

**TOWN OF SUNDRE
BYLAW NO. 01.13**

**A BYLAW TO PROVIDE FOR LICENSING, REGULATION AND CONTROL OF
CATS IN THE TOWN OF SUNDRE, PROVINCE OF ALBERTA**

WHEREAS section 7 (h) of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

WHEREAS Council considers it advisable to pass a bylaw to regulate and control Animals and activities in relation to them in the town of Sundre;

WHEREAS Council has deemed it necessary to repeal and replace Bylaw No.860;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF SUNDRE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

This Bylaw may be cited as the "Cat Control Bylaw".

1.0 Definitions – for the purpose of this bylaw:

- 1.1 **"Animal Control Officer"** means an employee or independent contractor appointed by the Town to enforce the provision of the Town Bylaws, and includes a Bylaw Officer, a Peace Officer, or a member of the Royal Canadian Mounted Police;
- 1.2 **"At Large"** means a Cat that is present at any place other than the property of its 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
- 1.3 **"Contractor"** means a person under contract by the Town to maintain and administer a pound facility or animal shelter for Cats
- 1.4 **"Cat"** means either male or female of the feline family
- 1.5 **"Days"** when used with respect to the issue of a Notice, an appeal period or impoundment, does not include weekends or statutory holidays for calculating the number of days;
- 1.6 **"Humane Society"** means the SPCA or other similar society or corporate entity that rescues, cares for and arranges fostering and adoption of Animals.
- 1.7 **"Impound"** means to take possession of and arrange for the lodging of and caring for a Cat at a facility contracted to the Town of Sundre for such purpose;
- 1.8 **"License"** means a Cat License issued by the Town to the Owner of a Cat;



1.9 **“Owner”** means

- (a) a person to whom a Cat is Licensed pursuant to this Bylaw, or
- (b) a natural person or corporate body who has legal title to a Cat, or
- (c) a person who has possession or custody of a Cat, either temporarily or permanently, or
- (d) a person who harbors or permits a Cat to reside in a dwelling occupied by that person, or
- (e) a person who harbors or permits a Cat to be present on and remain on property occupied by that person.

1.10 **“Private Property”** means all property within the Town other than property constituting public property

1.11 **“Public Property”** means property owned by or under control and management of the Government of Canada, Government of Alberta, or the Town, contained within the boundaries of the Town

1.12 **“Tag”** means a current metal or other tag issued by the Town to an owner for each Cat he owns, including the year for which the fee has been paid, and which bears a number corresponding to a number in the Town database

1.13 **“Town”** means the municipal corporation of the Town of Sundre,, in the Province of Alberta

1.14 **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the Provincial Offenses Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder

1.15 **“Violation Tag”** means a written notice, in a form approved by the Chief Administrative Office, issued by a Contractor, Community Peace Officer, or 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

2.0 **Licensing of Cats**

2.1 An Owner of a Cat shall annually purchase a Cat License from the Town of Sundre for each Cat owned at the annual fee as set out in Schedule “A” of this Bylaw:

- (a) on or before January 31 of the current License year; or
 - (b) within ten (10) days following the Cat having attained three (3) months of age; or
 - (c) within ten (10) days after acquiring possession of the cat;
- whichever date is the latter.

- 2.2 The Owner of a Cat shall provide the Cat with a secure collar which shall be securely attached to the Cat Tag and ensure that both the Cat collar and Cat Tag are worn by the Cat at all times when the Cat is not on the Owner's Property.
- 2.3 For the purposes of Section 2.1, where a Cat is kept at a Premise within the Town of Sundre for more than 30 days total during a one-year period, the Cat is required to be licensed pursuant to Section 2.1 of this Bylaw.
- 2.4 The owner of the Cat shall be over the age of sixteen (16) years
- 2.5 The License and corresponding tag is not transferable from one Cat to another and no refund shall be made for any License issued pursuant to this Bylaw for any reason whatsoever.
- 2.6 Upon losing a Cat Tag the Owner of the licensed Cat shall present the receipt for payment of the license fee to the Town of Sundre, and a new tag will be issued to the Owner for the fee set out in Schedule "A" of this Bylaw.
- 2.7 An Owner shall forthwith notify the Town of any changes with respect to any information provided in an application for a license under this Bylaw.
- 2.8 No person shall provide false or misleading information that is used for Cat-licensing purposes.
- 2.9 The maximum number of Cats in a single-family dwelling or household will be restricted to two (2) Cats over the age of three months.
- 2.10 The provisions of section 2 of this Bylaw shall not apply to a Humane Society or any person holding a valid license to operate a retail pet sales, grooming or boarding business within the Town.
- 2.11 An Owner may be required to provide proof satisfactory to the Town to establish one or more of the following facts, prior to a license being issued:
 - (a) that a Cat is (3) months of age or less;
 - (b) that a Cat has been spayed or neutered and/or marked with a microchip.

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- 2.12 Notwithstanding Section 2.5, in the case of a Foster Cat, one Foster Cat per household may be licensed at a time and that license may, upon notifying the town be transferred to a new foster cat.

3.0 Responsibilities of the Owner

- 3.1 No owner shall allow or permit their Cat to run at large
- 3.2 No owner shall allow or permit their Cat to damage public property or the property of any other person
- 3.3 The Owner of a Cat shall not abandon a Cat;
- (a) For the purpose of Section 3.2 a Cat will be deemed to have been abandoned when:
 - (i) the Cat is left behind at a Premise or neighbourhood after the Owner has moved away; or
 - (ii) the Cat, for whatever reason, is running at large and the Owner has not made reasonable attempts to locate the Cat, such attempts including but not necessarily limited to notifying the Town or an Animal Control Officer that the Cat is missing and making enquiries with local veterinary facilities.
- 3.4 No person shall leave a Cat inside an unattended Motor Vehicle, whether on public or private property, unless:
- (a) there is adequate ventilation and temperature control provided for the health and well-being of the Cat.
- 3.5 The owner of a Motor Vehicle involved in a contravention of Section 3.4 of this Bylaw is guilty of an offence unless that vehicle owner satisfies the Court that the vehicle was being driven or was parked by another person that did not have the vehicle owner's express or implied consent to operate the said vehicle.

4.0 Cat Control Authority

- 4.1 An Animal Control Officer may capture and impound any Cat:
- (a) which is observed to be running at large or which is on private property, including property of the Owner, and is not adequately confined or restrained so as to prevent it from running at large;

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- (b) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any regulation there under.

- 4.2 An Animal Control Officer may enter onto the land surrounding any building for the purpose of impounding a Cat pursuant to this Bylaw.
- 4.3 An Animal Control Officer may use any humane method, including, but not limited to, the use of capture devices or tranquilizer equipment to capture a Cat that is subject to impoundment pursuant to this Bylaw.

5.0 Trapping of Cats

- 5.1 Any person, who has a complaint about a Cat running at large or causing damage to their property, may obtain a Cat trap from the Town of Sundre.
- 5.2 The provision of a Cat trap to a complainant shall be at the sole discretion of the Contractor, the Community Peace Officer, or Bylaw Enforcement Officer
- 5.3 A complainant, upon receiving a Cat trap, shall comply with the *Procedure and Guidelines for the Trapping of Stray Cats*, annexed as Schedule "C" to this bylaw, and such other terms and conditions as the Contractor, the Community Peace Officer, or the Bylaw Enforcement Officer may require
- 5.4 No person shall:
 - (b) abuse, tease, torment or annoy a Cat in a trap.

6.0 Obstruction

- 6.1 No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of obstructing, hindering or impeding an Animal Control Officer who is attempting to capture or impound a Cat or who is in possession of a Cat captured or impounded pursuant to this Bylaw.
- 6.2 No person, whether or not the Owner, shall provide false information with respect to ownership of a Cat to an Animal Control Officer who is conducting an investigation with respect to an offence or alleged offence under this Bylaw.

7.0 Disposition Of An Impounded Cat

- 7.1 An impounded Cat may be reclaimed by or on behalf of the Owner after payment is first made to the Town during normal office hours of:

- (a) any required Cat License fee;
 - (b) the other fees as set out in Schedule "A" of this Bylaw relating to the Cat's capture, impoundment, care and subsistence; and
 - (c) the costs of any required veterinary services provided.
- 7.2 Unclaimed Cats that have been impounded pursuant to the provisions of this Bylaw may be given away, sold, destroyed or taken to a licensed animal rescue or shelter at the expiration of a seventy-two (72) hour period from the time the Cat was first impounded. For the purpose of calculating the seventy-two (72) hour period of the impoundment, the date of the impoundment will be included; however, Saturdays, Sundays and Statutory Holidays will be excluded.
- 7.3 An Animal Control Officer may retain a Cat for a longer period than provided in Section 7.2 if it is determined that the circumstances warrant the extension. The decision to allow such an extension is at the sole discretion of the Animal Control Officer and all additional expenses are the responsibility of the Owner.
- 7.4 An impounded Cat that is not claimed within the applicable time period and in accordance with the provisions this Bylaw, may be disposed of under the authorization of an Animal Control Officer by:
 - (a) selling or adopting the Cat out, or
 - (b) euthanization by a qualified veterinarian when the Animal Control Officer is satisfied, through consultation with a qualified veterinarian, that the Cat is ill or injured to an extent that medical treatment is not practical, or the Cat is otherwise unfit for adoption and under the circumstances, such measure is appropriate for humane purposes.
 - (c) In the case of a Cat that is obviously in extreme distress due to injury, an Animal Control Officer may perform, or cause to be performed, euthanization in a humane manner without consultation with a qualified veterinarian when such consultation cannot be done in a timely manner.
- 7.5 When an impounded Cat is disposed of in accordance with the provisions of this Bylaw, the Owner at the time it was impounded shall cease to have any right or title to the Cat and such right or title shall transfer to a person that has adopted the Cat.
- 7.6 The Contractor, the Community Peace Officer, or the Bylaw Enforcement Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Cat to a veterinarian and act upon their recommendation. The Owner, if known, shall be held responsible for all charges resulting therefrom



8.0 Enforcement Procedures

- 8.1 Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.
- 8.2 Notwithstanding Section 8.1, an Animal Control Officer may, in lieu of prosecution, issue to any person by personal service or regular or regular mail, a Bylaw Violation Tag in a form as approved by the Chief Administration Officer.
- 8.3 A person who has been issued a Bylaw Violation Tag in respect of a contravention of this Bylaw and who has fully paid the penalty in lieu of prosecution prescribed thereon within the time allowed for payment shall not be liable to prosecution for the contravention.
- 8.4 This section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, or from laying an information instead of issuing a violation tag.

9.0 Penalties

- 9.1 A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than the minimum penalty set out in Schedule "B" of this Bylaw and not more than Ten Thousand Dollars (\$10,000.00) or in default of payment to imprisonment for a period of not more than one year.
- 9.2 The specified penalty in respect of a contravention of a specific provision of this Bylaw is the amount provided for in Schedule "B" of this Bylaw.
- 9.3 The penalty in lieu of prosecution payable for a specific contravention of this Bylaw is the amount provided for in Schedule "B" of this Bylaw.
- 9.4 Where any person contravenes the same provision of this Bylaw,
 - (a) twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention shall be double the amount provided for in Schedule "B" of this Bylaw;
 - (b) three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount provided for in Schedule "B" of this Bylaw.

- 9.5 A contravention of this Bylaw proceeded with in lieu of prosecution shall be deemed to be a contravention for the purposes of Sections 9.4(a) and 9.4(b).
- 9.6 For the purposes of Sections 9.4(a) and 9.4(b), a second or subsequent contravention shall be deemed to have been committed irrespective of whether or not a different Cat was involved in the contravention.
- 9.7 The payment of any penalty or the imprisonment for any period as imposed pursuant to this Bylaw shall not relieve a person from the payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- 9.8 Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of any provision of this Bylaw.
- 9.9 A Provincial Court Judge or Justice may, upon rendering a conviction under this Bylaw against the Owner of a Cat, in addition to the penalties provided for in this Bylaw:
- (a) direct or order the Owner of the Cat to:
 - (i) take measures to stop the Cat from engaging in any activity that constitutes a contravention of this Bylaw;
 - (ii) have the Cat removed from the Town of Sundre; or
 - (iii) have the Cat humanely destroyed.

10.0 **GENERAL**

- 10.1 Schedules "A" and "B" may, from time to time, be amended by resolution of Council.
- 10.2 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.
- 10.3 No action for damages shall be taken against the Town or any person acting under the authority of this Bylaw in respect of the impoundment or attempted impoundment, adoption, destruction, sale or other disposal of any Cat dealt with pursuant to this Bylaw.
- 10.4 All monies or any monies received for licensing, impoundment fees, veterinary services or sale of a Cat become part of the general revenue of the Town.
- 10.5 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences

- 10.6 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 10.7 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, or other bylaw or any requirement of any lawful permit, order or license.
- 10.8 Any headings or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 10.9 Where this Bylaw refers to another Act, Bylaw, regulation or agency, it includes reference to any Act, Bylaw, regulation or agency that may be substituted therefore.
- 10.10 All the schedules attached to this Bylaw shall form part of this Bylaw.
- 10.11 This Bylaw shall come into effect upon third reading and Bylaw Number 860 is hereby repealed upon this Bylaw coming into effect.

Read a first time this 19 day of February, 2013



Mayor



Chief Administrative Officer

Read a second time this 18 day of March, 2013



Mayor



Chief Administrative Officer

Presented for third reading and read a third and final time this 18 day of March, 2013



Mayor



Chief Administrative Officer

Schedule "A" of Bylaw No. 01.13 - Cat Control		
Licensing and Impounding Fees		
Annual Fees	Before Jan 31	After Jan 31
Annual license for cat - unaltered male or female	\$14.00	* \$50.00
Annual license for cat - altered male or female	\$10.00	* \$30.00
Replacement license - all licenses	\$5.00	\$5.00
Change of owner for cat already licensed with the Town	Free	Free
Other Fees		
Impoundment Fees	\$50.00	
Care & Subsistence	as set by pound	
Veterinary Services	as incurred	
*provided owner was legally required to obtain a license on or before January 31st.		

Schedule "B" of Bylaw No. 01.13 - Cat Control PENALTIES

* Column A indicates penalties in lieu of prosecution

* Column B indicates specified penalties for violation tickets pursuant to this Bylaw

Section	Description of Offence	A	B
Section 2 - LICENSING			
2.1	Owner fail to obtain annual license	\$150	\$300
2.2	Owner of Cat fail to have tag attached when off property	\$100	\$200
2.4	Owner of Cat is not sixteen (16) years of age	\$50	\$100
2.5	Use Tag on Cat issued to other (transfer tag)	\$150	\$300
2.7	Fail to update license information	\$50	\$100
2.8	Provide False or Misleading Info for Tag	\$250	\$500
2.9	Owner keeps more than 2 Cats on premise	\$125	\$250
Section 3 - RESPONSIBILITY OF OWNER			
3.1	Owner fail to ensure Cat not running at large	\$150	\$300
3.2	Owner fail to ensure Cat does not cause damage to public or private property	\$250	\$500
3.3	Abandon Cat	\$250	\$500
3.4(a)	Leave Cat in Vehicle - inadequate Ventilation	\$250	\$500
Section 4 - TRAPPING			
5.3	Fail to Comply with Trapping Guidelines	\$250	\$500
5.4	Abuse / Tease / Torment Cat in Trap	\$200	\$400
Section 6 - INTERFERENCE WITH ENFORCEMENT OF A BYLAW			
6.1	Obstruct an Animal Control Officer	\$500	\$1,000
6.2	Provide False or Misleading Information to Animal Control Officer	\$500	\$1,000

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Schedule “C” of Bylaw No. 01.13 – Cat Control

PROCEDURE AND GUIDELINES FOR TRAPPING OF STRAY CATS

PROCEDURE AND GUIDELINES:

1. A citizen of the Town, who is annoyed with damages done to their property as a result of a stray cat, may telephone the Town and voice a complaint, requesting a cat trap.
2. Upon attending the Town Office to obtain a cat trap, the Complainant will fill out and sign a complaint form. At the discretion of an Animal Control Officer, the Town will provide a cat trap to the Complainant after signing an agreement.
3. The Complainant will be required to pay a \$100.00 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. If the trap is not found to be in the same condition it was at the time it was obtained from the Town, the Complainant will only receive a maximum of 50% of the deposit back.
4. The preferred methods of payment for the \$100.00 deposit are, for immediate refund, credit card or debit card. The Complainant may pay cash for the \$100.00 deposit but may wait up to three weeks to receive a cheque refund from the Town.
5. The Complainant will set the cat trap in a place shaded from the hot sun, on the premises of the Complainant for a period of not more than 72 hours, after which time the Complainant will return the trap to the Town.
6. It will be the responsibility of the Complainant to check the trap hourly, or as approved by an Animal Control Officer and, if an animal is caught, the Complainant must contact the Community Peace Officer, Bylaw Enforcement Officer, Contractor or Animal Control Officer within 24 hours following the trapping.
7. The Animal Control Officer 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.
8. The Complainant shall not leave a trap set on their property unattended when absent therefrom for any period of time whatsoever, except as approved by an Animal Control Officer.
9. The Complainant shall check the trap prior to 11:00 p.m. on each night that the trap is on their property and, if no animal is caught, they shall, unless otherwise approved by the an

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Animal Control Officer, trip the trap and render it harmless until 6:00 a.m. the following day, when the Complainant may again set the trap.

10. At such time as an Animal Control Officer takes possession of a trapped cat, the Animal Control Officer will try to locate an identifying tag, tattoo, or microchip 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 Animal Control.
11. If an identification tag, tattoo, or microchip cannot be found on the impounded cat, the Contractor will keep the cat for a period of at least 72 hours and, after that time as space permits. After said 72 hour period, it shall be at the discretion of an Animal Control Officer as to whether or not the trapped cat shall be kept, sold to a new owner, turned over to a rescue society, or be euthanized. If a trapped cat shall be found by an Animal Control Officer to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by Animal Control.
12. Any person seeing a cat in a trap being abused is encouraged to telephone and report the abuse to an Animal Control Officer, at which time the Animal Control Officer will attend the premise where the abuse has taken place and will remove the cat and the trap forthwith.
13. The Animal Control Officer will not provide service after nominal business hours.
14. The Town will not provide a cat trap to a Complainant when weather conditions are, or are forecast to be, colder than 0 degrees Celsius within the 72 hours period from the time of issue.
15. 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 offense under the Cat Bylaw or Section 446 of the Criminal Code of Canada.

