

BYLAW NO. 428-21

BEING A BYLAW OF THE TOWN OF COALHURST IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING CATS IN THE MUNICIPALITY

WHEREAS, the Municipal Government Act RSA 2000, Chapter M-26 and amendments thereto, authorize a Council to pass bylaws to regulate and control wild and domestic animals and activities in relation to them within the Town of Coalhurst;

AND WHEREAS the Municipal Government Act RSA 2000, Chapter M-26 and amendments thereto, authorize a Council to pass bylaws in regards to safety, health and welfare of people and the protection of people and property;

AND WHEREAS the keeping of any species of animals within the Town of Coalhurst may constitute a nuisance or public health risk;

AND WHEREAS it is deemed expedient to enact a Bylaw for the regulation and control of cats within the boundaries of the Town of Coalhurst;

NOW THEREFORE the Council of the Town of Coalhurst, in the Province of Alberta, duly assembled, thereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Responsible Cat Ownership Bylaw".

DEFINITIONS

2. In this Bylaw, the following definitions shall apply:

- a) "Cat" means a male or female of the feline family.
- b) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Town appointed by Council in accordance with the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26.
- c) "Designated Officer" means the Chief Administrative Officer, a member of the Royal Canadian Mounted Police, a Special Constable, a Peace Officer, a Bylaw Enforcement Officer, an Animal Control Officer or other Designated Officer or person so appointed by the Town.
- d) "Owner" means any person, partnership, association or corporation:
 - (i) Who has legal title of the animal;
 - (ii) Who has legal control, possession or custody of the animal, either temporarily or permanently; or
 - (iii) who harbours the animal, or allows the animal to remain on his premises;

- e) “Registered Veterinarian” means a registered Veterinarian as defined in the Veterinary Profession Act, R.S.A. 2000, Chapter V-2
- f) “Run at Large” means off the premises of the owner and not under the control of any person.
- g) “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.
- h) “Violation Tag” means a tag or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26 as amended.
- i) “Violation Ticket” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and Regulations thereunder.

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.

RESPONSIBILITY OF CAT OWNER

- 4. The owner of the cat shall:
 - a) Ensure that the cat is not running at large, and
 - b) Ensure if the cat defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately;
 - c) Not allow the premise to become littered with cat feces to an extent that the premise becomes objectionable, either visually or because of foul odors, to residents of neighboring properties;
 - d) Shall not allow or permit the cat to damage public property or the property of any other person or to injure or harass domestic or wild animals such as other cats, but not to include mice, voles and moles on the owner’s property.

COMMUNICABLE DISEASES

- 5. An owner of a cat known to have or suspected of having rabies or a communicable disease shall:
 - a) not permit the cat to be in any public place,
 - b) not permit the cat to have contact with or be in proximity to any other Animal which is free of such communicable disease,
 - c) keep the cat in a Secure Enclosure for not less than ten (10) days,

- d) immediately report the matter to a Registered Veterinarian, and
- e) adhere to the directions of the Registered Veterinarian.

DESIGNATED OFFICER AUTHORITY

- 6. a) The Designated Officer shall keep an up to date record of all complaints, notices, and reports regarding cats and a similar record of their disposition.
- b) The Designated Officer may seize and impound any cat running at large.

INTERFERENCE WITH ENFORCEMENT OF A BYLAW

- 7. 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 Designated Officer who is attempting to capture or who has captured any cat in accordance with the provisions of this Bylaw; or
 - b) Open the trap or 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 Designated Officer.

RECLAIMING

- 8. a) The owner of any impounded cat may reclaim the cat from the Town by paying the fees as set out in Schedule “B”;
- b) A Designated Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded cat to its owner, if known, and to a veterinarian and a Designated Officer shall take into account any recommendations of such veterinarian in dealing with the cat while the cat is impounded;
- c) An owner of an impounded cat shall be liable to the Town for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such impounded cat.

RELEASE OF IMPOUNDED CATS

- 9. a) The Town shall keep all impounded cats for a period of at least 72 hours, including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the 72-hour period. During this period, any cat may be reclaimed, by its Owner, upon payment to the Town of:
 - (i) Impound, kennel and necessary veterinary fees incurred as a result of the impoundment and/or;
 - (ii) Accepting service of the appropriate bylaw violation ticket.

- b) The Town shall make all reasonable attempts to find the owner and only after the expiry of the 72-hour period, after all other avenues have been exhausted, any cat not redeemed may be euthanized, or may be sold and any proceeds kept by the Town.
- c) Any resident of Coalhurst desiring to purchase an unsterilized cat shall be required to leave a deposit, in addition to the purchase price.
 - (i) The said deposit will be returned to the purchaser upon receipt, at the Town Office, of a certificate from a licensed veterinarian confirming sterilization of the cat, not more than six (6) months from the date of the sale. No deposit will be returned if the Town Office does not receive the required certificate, within six (6) months of the date of the sale of the cat to the purchaser;
 - (ii) This requirement does not apply to the sale of a cat to a non-resident.

TRAPPING OF CATS

- 10. a) Any person who has a complaint about a cat running at large or causing damage to their property may request a cat trap from the Town;
- b) Cat trapping will be allowed by residents only within the municipal boundaries of the Town;
- c) 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;
- d) Each resident requesting a trap from the Town will be required to sign an Agreement, attached as Schedule "A" to this Bylaw, which holds them responsible should a cat be mistreated after being trapped. Guidelines on how to properly trap cats and what to do with a cat once it is trapped will also be supplied.
- e) The provision of a cat trap to a Complainant shall be at the sole discretion of the Town.

OFFENCES

- 11. Any person:
 - a) who owns or harbours more than two (2) cats over the age of three (3) months is guilty of an offence;
 - b) whose cat runs at large is guilty of an offence;
 - c) whose cat damages public or private property is guilty of an offence;

OTHER PROVISIONS

- 12. No person shall:
 - a) Entice a cat to run at large; or

- b) Tease a cat caught in a cat trap; or
- c) Throw or poke any object into a cat trap when a cat is caught therein; or
- d) Fail to check a set cat trap on his premises hourly, or as otherwise required by the Town; or
- e) Leave a set cat trap unattended, except as authorized by the Town; or
- f) Leave a cat trap set between the hours indicated in Schedule “A” point 8, unless authorized by the Town; or
- g) Fail to deliver a trapped animal to the Town, as specified in attached Schedule “A”.

PENALTIES

- 13. a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty not less than the minimum penalty set out in Schedule “B” herein.
- b) The Designated Officer who finds any person who violates any of section 12 who is the person in lawful control of the issued trap may seize the trap immediately upon noting the violation as well as issue an offence notice. If the person issued the offence notice is found guilty the Designated Officer may refuse future requests for a trap by the convicted person.

PENALTIES – VOLUNTARY TICKETS

- 14. a) Where a Designated Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Designated Officer is authorized and empowered to issue a Violation Tag to any person who the Designated Officer has reasonable grounds to believe is responsible for the contravention.
- b) A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of actual service upon the person or by mailing a copy to the Person at his/her address as it appears on the tax roll.
- c) 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 to the Town, the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the person and within fourteen (14) days if served by mail.
- d) Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Designated Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, to any person that the Designated Officer has reasonable ground to believe contravened a provision of this Bylaw.

- e) Notwithstanding Section 14.d, a Designated Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Designated Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag had first been issued. Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a Violation Ticket.
- f) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule “B” of this Bylaw in respect of that provision.

SEVERABILITY

15. It is the intention of Council that:

- a) Each separate provision of this Bylaw shall be deemed independent of all other provisions; and
- b) If any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
- c) No action shall be taken against an official of the Town of Coalhurst for acting, in good faith, under authority of this Bylaw for damages for the destruction or other disposal of any cat.

16. This Bylaw hereby rescinds Bylaw No. 298-04.

17. This Bylaw shall come into force and effect upon the third and final reading thereof.

READ A FIRST TIME THIS 7TH DAY OF SEPTEMBER A.D., 2021

READ A SECOND TIME THIS 7TH DAY OF SEPTEMBER A.D., 2021

READ A THIRD TIME AND PASSED THIS 7TH DAY OF SEPTEMBER A.D., 2021

MAYOR

CHIEF ADMINISTRATIVE OFFICER



SCHEDULE "A"

TOWN OF COALHURST CAT TRAPPING AGREEMENT

THE CAT TRAP LENT OUT BY THE TOWN OF COALHURST IS CONSIDERED TO BE A FEASIBLE AND HUMANE WAY OF DEALING WITH UNWANTED CATS. HOWEVER, THE TRAP COULD VERY EASILY BECOME A TORTURE CHAMBER AND VERY INHUMANE IF THE FOLLOWING INSTRUCTIONS ARE NOT FOLLOWED:

1. Only approved traps as provided by the Town of Coalhurst are to be used.
2. The borrower is responsible should a cat be mistreated after being trapped.
3. Regardless of which day in the week the trap is taken out it must be returned on Friday of the same week by 12:00 NOON.
4. Traps can only be set on the borrower's property or in the case of a renter on his rented property.
5. The lender must check the trap hourly and if no cat is caught before going to bed or leaving the residence, the trap should be tripped to avoid a cat being caught and spending a prolonged time in an unchecked trap. The trap should only be re-set when it can be monitored and checked hourly.
6. No trap is to be left operational when the temperature is above plus 25⁰ degrees Celsius or below negative 10⁰ Celsius. At the time of requesting a trap to be lent out if these temperatures exist or when wind, rain, snow or other extreme weather conditions exist or when the weather forecast calls for extreme weather conditions, at the discretion of the Peace Officer/Bylaw Enforcement Officer/Animal Control Officer, the traps will not be available for use.
7. When a cat is caught the trap is to be moved to a location where it is protected from the weather and conditions outside or any other conditions that may bring harm to the animal until such time that it is dropped off and delivered to the Town or picked up by the Peace Officer/Bylaw Enforcement Officer/Animal Control Officer or other Town employee. When a cat is trapped outside of the hours that the Town Office is open the lender must immediately the next morning contact the Peace Officer/Bylaw Enforcement Officer/Animal Control Officer at 403-635-2529 or contact the Town Office at 403-381-3033 and arrange to drop the cat off or have it picked-up during regular business hours.
8. No cat will be accepted after the Town's regular working hours, or between 12:00 NOON Friday and 8:00 A.M. Monday.
9. If at any time it is found that a resident is not adhering to the conditions set out in this agreement, the service will be withdrawn immediately.
10. The borrower is responsible for the trap while in his/her possession. If the trap is not returned or if the trap is stolen or damaged in any way the borrower will be required to pay a user fee of \$50.00.
11. The borrower hereby indemnifies the Town of Coalhurst from and against any and all claims and actions for damage, losses, expenses or claims of any nature to any person or property arising in any way whatsoever out of the use and operation of the cat trap received by the borrower.

I am a resident of the Town of Coalhurst and have read and agree to the terms and conditions as stated above.

NAME OF BORROWER: _____(PRINT)

HOUSE ADDRESS: _____

TELEPHONE NUMBERS: _____HOME _____(WORK)

DATE/TIME TRAP TAKEN: _____

TRAP # _____

SIGNATURE OF BORROWER: _____

SIGNATURE OF TOWN STAFF: _____

DATE/TIME TRAP RETURNED: _____

THE TRAP WAS RETURNED IN GOOD CONDITION: _____

DAMAGE(S) TO TRAP: _____

USER FEE ASSESSED? _____ YES _____ NO

SIGNATURE OF TOWN STAFF: _____

This personal information is being collected under the authority of the Town of Coalhurst for the purpose of trapping. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Coalhurst FOIP Coordinator at 403-381-3033.

SCHEDULE “B”

**TOWN OF COALHURST
OFFENCES/FEES**

OFFENCE	1ST OFFENCE	2ND OFFENCE	3RD OFFENCE
Own or Harbour More Than Two (2) Cats	\$100	\$150	\$200
Run at Large	\$100	\$150	\$200
Damage Property	\$100	\$150	\$200
Entice Cat to Run at Large	\$200	\$300	\$400
Tease Cat in Trap	\$250	\$500	\$1000
Throw/Poke Object in Trap with Cat Inside	\$500	\$1000	\$2000
Fail to Check Trap Hourly	\$250	\$500	\$1000
Leave Trap Unattended	\$250	\$500	\$1000
Leave Trap Set Outside Hours Set in Schedule “A”	\$250	\$500	\$1000
Fail to Deliver as Set in Schedule “A” (7)	\$250	\$500	\$1000

FEES

1. Fees
 - (a) Impound Fee \$50.00
 - (b) Care and Sustenance (per day or Portion thereof to commence at midnight on the day of impound) \$10.00
 - (c) Veterinary Fee amount expended
 - (d) Drop-off Fee (for cats owned by the individual and not trapped) \$30.00
 - (e) Euthanasia Fee as set by veterinarian
 - (f) Refundable deposit of sterilization \$100
2. All assessed fees are to be paid before a cat can be redeemed. Shop personnel will not release a cat until a receipt is issued by the Town Office.
3. Should the owner of a cat request that the Town take their cat and have it euthanized they must sign a waiver and pay the fee established in 1(e) above. In this instance the cat does not have to be kept for 72 hours but can be taken to the veterinarian immediately.
4. The fees incurred for cats picked up in other municipalities and held in Town kennels will be billed directly to the individual municipality, if the owner of the cat is not found.