

BY-LAW #298-04

BEING A BY-LAW OF THE TOWN OF COALHURST TO REGULATE AND TO ALLOW THE TRAPPING OF CATS WITHIN ITS MUNICIPAL BOUNDARIES.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, provides for the regulating of domestic animals;

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

1. This By-Law may be cited as the Coalhurst Cat By-Law.

DEFINITIONS

2. For the purposes of this By-Law the following definitions shall apply:
 - a. "**Administrator**" means the person appointed by Town By-Law to the position of *Chief Administrative Officer*;
 - b. "**Cat**" means either male or female of the feline family;
 - c. "**Council**" means the duly elected municipal council for the Town of Coalhurst;
 - d. "**By-Law Control Officer**" means an employee of the Town authorized by Council to issue tickets under the provisions of this By-Law;
 - e. "**Owner**" means any person, partnership, association or corporation:
 - i owning or possessing or having charge of or control over any cat, or
 - ii harbouring any cat, or
 - iii suffering or permitting any cat to remain about his/her house or premises;
 - f. "**Peace Officer**" means a member of the Royal Canadian Mounted Police, a municipal Police Officer, Police Constable, Bailiff, Constable or other person employed for the prevention of disorder and maintenance of the public peace;
 - g. "**Violation Ticket**" means where a Peace Officer or other authorized official of the Town of Coalhurst believes that any person has committed a breach of any of the sections of this By-Law, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta;

- h. **"Town"** means the Town of Coalhurst, a municipal corporation in the Province of Alberta, and where the context so requires, means the area contained within the corporate and jurisdictional boundaries of the municipality;
- i. **"Voluntary Penalty"** means a penalty specified in this By-Law for a contravention of a provision of this By-Law which amount shall be paid by a person to whom a ticket has been issued.

MAXIMUM NUMBER

- 3. 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.

TRAPPING

- 4. Cat trapping will be allowed by residents only within the municipal boundaries of the Town of Coalhurst.
 - a. Traps used within the Town to trap cats must be large enough to hold a full-grown cat and be approximately 30" long x 12" high.
 - b. The Town will supply cat traps to residents who are experiencing problems with stray cats.
 - c. Each resident requesting a trap from the Town will be required to sign an agreement which holds them responsible should a cat be mistreated after being trapped. Guide lines on how to properly trap cats and what to do with a cat once it is trapped will also be supplied. The agreement and guidelines will be written up within the Town of Coalhurst policy manual.
 - d. Fees relating to the trapping of cats will be set by Council within the Town of Coalhurst policy manual.
 - e. A trapped cat will be kept by the Town for a period of not less than 72 hours after which time if the cat is not redeemed by its owner it shall be taken to a veterinarian for euthanasia.

RECORDS

- 5. The Administrator will cause to be kept an up-to-date record of all complaints received, notices and reports regarding cats.

PENALTIES

6. The By-Law Control Officer or, in the absence of one being named, the Administrator, may issue a ticket in the amount of the voluntary penalty to the owner of cats in contravention of Section 3 upon receipt of *written* complaints from two or more individuals living in separate residences within a radius of 60 meters of the residence in which the cats are being harboured.
7. Any person who commits a breach of any of the provisions of the By-Law will be liable to a penalty of:
 - a. For the first offence to a voluntary penalty of FIFTY (\$50.00) DOLLARS or upon Summary Conviction to a fine of not less than TWO HUNDRED (\$200.00) DOLLARS and not exceeding TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS.
 - b. For the second offence within a six (6) month period to a voluntary penalty of SEVENTY-FIVE (\$75.00) DOLLARS or upon Summary Conviction to a fine of not less than THREE HUNDRED (\$300.00) DOLLARS and not exceeding TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS.
 - c. For a third and subsequent offence within a six (6) month period a summons shall be issued and upon Summary Conviction to a fine of not less than THREE HUNDRED (\$300.00) DOLLARS and not more than TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS and the court will be requested to issue an order to the owner to have the offending cats removed from the Town or destroyed.
8. Should an owner not pay the penalty provided for contravention of any section of this By-Law, and a prosecution has been entered against him/her, he/she shall be liable on summary conviction to pay the fine set out by the court plus court costs and in default of payment thereof, to imprisonment for a period not exceeding six (6) months.
9. The offence ticket may be issued by personally serving it upon the owner, or by sending it to the owner by registered mail.

GENERAL

10. It is the intention of Council that:
 - a. Each separate provision of this By-Law shall be deemed independent of all other provisions; and

- b. If any provision of the By-Law is declared invalid, all other provisions shall remain valid and enforceable.
- 11. In any provision or proceeding for contravention of the provisions of the By-Law, the burden of proof that the cat is not over the age of three (3) months shall rest upon the owner.
- 12. *No action shall be taken against an official of the Town of Coalhurst for acting, in good faith, under authority of this by-law for damages for the destruction or other disposal of any cat.*
- 13. This By-Law hereby rescinds By-Law #233-97 and By-Law #287-02 Section 2.
- 14. This By-Law shall come into force and effect on the date of its passage.

READ A FIRST TIME this 17th day of February A.D., 2004

READ A SECOND TIME this 17th day of February A.D., 2004

READ A THIRD TIME AND FINALLY PASSED this 17th day of February A.D., 2004

MAYOR

ADMINISTRATOR