shall ensure that the collar and Tag are worn during those occasions when the Cat is not on the Owner’s premises;
5. In case a Cat license Tag is lost or destroyed, a duplicate or replacement will be issued by the Town upon payment of the sum of five dollars (\$5.00) by the Owner and provided the Owner can present a receipt of payment of the license fee for the current Cat license year or the Town administrative records indicate such payment was made;
6. Licenses and Tags are not transferable from one Cat to another and no refund shall be made on any paid up Cat license fee because of the death or sale of the Cat or upon the Owner’s leaving the Town before expiration of the license period;
7. Any person that becomes the Owner of a Cat licensed under this Bylaw shall report the change of ownership to the licensing department of the Town and the Town shall transfer ownership of the license to that person, but no additional license fee shall be owing by that person to the Town for the year for which that license was purchased;

OFFENCES AND RESPONSIBILITY OF OWNER – PART 3

1. A resident of Bashaw who is the Owner of a Cat is guilty of an offence if he fails to obtain a license for such Cat.
2. The Owner of a Cat is guilty of an offence if such Cat:
 - (a) runs At Large;
 - (b) is without a collar and Tag while off the premises of its Owner;
 - (c) is a Cat in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner;
 - (d) defecates on any Public or Private Property other than the property of its Owner and the Owner or person in control of the Cat fails to immediately remove such defecation;
 - (e) is within a site containing playground apparatus and/or sand play area located on Public or Private Property other than the property of its Owner;
 - (f) stalks or kills birds on Public or Private Property;
 - (g) damages Public or Private Property;
 - (h) bites any person or animal;
 - (i) attacks or injures any person or animal

3. The Owner of a Cat is guilty of an offence if the Owner:
 - (a) fails to provide identification (Name, Address, Date of birth and Cat Tag number) and proof thereof to a Bylaw Enforcement Officer;
 - (b) provides false or misleading information to a Bylaw Enforcement Officer.
4. No more than three (3) Cats shall be harbored, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Town unless:
 - (a) the Cats in excess of the limit are under six weeks of age and the offspring of a licensed Cat residing at the same location.
5. An Owner that has more than the permitted three (3) Cats shall be allowed to continue to license those grandfathered Cats prior to the enactment of this Bylaw provided they obtain a License Tag for such Cats on or before January 31, 2010 and until such Cats become deceased or they are no longer the Owner of such Cats. The Owner shall not be permitted to replace any such Cats so as to be over the permitted number of Cats as noted in Section 4 above.

RESPONSIBILITIES OF TOWN ADMINISTRATION – Part 4

1. The Town of Bashaw shall arrange for a Pound to be established for the keeping and impounding of Cats and may do so by entering into an Agreement with a Contractor. A Contractor or any such Pound may make rules and regulations for the operation and management of the Pound, provided they are not inconsistent with this Bylaw.
2. The Bylaw Enforcement Officer may seize and impound any Cat found At Large.
3. In the active pursuit of any Cat while that Cat is At Large, any Bylaw Enforcement Officer empowered to apprehend Cats under this Part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
4. 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 a Bylaw Enforcement Officer who was attempting to capture or who has captured any Cat in accordance with the provisions of this Bylaw;
 - (b) Unlock or unlatch or otherwise open the motor 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 Bylaw Enforcement Officer;

RELEASE OF IMPOUNDED CATS – Part 5

1. The Contractor shall keep all impounded Cats for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy Cat may be redeemed by its Owner, upon payment to the Contractor of:
 - (a) The appropriate license fee when a Cat is not licensed; and
 - (b) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;
2. At the expiration of the three (3) day period any Cat not redeemed may be destroyed or sold.
3. The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Cat to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

PENALTIES – Part 6

1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule “A” herein and in default of payment of any fine, to imprisonment for up to one (1) year.
2. Notwithstanding Section 1 of this Part of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule “A”.
3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw;
4. A Violation Tag may be issued to such person:
 - (i) either personally;
 - (ii) by mailing a copy to such person at his last known post office address; or
 - (iii) upon retrieval of such person’s Cat from the Town’s Pound;
5. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (i) the name of the Owner;
 - (ii) the offence;
 - (iii) the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
 - (iv) that the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible prosecution; and
 - (v) any other information as may be required by the Chief Administrative Officer.
6. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified on the Violation Tag;
7. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
8. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. p-34, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
9. Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
10. The Violation Ticket shall be served upon the person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended.
11. Should any Person be guilty of an offence for which no penalty is specified in Schedule “A” herein, then such Person shall be liable upon summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment of any fine, to imprisonment for up to one (1) year.

SEVERABILITY OF BYLAW PROVISIONS – Part 7

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

REPEAL- Part 8

Bylaw No. 667-2003 and any amendments thereto are hereby repealed by passage of this Bylaw.

AUTHENTICATION – Part 9

- 1. This by-law shall come into full force and effect January 1, 2010 subsequent to third and final reading and it is signed in accordance with the Municipal Government Act.

Read a first time in Open Council this _____ day of _____, 2009.

Read a second time in Open Council this _____ day of _____, 2009.

Unanimous consent for third reading passed this _____ day of _____, 2009.

Read a third time in Open Council and finally passed this _____ day of _____, 2009.

Mayor

Chief Administrative Officer

SCHEDULE "A"
PENALTIES

	INFRACTION	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
PART 3				
Section 1	Fail to obtain a cat license	\$75.00	\$150.00	\$300.00
Section 2(a)	Cat runs at large	\$80.00	\$200.00	\$300.00
Section 2(b)	Fail to ensure collar and tag worn on Cat	\$75.00	\$150.00	\$300.00
Section 2(c)	Fail to confine Cat in heat	\$100.00	\$200.00	\$300.00
Section 2(d)	Fail to immediately remove Cat's defecation	\$100.00	\$200.00	\$300.00
Section 2(e)	Cat in playground or sand area	\$100.00	\$200.00	\$300.00
Section 2(f)	Cat stalks or kills birds on Public or Private Property	\$100.00	\$200.00	\$300.00
Section 2(g)	Cat damages public or private property	\$150.00	\$300.00	Court
Section 2(h)	Cat bites any person or animal	Court	Court	Court
Section 2(i)	Cat attacks or injures any person or animal	Court	Court	Court
Section 3(a)	Fail to provide identification	\$200.00	\$400.00	Court
Section 3(b)	Providing false or misleading information	\$200.00	\$400.00	Court
Section 4	Harboring, suffering, or permitting more than three Cats at a residence.	\$100.00	\$200.00	\$300.00
PART 4				
Section 4(a)	Interfering with a Bylaw Enforcement Officer	\$200.00	\$400.00	Court
Section 4(b)	Unlocking or unlatching a vehicle with an impounded Cat	\$200.00	\$400.00	Court
Section 4(c)	Removing or attempting to remove a Cat from the possession of a Bylaw Enforcement Officer	\$200.00	\$400.00	Court

SCHEDULE "B"**LICENSE FEES**

CAT LICENSE TYPE	JANUARY	AFTER JANUARY 31
Unaltered Male/Female	\$35.00	\$70.00
Neutered/Spayed	\$15.00	\$30.00
New Resident or Acquired Pet	AFTER JUNE 30	AFTER 14 DAY PERIOD
Unaltered Male/Female	\$25.00	\$50.00
Neutered/Spayed	\$10.00	\$20.00
Replacement Tag-Anytime	\$5.00	

IMPOUNDMENT FEES

Current rate of kennel fees at veterinary clinic or animal shelter.