

**TOWN OF REDCLIFF  
BYLAW NO. 1439/2005**

**A BYLAW OF THE TOWN OF REDCLIFF** for the purpose of regulating and controlling cats and activities in relation to them.

**WHEREAS** the *Municipal Government Act* authorizes a Council to pass Bylaws respecting wild and domestic animals and activities in relation to them,

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF REDCLIFF IN THE PROVINCE OF ALBERTA IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:**

**SHORT TITLE**

1. This Bylaw shall be known and may be cited as the Cat Bylaw.

**INTERPRETATION**

2. In this Bylaw the following definition shall mean:
  - (a) **"ANIMAL CONTROL OFFICER"** means the person designated as Animal Control Officer by the Town, and includes any person employed or appointed by the Town as an assistant to the Animal Control Officer;
  - (b) **"BYLAW ENFORCEMENT OFFICER"** means any person appointed as a Bylaw enforcement officer by the Municipal Council of the Town of Redcliff.
  - (c) **"TOWN"** means the Town of Redcliff, or the area contained within the boundary thereof, as the context requires;
  - (d) **"POUND"** means the Town's facility for the impounding of animals.
  - (e) **"OWNER"** includes
    - (i) the actual owner of a cat, whether a natural person or a body corporate, and
    - (ii) a person acting on behalf of the actual owner of a cat, where such person furnishes proof to the satisfaction of the Animal Control Officer of his authority to deal with the Animal Control Officer on behalf of the actual owner in respect of the cat.
  - (f) **"RUNNING AT LARGE"** means, when used to describe a cat, the state of being upon any land other than land on which the owner or person having responsibility for or custody of the cat resides, while the cat is not under the control of such person.

### **CAT CONTROL PROVISIONS**

3. No person shall keep or harbour more than two (2) cats aged six (6) months or more, but this subsection shall not apply to premises lawfully used for the care, maintenance or treatment of cats operated by and in charge of a licensed veterinarian or a licensed cat grooming or cat breeding business, nor to any premises lawfully used for the purpose of a cat show, nor to any person in possession of a license to operate a kennel in the Town.
- 3.1 No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of teasing, tormenting or annoying a cat.
- 3.2 The Animal Control Officer, a Bylaw Enforcement Officer, or any peace officer employed by the Town of Redcliff, may obtain from a Provincial Judge a warrant to search within or upon any property, upon satisfying the Provincial Judge by Affidavit under oath that there are reasonable and probable grounds to believe that there has occurred or is occurring upon such property a contravention of the provisions of subsection (3) of this section. If, upon conducting such search, it appears that a number of cats in excess of the maximum number permitted under subsection (3) of this section is being kept or harboured upon such property, then upon laying a charge under this Bylaw the person conducting the search may forthwith remove from the property and impound as evidence for trial any number of cats in excess of the maximum number permitted under subsection (3).
- 3.3 The provisions of the Criminal code (Canada) respecting search warrants apply, with all necessary modifications, to this section.

### **POWERS OF ANIMAL CONTROL OFFICER**

4. The Animal Control Officer may:
  - (a) accept for impoundment any cat delivered to the Pound or
  - (b) capture and impound any cat which is running at large or appears to be suffering from a diseasewherever the human resources available to the Animal Control Officer and the space available for cats in the Pound permit the Animal Control Officer to do so.
- 4.1 The owner of an impounded cat may reclaim the cat upon payment to the Animal Control Officer of an amount equal to the total of the impoundment fee, care and sustenance charge, and reasonable veterinary expenses incurred by the Animal Control Officer in respect of the cat during the period of impoundment, as set out in Schedule "A" to this Bylaw.
- 4.2 When a cat has been in the Pound for seventy-two (72) hours or more and the owner of the cat has not reclaimed it in accordance with Section 4 of this Bylaw, the Animal Control Officer may
  - (a) destroy the cat,

- b) retain the cat in the Pound for such further period of time as the Animal Control Officer may think advisable in the circumstances.
- 4.3 Where the owner of an impounded cat has advised the Animal Control Officer that he has no further interest in the cat, the Animal Control Officer may destroy the cat, notwithstanding that the cat may have been in the Pound less than seventy-two (72) hours.
- 4.4 Where the owner of a cat advises the Animal Control Officer that he has no further interest in the cat and requests the Animal Control Officer to pick up the cat and take it to the Pound, the Animal Control Officer shall comply with such request upon receipt from the owner of the fee for pick up charges as stipulated in Schedule "A" of this Bylaw, as soon as practical having regard to the human resources available to the Animal Control Officer and the space available for cats in the Pound.
- 4.5 For the purpose of calculating the length of time a cat has been impounded shall start at 8:00 A.M. on the day following impoundment and Saturdays, Sundays and statutory holidays shall not be included in the calculation.
- 4.6 Whenever the Animal Control Officer destroys a cat in accordance with the provisions of the Bylaw, the owner shall be liable to pay the fee for Destruction of Cat as stipulated in Schedule "A" to this Bylaw, and in every case where the said fee has not been paid prior to the destruction of the cat, the Animal Control Officer may present the owner with a bill or invoice therefore which shall be paid in full by the owner within thirty (30) days of receipt of the bill or invoice.
- 4.7 Notwithstanding any other provision of this section, no cat impounded as evidence pursuant to section 5.2 of this Bylaw shall be destroyed until the judicial proceedings associated therewith have been finally determined.
- 4.8 No cats shall be released from the Pound after 4:00 p.m on normal working days.
- 4.9 No cats shall be released from the Pound on Saturday, Sunday or on any Statutory or Proclaimed holiday.

#### **CAT TRAPS**

- 5. The Animal Control Officer may loan a cat trap to any person for a period lasting until Friday of the week in which the trap was borrowed, the trap must be returned by the borrower to the Public Services Department before 3:00 p.m. on the Friday of the week in which the trap was borrowed.
- 5.1 The Animal Control Officer may charge the person borrowing the trap up to \$20.00 for any damage to the trap while being loaned, reasonable wear and tear excepted.
- 5.2 The Animal Control Officer shall not lend a trap out when the temperature is below -5 Celsius at the time of lending the trap.

## **OFFENCE AND PENALTY PROVISIONS**

6. A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to payment of a fine of not less than seventy-five dollars (\$75.00) and nor more than five hundred dollars (\$500.00) or in default of payment of the fine to a period of imprisonment not exceeding ninety (90) days.
- 6.1 Where the Animal Control Officer or any Bylaw Enforcement Officer, or peace officer employed by the Town of Redcliff has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw he may serve upon such person a written violation notice either personally or by mailing the said violation notice to the person in respect of which it is issued addressed to the last known address of the person, and services of the violation notice as provided for in this subsection shall be deemed adequate for the purpose of this Bylaw.
- 6.2 A violation notice issued pursuant to the provisions of this section shall be in such form as directed from time to time by the Chief of Police of the Town, provided that the violation notice shall state the section of the Bylaw which was alleged to have been contravened and the amount as provided for in Schedule "B" to this Bylaw which will be accepted by the Town in lieu of prosecution.
- 6.3 If payment is received by the Town from or on behalf of a person in respect of whom a violation notice has been issued under this section
- (a) in the amount set out on the violation notice as the sum the Town will accept in lieu of prosecution; and
  - (b) within seven (7) days from service upon such person in any manner permitted under this section
- then that person shall thereafter not be liable to be prosecuted for the occurrence or transaction in respect which the violation notice was issued.

## **GENERAL**

7. In this Bylaw, the singular may be read as though the plural were expressed and words used in the masculine gender shall also mean the feminine gender and the neuter, wherever the context in which this Bylaw has application so requires.
- 7.1 It is the intention of the council of the Town that each separate provision of the Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declare invalid for any reason by a Court of competent jurisdiction then all other provisions of this Bylaw shall remain valid and enforceable.
- 7.2 This Bylaw shall come into effect on the date of the final reading thereof.
- 7.3 Bylaw 1106/96 is repealed with the coming into force of this Bylaw.

READ a first time this the 24<sup>th</sup> day of May 2005.

READ a second time this the 13<sup>th</sup> day of June 2005.

READ a third time this the 13<sup>th</sup> day of June 2005.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

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MAYOR (C.E.O.)

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MUNICIPAL SECRETARY

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SCHEDULE "A"

Amounts payable to the Animal Control Officer to reclaim, destroy or purchase a cat at the Pound, or to have a cat picked up by the Animal Control Officer and transported to the pound.

(a)	Impoundment Fee for a first offence or subsequent offence per calendar year.	\$55.00
(b)	Care and Sustenance (per day or portion thereof)	\$15.00
(c)	Veterinary Expenses	Amount Expended
(d)	Destruction of Cat	\$15.00
(e)	Pick up Charge (includes fee for Destruction of Cat)	\$35.00

## SCHEDULE "B"

Amounts which will be accepted by the Town in lieu of prosecution

Section of Bylaw	Nature of Violation	Penalty for a first offence of for a second or subsequent offence per calendar year.	
		First Offence	Second or Subsequent Offence
3	Keep or harbour excessive number of cats	\$50.00	\$75.00
3(1)	Teasing, tormenting or annoying a cat.	\$50.00	\$75.00