

# **BYLAW 837/12**

## **Cat Control Bylaw**

of the

### **TOWN OF BASSANO**

in the Province of Alberta

Being a Bylaw of the Town of Bassano for licensing, regulating and confinement of cats.

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**WHEREAS** the Council for the Town of Bassano wishes to regulate and control cats, in the Town of Bassano; and

**WHEREAS** by virtue of the power conferred on it by the Municipal Government Act R.S.A. 2000, Chapter M-26, as amended thereto, provides that the Council of a Municipality may pass bylaws regarding wild and domestic animals and activities in relation to them;

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

#### **SECTION 1 – SHORT TITLE**

1.1 This Bylaw shall be known and may be cited as the "**Cat Control Bylaw**" of the Town of Bassano.

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#### **SECTION 2 - DEFINITIONS AND INTERPRETATIONS**

2.1 In this bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

**At Large"** shall mean a Cat that is present at any place other than the property of its Owner and which is not being carried by any person, or is not otherwise restrained by a person controlling the Cat by means of a securely fastened leash;

**"Blitz Periods"** shall mean the purpose of eliminating strays, wild or feral Cats. Enforcement of this Bylaw will only take place upon receipt of written complaints from an adult member of the general public;

**"Bylaw"** means the Town of Bassano Cat Control Bylaw No. 837/12 as may be amended from time to time;

- "Cat"** shall mean either the male or female of the feline family;
- "Cat Control Officer"** shall mean an employee or independent contractor appointed by the Town to enforce the provision of the Town Bylaws, includes a member of the Royal Canadian Mounted Police, Community Peace Officer or a Bylaw Enforcement Officer is a Designated Officer for the purposes of Section 542 of the Municipal Government Act;
- "Licensee"** shall mean the minimum age required to obtain a Cat License is 18 years of age;
- "License Fee"** shall be the fee set out in Schedule "B" of this Bylaw;
- "Licence Tag"** shall mean an identification tag issued by the Town of Bassano, showing the license number for a specific cat;
- "Nuisance"** includes fighting with other cats, defecating or urinating on private property without permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds, gardens or garbage containers and trespassing on private property;
- "Owner"** shall mean a person:
- (a) Who has the care, charge, custody, possession or control of a Cat;
  - (b) Who owns or claims any proprietary interest in a Cat;
  - (c) Who harbours, suffers or permits a Cat to be present on any property owned or under his/her control;
  - (d) Who claims and receives a Cat from the custody of the Town Cat Shelter, or a Cat Control Officer;
  - (e) To whom a License Tag was issued for a Cat in accordance with this Bylaw;
  - (f) A person to whom a license has been issued under Section 3 of this bylaw.
- "Possession"** shall mean:
- (a) Exercising physical or effective control of a Cat;

- (b) Having been given physical or effective control of a Cat by its Owner for the purpose of controlling the Cat for a specific period of time;

- "Owner's Property"** means any property in which the Owner has a legal or equitable interest or which is otherwise under the control or in the possession of the Owner, and which property shall include land, buildings, apartment units, condominiums, mobile home trailers and vehicles;
- "Permitted Property"** means private property upon which the Owner of a cat has the express permission of the owner of the property or a person in control or possession of the property to allow the Owner's cat;
- "Replacement License Tag"** shall mean a License Tag to replace a lost or damaged License Tag, pursuant to Section 3.10, herein;
- "Public Property"** shall mean property owned by or under the control and management of the Government of Canada, Government of Alberta, or the Town, contained within the boundaries of the Town;
- "Town"** shall mean the Town of Bassano, a municipal corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Bassano, as the context may require;
- "Town Cat Shelter"** shall mean premises designated by the Town for the impoundment and care of Cats;
- "Violation Tag"** shall mean a written notice, in a form approved by the Town, issued by a Cat Control Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Town Office within a set time period, that person will avoid prosecution for the offence;
- "Violation Ticket"** shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.

**SECTION 3 - LICENSING/IDENTIFICATION TAG PROVISIONS**

- 3.1 A Licensee under the age of 18 years of age is guilty of an offense.
- 3.2 The maximum number of Cats per Owner's Property shall be restricted to two (2) cats over the age of six (6) weeks.
- 3.3 Every person who resides within the municipal boundaries of the Town and being the Owner of a Cat over the age of six (6) weeks shall on or before the thirty-first (31st) day of January in each year, pay the License Fee as set out in Schedule "B" of this Bylaw, and obtain a License Tag for each Cat for the current year by the thirty-first (31st) day of January, by applying at the Town Office.
- 3.4 Every person who resides within the municipal boundaries of the Town who becomes the Owner of a Cat, or a person who takes up residence within the municipal boundaries of the Town and who is the Owner of a Cat which is not licensed in accordance with this Bylaw, shall pay the License Fee, as set out in Schedule "B" of this Bylaw, and obtain a License within fourteen (14) days after becoming the Owner of the Cat or being the Owner of the Cat and taking up residence within the Town.
- 3.5 On applying for a Cat License, the Cat owner shall provide information as required in Schedule "C" and it is the responsibility of the Cat owner to ensure that the information supplied is kept current or up to date.
- 3.6 Any person who provides the Town with false or misleading information with respect to the information required in Section 3.5 herein is guilty of an offense.
- 3.7 License Tags are not transferable from one Cat to another and no refund shall be made on any paid License Fee because of the death or sale of the Cat or upon the Owner's leaving the Town before the expiration of the license period.
- 3.8 Upon payment of the required License Fee as described in Schedule "B" and providing to the Town with the information set out at Section 3.5 herein, an Owner will be supplied by the Town with an License Tag having a number which will be registered to that Cat.
- 3.9 An 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 when the Cat is on property other than the property of the Cat Owner.
- 3.10 An Owner of a Cat, which has been licensed under this Bylaw, may obtain a Replacement License Tag to replace one, which has been lost or damaged, upon payment of the Replacement License Tag fee as set out in Schedule "B" of this Bylaw.

**SECTION 4 - OFFENCES AND RESPONSIBILITY OF OWNER**

- 4.1 A resident of Bassano who is the Owner of a Cat is guilty of an offence if he fails to obtain a license for such Cat;
- 4.2 The Owner of a Cat is guilty of an offence if such Cat:
- (a) Runs At Large;
  - (b) Is without a collar, chain or harness and Tag while off the premises of its Owner;
  - (c) Is a Cat in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner;
  - (d) Defecates on any Public or any Owner's Property other than the property of its Owner and the Owner or person in control of the Cat fails to immediately remove such defecation;
  - (e) Is within a site containing playground apparatus and/or sand play area located on Public or any Owner's Property other than the property of its Owner;
  - (f) Stalks or kills birds on Public or any Owner's Property other than the property of its Owner;
  - (g) Damages Public or any Owner's Property other than the property of its Owner;
  - (h) Bites or scratches any person or animal;
  - (i) Attacks or injures any person or animal.
- 4.3 The Owner of a Cat is guilty of an offence if the Owner:
- (a) Fails to provide identification (Name, Address and Cat Tag number) and proof thereof to a Cat Control Officer;
  - (b) Provides false or misleading information to a Cat Control Officer.
- 4.4 No more than two (2) Cats shall be harbored, suffered, or permitted to remain upon any Owner's property within the Town unless:
- (a) The premises are lawfully used for the care and treatment of Cats operated by and under the charge of a registered veterinarian;

- (b) The Owner is the holder of a valid and subsisting development permit to operate a kennel, animal hospital, shelter, pound, or other animal operation as authorized by the Land Use Bylaw;
- (c) The Cats in excess of the limit are under six weeks of age and the offspring of a licensed Cat residing at the same location;
- (d) The owner of an animal that has been grandfathered shall be allowed to continue to license those grandfathered animals until such time as the animal shall become deceased or is no longer the animal of the current owner. The owner will only be allowed to replace a cat if they have fewer than two (2) cats and meet the other requirements of this Bylaw.

### **SECTION 5 – IMPOUNDMENT**

- 5.1 Except as otherwise provided herein, a Cat Control Officer or any person acting under the authority of a Cat Control Officer is hereby empowered to carry out the duties described herein and to enforce the provisions of this Bylaw.
- 5.2 A Cat Control Officer is authorized to periodically as circumstances dictate, to conduct live trappings or capture of Cats found running at Large or deems to be a nuisance within the Town, as a method of controlling wild, feral or stray Cats and all Cats so trapped shall be impounded.
- 5.3 An impounded Cat shall be kept in the Town Cat Shelter for a minimum period of three (3) days. Sundays and Statutory holidays shall not be included in the calculation of the time period, however, any Cat may be reclaimed by its owner during this period, except as provided in this Bylaw, upon payment to the Town of:
  - (a) The appropriate license fee when a Cat is not licensed set out in Schedule "A" of this Bylaw; and
  - (b) The appropriate catching and impoundment fee as set out in Schedule "B" of this Bylaw;
  - (c) The cost of any veterinary treatment of any Cat that is found to be injured when captured or injured in the process of capture;
- 5.4 Upon having been impounded in the Town Cat Shelter for a period of three (3) days in accordance with the provisions of Section 5.2 or 5.3 herein, the Cat Control Officer is authorized to:
  - (a) Allow the Cat to be redeemed by its Owner in accordance with the provisions of this Bylaw;

- (b) Offer the Cat for sale;
  - (c) Destroy the Cat in a humane manner; or
  - (d) If not claimed or sold, release the Cat to a recognized humane society, free of charge.
- 5.4 If a Cat Control Officer reasonably believes that a Cat is ill, injured, apparently carrying a communicable disease or in an unhealthy condition, the Cat Control Officer shall report same to a veterinarian and act upon his/her recommendation with respect to treatment or possible immediate euthanasia. The owner, if known, shall be responsible for payment of all costs incurred by the Town with respect to any medical treatment received by the owner's cat pursuant to this paragraph. The owner will be responsible for such costs whether or not the Cat is retrieved from the Town Cat Shelter.

#### **SECTION 6 - PENALTY PROVISIONS**

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine as set out in Schedule "A" of this Bylaw.
- 6.2 Notwithstanding Section 6.1 of this Bylaw, any person who commits a second or subsequent offense under this Bylaw within one (1) year of committing the first offense may be liable to a fine as set out in Schedule "A" of this Bylaw.
- 6.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

#### **SECTION 7 – ENFORCEMENT**

- 7.1 A Cat Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Cat Control Officer has reasonable and probable grounds to believe has contravened any provision in this Bylaw.
- 7.2 A Violation Tag may be issued to such person:
- (a) Personally; or
  - (b) By mailing a copy to such person at his last known post office address; or
  - (c) Upon retrieval of such person's Cat from the Town Cat Shelter.

- 7.3 The Violation Tag shall be in a form approved by the Town and shall state:
- (a) The name of the Owner;
  - (b) The offense;
  - (c) The appropriate penalty for the offense as specified in Schedule "A" of this Bylaw;
  - (d) That the penalty shall be paid within fourteen (14) days of the issuance of the Violation Tag, and
  - (e) Any other information as may be required by the Town.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Cat Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to Section 7.1 and 7.4 of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Town within the time specified in Section 7.3. Subsection (d) herein, a reduced early payment penalty specified on the Violation Tag, and as set out in Schedule "A" of this Bylaw.
- 7.6 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Cat Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket, with the issuance of a Violation Ticket to be carried out in accordance with the provisions of the Provincial Offenses Procedure Act R.S.A. 2000, Chapter P-34 as amended.
- 7.7 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by the Cat Control Officer, provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.

## **SECTION 8 - GENERAL OFFENSES**

- 8.1 No person, whether or not he/she is the owner of a Cat which is being or has been pursued or captured shall:
- (a) Interfere with or attempt to obstruct a Cat Control Officer who is attempting to capture or who has captured any Cat in accordance with the Bylaw;



- (b) Open the van or vehicle in which Cats captured for impoundment have been placed, so as to allow or attempt to allow any Cat to escape therefrom; or
  - (c) Remove or attempt to remove any Cat from the possession of the Cat Control Officer; or
  - (d) Tamper with, damage or destroy any live trap set by the Cat Control Officer for the purpose of catching Cats at Large.
- 8.2 Any person who abuses, injures, teases, torments or annoys any Cat is guilty of an offense.
- 8.3 Any person who, without the authorization of the owner, unties, loosens or otherwise frees a Cat which is not in distress, is guilty of an offense.

**SECTION 9 - ENFORCEMENT PRACTICES**

- 9.1 With the exception of enforcement "blitz periods" for the purpose of eliminating strays, wild or feral Cats, enforcement of this Bylaw will only take place upon receipt of written complaints from an adult member of the general public.

**SECTION 10 - EFFECTIVE DATE**

- 10.1 This Bylaw shall come into force on July 1, 2012.

Read a first time this 28th day of May, 2012.

Read a second time this 28th day of May, 2012.

Read a third time and finally passed this 28th day of May, 2012.

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Mayor

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Chief Administrative Officer

**Town of Bassano  
Bylaw 837/12**

**Schedule "A"**

**OFFENSES AND PENALTIES**

<b>Offense</b>	<b>Penalties</b>	<b>Early Payment Penalty</b>	<b>Second or subsequent offense within one year</b>	<b>Early Payment Penalty</b>	<b>Section Subsection</b>
1. Unlicensed	50.00	45.00	--	--	4.1
2. Runs at large	25.00	20.00	50.00	45.00	4.2 (a)
3. Without a collar, harness or chain displaying tag off owners property	45.00	30.00	75.00	45.00	4.2 (b)
4. In heat and not confined and housed in the residence of owner	100.00	75.00	200.00	150.00	4.2 (c)
5. Defecates on Public or Owner's Property other than their own	100.00	75.00	200.00	150.00	4.2 (d)
6. Within site containing playground apparatus/ and or sand play area	100.00	75.00	200.00	150.00	4.2 (e)
7. Stalks or kills bird on Public Property or an Owner's Property other than their own	100.00	75.00	200.00	150.00	4.2 (f)
8. Permit Cat to Damage Public property or an Owner's Property other than their own	150.00	112.50	300.00	225.00	4.2 (g)
9. Bites, scratches or attacks any person or animal	250.00	200.00	500.00	400.00	4.2 ( h-i)
10. Provide false information	375.00	300.00	750.00	600.00	4.3 (a-b)

**Town of Bassano  
Bylaw 837/12**

**Schedule "A"**

**OFFENSES AND PENALTIES**

<b>Offense</b>	<b>Penalties</b>	<b>Early Payment Penalty</b>	<b>Second or subsequent offense within one year</b>	<b>Early Payment Penalty</b>	<b>Section Subsection</b>
11. More than 2 cats	250.00	200.00	500.00	400.00	4.4
12. Interfere/obstruct Bylaw Enforcement Officer	250.00	200.00	500.00	400.00	8 (a)
13. Release/attempt to Release Cat from Enforcement vehicle	250.00	200.00	500.00	400.00	8 (b)
14. Remove/attempt to Remove Cat from Bylaw Enforcement Officer	250.00	200.00	500.0	400.00	8 (c)
15. Tamper/damage/destroy Town owned live cat trap	200.00	150.00	400.00	300.00	8 (d)
16. Abuse, injure, tease, Torment or annoy Cat	100.00	75.00	200.00	150.00	8.2
17. Untie/loosen/free Cat not In distress	200.00	150.00	400.00	300.00	8.3

**Town of Bassano  
Bylaw 837/12**

**SCHEDULE "B"**

**FEES**

1.	License for each neutered male or spayed female Cat	\$20.00
2.	License for each Cat that has not been neutered or cat that has not been spayed	\$40.00
3.	Replacement License Tag	\$ 5.00
4.	Catcher's Fee	\$35.00
5.	Impoundment Fee	\$30.00
6.	Call out fee for releasing dogs at any time outside of the regular Public Works Department hours	\$50.00
7.	Veterinary Fees (Medical)	As Expended

**Town of Bassano  
Bylaw 837/12**

**"SCHEDULE C"  
APPLICATION FOR TOWN CAT LICENSE**

Licence Fee per Cat        \$20.00 neutered/spayed    \$40.00 not neutered/spayed  
Replacement Tag            \$5.00

Name of Owner \_\_\_\_\_

Property were Cat(s) will be housed \_\_\_\_\_

Address of Owner    Box \_\_\_\_\_        Bassano, AB    T0J 0B0

Phone Number Home \_\_\_\_\_        Work Number \_\_\_\_\_

Emergency Alternate Phone Number \_\_\_\_\_

1) Name of Cat \_\_\_\_\_        Tag Number \_\_\_\_\_

Description of Cat (Color/Sex/Special Marks etc.) \_\_\_\_\_  
\_\_\_\_\_

2) Name of Cat \_\_\_\_\_        Tag Number \_\_\_\_\_

Description of Cat (Color/Sex/Special Marks etc.) \_\_\_\_\_  
\_\_\_\_\_

Replacement Tag No.        \_\_\_\_\_    Issued for Cat :    1    or    2

It is understood that I am responsible for notifying the Town of Bassano of any changes to the above information. I also understand that I am responsible to ensure that my cat wears this tag. I also agree that if my cat is impounded without its tag the Town may not be able to notify me. I was made aware of the Cat Control Bylaw 837/12.

Date \_\_\_\_\_        Signature of Owner \_\_\_\_\_

Renewal Date \_\_\_\_\_        Signature of Owner \_\_\_\_\_

Renewal Date \_\_\_\_\_        Signature of Owner \_\_\_\_\_

Renewal Date \_\_\_\_\_        Signature of Owner \_\_\_\_\_

**NOTE: A COPY OF THIS FORM IS TO BE GIVEN TO THE APPLICANT FOR THEIR RECORDS AND ALSO IN CASE OF LOSS OF OR DAMAGE TO THE ORIGINAL TAG.**