

**BYLAW 3-2010**

**A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, AND REGULATING OF CATS**

**WHEREAS**, the Council of the Town of Bruderheim deems it necessary to provide for the licensing, and control of cats within the said Town;

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BRUDERHEIM** in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act, RSA 2000, c.M-26*, as amended, enacts as follows:

**SECTION 1 – SHORT TITLE**

1. This Bylaw may be cited as the “Cat Bylaw”.

**SECTION 2 – DEFINITIONS**

- 2.1 “Animal Control Bylaw” means the Town’s Animal Control Bylaw as amended or replaced from time to time.
- 2.2 “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by the Council of the Town of Bruderheim to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- 2.3 “Council” means the Council of the Town of Bruderheim in the Province of Alberta.
- 2.4 “Town” means the Town of Bruderheim.
- 2.5 “Cat” or “Cats” means either the male or female of any domesticated feline species.
- 2.6 “Fees and Charges Bylaw” means the Town of Bruderheim Fees and Charges Bylaw as amended or replaced from time to time.
- 2.7 “License Tag” means an identification tag of metal or other material issued by the Town showing the license number for a specific cat.
- 2.8 “Offspring” means the progeny of any cat while dependent upon its parents for the necessities of life, and which, without limiting the generality of the foregoing shall mean progeny under the age of three months.
- 2.9 “Owner” means:
  - 2.9.1 a person who has the care, charge, custody, possession or control of a cat;
  - 2.9.2 a person who owns or who claims proprietary interest in a cat;
  - 2.9.3 a person who harbours, suffers or permits a cat to be present on any property owned or under his/her control;
  - 2.9.4 a person who claims and receives a cat from the custody of the Cat Shelter or a Bylaw Enforcement Officer
  - 2.9.5 a person to whom a License Tag was issued for a cat in accordance with this Bylaw.

- 2.10 "Violation Tag" means a tag or similar document issued by the Town or the appointed Bylaw Enforcement Officer pursuant to the *Municipal Government Act*, RSA 2000, c.M-26 as amended.
- 2.11 "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c.P-34, as amended and regulations thereunder.
- 2.12 "Possession" means:
- 2.12.1 having physical or effective control of a cat;
  - 2.12.2 having given physical or effective control of a cat to another person for the purpose of controlling the cat for a period of time;
  - 2.12.3 where one of two or more persons, with the knowledge and consent of the rest, has physical or effective control of a cat, it shall be deemed to be in the control of each and all of them.

**SECTION 3 – LICENSING PROVISIONS**

- 3.1 Every person who:
- 3.1.1 resides and has a cat;
  - 3.1.2 resides and obtains a cat;
  - 3.1.3 has a cat and moves within the Town
- shall apply for an annual License Tag.
- 3.2 A person shall provide the following with each application for a License Tag:
- 3.2.1 name, telephone number, and street or rural address of the owner
  - 3.2.2 name and description of cat to be licensed
  - 3.2.3 the cat license fee
  - 3.2.4 such other relevant and necessary information as may be required by the Town Administration in respect to the application.
- 3.3 An owner of an Unlicensed Cat is guilty of an offence.
- 3.4 Licenses issued under this Bylaw shall not be transferrable from one cat to another, nor from one owner to another.
- 3.5 Upon payment of the required License fee, and providing the information set out in Section 3.2 herein, the owner will be supplied with a License Tag having a number which will remain registered to that cat year to year.
- 3.6 Every owner shall ensure that the License Tag is securely fastened to a chain, collar or harness worn by the cat with the License Tag to be worn by the cat at all times whenever the cat is on property other than the property of the cat owner or the property controlled by him/her. As an alternative, the owner has the option of having the Town's Cat License Tag number tattooed in the cat's ear or groin at the owner's expense.
- 3.7 An owner of a licensed cat is guilty of an offence if that cat is not wearing a License Tag does not have the Town Cat License Tag number tattooed in the cat's ear or groin while that cat is on property other than the property of the owner or property controlled by him.

- 3.8 The owner of a cat which has been duly licensed under this Bylaw, may obtain a replacement License Tag for one which has been lost, upon payment of the replacement license tag fee as set out in the Town Fees and Charges Bylaw.
- 3.9 The provisions of Section 3.1 to 3.8 inclusive shall not apply to the following:
- 3.9.1 persons temporarily visiting the Town for a period not exceeding 4 weeks
- 3.10 No person is entitled to a refund or a rebate for any License Tag fee.
- 3.11 Where a license fee has been paid by cheque, the license is:
- 3.11.1 issued subject to the cheque being honoured by the financial institution against which it is drawn; and
- 3.11.2 automatically suspended if the cheque is not honoured until the license fee is paid.

**SECTION 4 – NUMBER OF CATS**

- 4.1 No more than two (2) cats shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building, structure, or premises within the Town.

**SECTION 5 – BYLAW ENFORCEMENT PROVISIONS**

- 5.1 Any owner of a cat who does not have proper licensing for the cat is guilty of an offence.

**SECTION 6 – POWERS OF BYLAW ENFORCEMENT OFFICER**

- 6.1 The Bylaw Enforcement Officer is authorized to capture and impound in the Animal Control Shelter, any cat which is found at large. The Bylaw Enforcement Officer is further authorized to take such reasonable measures as necessary to subdue any cat, including the use of tranquilizer equipment and materials. If any cat is injured, it may be taken to a Veterinarian for treatment to relieve pain or bleeding, then to the Animal Control Shelter.
- 6.2 All impounded cats may be kept in the Animal Control Shelter for a period of ninety-six (96) hours. Sundays and Statutory Holidays shall not be included in the computation of the ninety-six (96) hour period. During this period, any cat may be redeemed by its owner, except as otherwise provided in this Bylaw, upon payment of:
- 6.2.1 the appropriate impoundment fee as set by the Animal Control Shelter from time to time
- 6.2.2 the appropriate license fee when the cat is not licensed; and
- 6.2.3 the cost of any veterinary treatment to relieve pain or bleeding of any cat that is found to be injured in the process of capture.
- 6.3 At the expiration of the ninety-six (96) hour period, as prescribed in Section 6.2 herein, the Animal Control Shelter is authorized to:
- 6.3.1 offer the cat for sale
- 6.3.2 destroy the cat in a humane manner;
- 6.3.3 allow the cat to be redeemed by its owner in accordance with the STRAY ANIMALS ACT, RSA 2000, c. S-20 as amended from time to time, or the operation of any applicable Alberta Legislation; or
- 6.3.4 continue to impound the cat for an indefinite period of time or for such further period of time as the Bylaw Enforcement Officer, in his or her discretion, may decide.

**SECTION 7 – PENALTIES**

- 7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule “A” herein.
- 7.2 Notwithstanding Section 7.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less nor more than the sum as set out in Schedule “A” of this Bylaw.
- 7.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

**SECTION 8 – VIOLATION TAGS**

- 8.1 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.
- 8.2 A Violation Tag may be issued to such person:
  - 8.2.1 either personally;
  - 8.2.2 by mailing a copy to such person at his last known post office address; or
  - 8.2.3 upon retrieval of such person’s cat from the Animal Control Shelter.
- 8.3 The Violation Tag shall be in a form approved by the Town Council and shall state:
  - 8.3.1 the name of the owner;
  - 8.3.2 the offence;
  - 8.3.3 the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw
  - 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each that the contravention continues.
- 8.5 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

**SECTION 9 – VIOLATION TICKET**

- 9.1 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the **Provincial Offences Procedure Act**, RSA 2000, c.P-34, as amended.
- 9.2 Notwithstanding Section 9.1 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the **Provincial Offences Procedure Act**, RSA 2000, c.P-34, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

**SECTION 10 – SEVERABILITY PROVISION**

- 10.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

**SECTION 11 – EFFECTIVE DATE**

11.1 This Bylaw shall come into effect after third reading and upon being signed.

Read first time this 16<sup>th</sup> day of June 2010

Read a second time this 16<sup>th</sup> day of June 2010

Read a third time this 7<sup>th</sup> day of July 2010

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MAYOR

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ADMINISTRATION

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DATE SIGNED

SCHEDULE "A"PENALTIES

<u>OFFENCE</u>	<u>PENALTIES</u>	<u>SECTION</u>
Failure to be the holder of a current Cat License	\$250	3.1
Failure to ensure that a tag is worn when cat is off the property of the Owner	\$30	3.6
Harbouring more than two (2) cats	\$250	4.1
Second or Subsequent Offences within one (1) year	Double	7.2