

TOWN OF DRAYTON VALLEY

BYLAW NO. 2000-08

A Bylaw of the Town of Drayton Valley in the Province of Alberta, providing for the regulation and control of cats within the corporate limits of the Town of Drayton Valley.

AND WHEREAS Council deems it advisable to regulate and control the running at large of cats in the Town of Drayton Valley.

AND WHEREAS pursuant to the Municipal Government Act, being Chapter M-26.1. of The Statutes of Alberta, 1994 as amended, the Council has authority to pass such a Bylaw;

NOW THEREFORE the Municipal Council of the Town of Drayton Valley, in the Province of Alberta, duly assembled, enacts as follows:

PART I TITLE

1 Section 1

This Bylaw may be cited as the Drayton Valley Cat Control Bylaw.

PART II DEFINITIONS

2 Section 2

In this Bylaw, unless the context otherwise requires, the word, term or expression:

- 2.1 **"ANIMAL CONTROL OFFICER"** shall mean any person, firm or corporation appointed by Council to carry out the provisions of this Bylaw.
 - 2.1.1 Wherever the term "Animal Control Officer" is found in this Bylaw it shall encompass but is not limited to the following; Bylaw Enforcement Officer, Peace Officer, or their designate.
- 2.2 **"CAT"** shall mean a member of the Felidae Family.
- 2.3 **"COMPLAINANT"** a person authorized to use a live trap to catch a nuisance cat, which will then be turned over to the animal control officer.
- 2.4 **"COUNCIL"** shall mean the Municipal Council of the Municipality of the Town of Drayton Valley in the Province of Alberta.
- 2.5 **"DAY"** shall mean a continuous period of twenty-four (24) hours.
- 2.6 **"FORMER OWNER"** shall mean the person who at the time of impoundment was the owner of the cat, which has subsequently been sold or destroyed.
- 2.7 **"KENNEL"** shall mean a dwelling, shelter, room or place so considered, housing or keeping of three (3) or more cats over the age of three (3) months.
- 2.8 **"NUISANCE"** shall mean a noxious or offensive or bothersome act, which impairs the use and enjoyment by another person of their property, or prejudicially affects their health, comfort or convenience.
- 2.9 **"LIVE TRAP"** shall mean an approved device obtained from the Town of Drayton Valley office for the humane catching of nuisance cats and used as per the **"LIVE TRAP"** operations policy approved by council.

2.10 "OWNER" means any person:

2.10.1 Who is the occupier of a house or premises, or where there are more occupiers than one in a house or premises living in separate apartments or lodgings, or otherwise, the occupier of that particular part of the house or premises in which a cat or other domestic animal is kept, harboured or permitted to live or remain at the time of committing a breach of this Bylaw shall be presumed to be the owner of the cat at the time and "Owner" shall include any person who admits to the Animal Control Officer or Poundkeeper, ownership or control of an impounded cat and any keeper of a cat.

2.10.2 Having, possessing or having charge of or control over any cat; or

2.10.3 Harboring or keeping any cat; or

2.10.4 Suffering or permitting any cat to remain about his property or premises; or

2.10.5 Who owned a cat as defined in Subsections 2.10.1, 2.10.2, 2.10.3 and 2.10.4 before the cat was impounded and subsequently sold or destroyed.

2.11 "PHYSICAL CONTROL" – shall mean

- a) restrained by a leash not exceeding three (3) meters in length; or
- b) kept in:
 - i) a container;
 - ii) an enclosure;
 - iii) a motor vehicle.

2.12 "POUNDKEEPER" shall mean any person or persons duly authorized to operate a pound and may include a Bylaw Enforcement Officer.

2.13 "RUNNING AT LARGE" – a cat shall be deemed to be Running At Large when found in any place other than the owners property and not under the physical control of any competent person by a leash or other similar device.

2.14 "POUND" means the premises designated by the Council for the purpose of impounding and caring for all cats found to be Running At Large in violation of this bylaw.

2.15 "TOWN" shall mean the Municipal Corporation of the Town of Drayton Valley in the Province of Alberta.

2.16 "VETERINARIAN" shall mean a person duly authorized to practice in Alberta, that branch of medicine which deals with the investigation, treatment ,and prevention of disease in animals

2.17 "VIOLATION TAG" – shall mean a tag or ticket wherein the person alleged to have violated a provision of the Bylaw is given an opportunity to pay a voluntary penalty to the Town in lieu of prosecution for the violation.

PART III LICENSING

3 Section 3

3.1.1 Every owner of a cat over the age of three (3) months within the Town, shall annually, on or before the first day of January in each year, cause each cat to be licensed for the current year by making an application for a cat license to the Town Office, and the said owner shall cause the license tag so issued to be worn on a collar around the neck of the cat.

- 3.1.2 All license fees are due and payable on or before January 1st in each year and any Owner who - does not pay such fee shall be guilty of an offence and liable upon conviction to a fine as provided in **Schedule "C"** attached hereto. Every license shall expire on December 31st in each year for which a license is issued.
- 3.1.3 A person who becomes an owner of a cat during the year or who is an owner and moves into the Town during the year shall make an application for a cat license to the Town Office, and the said owner shall cause the license tag so issued to be worn on a collar around the neck of the cat.
- 3.1.4 When making application for a license pursuant to Section 3, subsection 3.1.1 or 3.1.3, the owner shall pay the Town fees as per attached Schedule "B".
- 3.1.5 Each license issued pursuant to this Bylaw for a specified cat shall not be transferred to any other animal.
- 3.1.6 In the case that a license tag becomes lost in any way, a new tag will be issued for the sum set out in **Schedule "B"**.

PART IV OFFICIALS

4 Section 4

- 4.1 The Council may, by resolution, appoint one or more person to the position of Animal Control Officer and/or Poundkeeper, as it deems necessary for the carrying out of the provisions of this Bylaw.
- 4.2 The Animal Control Officer and/or Poundkeeper shall keep an up-to-date record of all complaints, notices and reports and a similar record of the disposition thereof.
- 4.3 The Animal Control Officer, Bylaw Enforcement Officer or any Peace Officer or their designate in order to enforce the provisions contained in this Bylaw may enter onto the land surrounding any building in pursuit of any cat which has been or is running at large.
- 4.4 The Animal Control Officer shall inform the Medical Officer of Health or a veterinarian when in the opinion of the Animal Control Officer there is risk that a cat may be rabid or carry any other communicable disease.
- 4.4.1 Any cat so taken into custody and confined shall not be destroyed unless its destruction is ordered by the Animal Control Officer or designate.
- 4.4.2 The fine as provided in this Bylaw shall not apply when a cat is taken into custody and confined pursuant to the terms of this section. Pound costs and all other additional costs such as veterinarian, immunization, laboratory tests, or any other costs as may be required or ordered by the Medical Officer of health or his/her assistant shall be borne by the owner of such cat.
- 4.4.3 The active immunization of the Animal Control Officer and/or Poundkeeper against rabies is considered a requirement and condition of employment.

PART V OFFENSES

5 Section 5

- 5.1 No cat owner shall allow his/her cat to run at large in the Town at any time.
- 5.2 No cat owner shall allow his/her cat to:
- a) cause damage to private or public property;
 - b) molest or attack any person on any public street or place in the Town.

- c) cause a disturbance, habitually scream, or otherwise disturb the peace, quiet or repose of a person;

5.3 No person shall.

- a) remove or attempt to remove any cat from the possession of the Animal Control Officer engaged in the enforcement of the provisions of this Bylaw, or
- b) hinder, delay or obstruct the Animal Control Officer when he/she is impounding a cat.

5.4 No cat shall cause a nuisance.

5.5 No person shall allow, permit or cause his or her cat/cats to defecate on any public or private property. The owner of the cat/cats shall cause the defecation to be removed immediately.

5.6 No person shall allow, permit or cause his or her cat/cats to dig in or displace any garbage, contained or otherwise, within the Town of Drayton Valley.

5.7 No person shall maintain in excess of two cats on their property, unless it is at an approved animal hospital or kennel. This sub-section does not apply to those situations that were existing prior to the passing of this bylaw.

5.8 Any person found to be in contradiction to this Bylaw who is guilty of an offence, is liable for the penalties provided for in **Schedule "C"** of this Bylaw.

5.9 A ticket having printed wording approved by the Chief Administrative Officer of the Town, may be issued by a Bylaw Enforcement Officer or Peace Officer to any person alleged to have breached any provision of this Bylaw, and the said ticket shall require the payment to the Town of Drayton Valley in the amount specified in this Bylaw.

5.10 A ticket shall be deemed to be sufficiently served:

- a) if served personally on the accused; or
- b) if mailed by regular mail to the address of the Owner or person accused.

PART VI IMPOUNDING

6 Section 6

6.1 The Animal Control Officer, Bylaw Enforcement Officer or Peace Officer is authorized to capture and impound any cat found contrary to the provisions of this Bylaw and all cats which he finds wounded, distressed, abandoned or diseased.

6.2 Council shall establish one or more Pounds for keeping impounded cats at a place or places approved by the Council and the Council shall make all rules and regulations not inconsistent with this Bylaw pertaining to the conduct of the Poundkeeper and the administration of the approved Pound or Pounds.

6.3 (a) The Poundkeeper shall keep all cats impounded for a period of at least seventy-two (72) hours including the day of impounding. Sundays and statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any healthy cat may be redeemed by its Owner upon the Owner paying to the Town the appropriate fine where applicable, plus impoundment fees in the sum set out in **Schedule "C"** hereto for every twenty-four (24) hour period or portion thereof that the cat has been impounded plus where the cat is required to be licensed and is not licensed, the appropriate fee.

- (b) If at the expiration of the seventy-two (72) hours any impounded cat has not been redeemed, such cat may be sold or destroyed.

- (c) Any cat which, in the sole discretion of a Bylaw Enforcement Officer, requires and receives veterinary care may not be redeemed except upon payment of the cost of such care
 - (d) Any impounded cat which appears to be suffering from any disease shall be held subject to the jurisdiction of the Health of Animals Branch of the Department of Agriculture for an appropriate action.
- 6.4 Any person removing or attempting to remove any cat from the possession of the Poundkeeper without payment of all fines and fees, shall be guilty of an offence and liable under conviction to a fine as provided in Schedule "C" attached hereto.
- 6.5 The owner of a cat that has been retrieved from the pound is responsible for transporting the cat from the pound.
- 6.5.1 Any cat not claimed within the seventy-two (72) hours of impoundment may be destroyed and costs of board and euthanasia of the cat will be paid by the Town of Drayton Valley.
- 6.6 Any resident of the Town of Drayton Valley may obtain from the Town of Drayton Valley, an approved live trap device for the catching of nuisance cats on their property.
- 6.6.1 Any cat captured by a resident shall be turned over to the Animal Control Officer at the earliest opportunity.

PART VII GENERAL

7 Section 7

- 7.1 No action shall be taken against any person acting under authority of this Bylaw for damages for destruction or other disposal of any animal.
- 7.2 Any person who hinders, delays or obstructs any person or persons engaged in enforcing any provision of this Bylaw, or impounding of any cats liable to be impounded under the provisions of this Bylaw, shall, for each and every hindrance, delay or obstruction, be guilty of an offence and liable upon conviction to a fine as provided in **Schedule "C"** attached hereto.
- 7.3 Any person who deliberately or willfully and with malicious intent, injures, hurts or otherwise harms any animal shall be guilty of an offence and liable upon conviction to a fine as provided in **Schedule "C"** attached hereto.
- 7.4 Every section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

PART VIII ENACTMENT

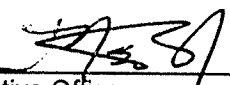
8 Section 8

This Bylaw shall come into forces and have effect upon third reading.

READ a first time this 26 day of APRIL 2000.

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Mayor

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Chief Administrative Officer

READ a second time this 1 day of Nov 2000.

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Mayor


acting * 

Chief Administrative Officer

READ a third time this 21 day Feb. of 2001



Mayor

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Chief Administrative Officer

SCHEDULE "B"
TOWN OF DRAYTON VALLEY
 5120 – 52 Street
 Box 6837
 Drayton Valley, Alberta
 T7A 1A1

BYLAW NO.2000-08

Tag No.: _____ Date: _____

Name of Owner: _____

Address: _____

Telephone: _____

Description of Cat _____

LICENSE FEES	First Animal	Second Animal	Third or more Animals	Replacement Tags	One time fee
Non-spayed	\$7.00	\$6.00	\$5.00	\$10.00	
Spayed	\$7.00	\$6.00	\$5.00	\$10.00	
Neutered	\$7.00	\$6.00	\$5.00	\$10.00	
Non-neutered	\$7.00	\$6.00	\$5.00	\$10.00	
Micro-chipped					\$25.00

**** Annual renewal of records of same animal and tag—No Charge**

SCHEDULE "C"

ANIMAL SHELTER FEES

Animal Shelter Fees - as established by resolution of the Town of Drayton Valley

Boarding Fees - \$10.00 per day

PENALTIES

Offenses and the amount which the Town of Drayton Valley will accept in lieu of prosecution

OFFENSE	SPAYED or NEUTERED	NOT SPAYED or NEUTERED
Failure to obtain a license	\$15.00	\$15.00
Running at large:		
First Offence	\$25.00	\$50.00
Second Offence	\$50.00	\$100.00
Third Offence	\$75.00	\$150.00
Permit a Cat to Damage Public or Private Property:		
First Offence	\$15.00	\$15.00
Second Offence	\$30.00	\$30.00
Third Offence	\$45.00	\$45.00
Permit a cat/cats to howl excessively or to disturb the peace, quiet or repose of any person:		
First Offence	\$15.00	\$15.00
Second Offence	\$30.00	\$30.00
Third Offence	\$45.00	\$45.00
Failure to immediately remove cat's defecation from public or private property other than the property of the cat's owner:		
First Offence	\$15.00	\$15.00
Second Offence	\$30.00	\$30.00
Third Offence	\$45.00	\$45.00
Dig in or Displace Garbage:		
First Offence	\$15.00	\$15.00
Second Offence	\$30.00	\$30.00
Third Offence	\$45.00	\$45.00
Interfere with Enforcement:		
First Offence	\$50.00	\$50.00
Second Offence	\$75.00	\$75.00
Third Offence	\$100.00	\$100.00