

VILLAGE OF CLIVE
PROVINCE OF ALBERTA
BYLAW #513-16
CAT CONTROL BYLAW

BEING a Bylaw for the Village of Clive, Province of Alberta, to provide for the licensing, regulation and control of cats in the Village.

WHEREAS Council of the Village of Clive supports responsible pet ownership within the Village of Clive and will support and enforce that owners are caring and controlling their cats within the Bylaw rules.

NOW THEREFORE, the Council of the Village of Clive, in the Province of Alberta, duly assembled enacts as follows;

SHORT TITLE

This Bylaw may be cited as the “Cat Control Bylaw”.

DEFINITIONS – Part 1

1. “AT LARGE” means 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.
2. “CONTRACTOR” means a person under contract by the Village to maintain and administer a pound facility or animal shelter for Cats.
3. “BYLAW ENFORCEMENT OFFICER” means an employee or independent contractor appointed by the Village to enforce the provisions of the Village’s Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Peace Officer. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s.542 of the Municipal Government Act.
4. “CAT” means either male or female of the feline family;
5. “OWNER” means:
 - (a) a person who has the care, charge, custody, possession, or control of a Cat;
 - (b) a person who owns or claims a proprietary interest in a Cat;
 - (c) a person who harbors, suffers, or permits a Cat to be present on any property of the Owner or under that person’s control;
 - (d) a person who claims and receives a Cat from the custody of an animal shelter or a Bylaw Enforcement Officer, or;
 - (e) a person to whom a license has been issued under Part 2 of this bylaw.
6. “POSSESSION” means:
 - (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;
7. “PRIVATE PROPERTY” means all property within the Village other than property constituting Public Property.
8. “PUBLIC PROPERTY” means property owned by or under the control and management of the Village.
9. “RUNNING AT LARGE” means off the premises of the Owner and not under the control of any person.
10. “TAG” means a current metal or other Tag issued by the Village to an Owner for

each Cat he owns, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the master register book.

11. "VILLAGE" means the Village of Clive, in the Province of Alberta;
12. "VIOLATION TAG" means a written notice, in a form approved by the Chief Administrative Office, issued by a Bylaw Enforcement Officer, to advise a Person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Village Office within a set time period, that Person will avoid prosecution for the offence.
13. "VIOLATION TICKET" means 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.

LICENSING OF CATS – PART 2

1. A resident of Clive who is the Owner of any Cat aged six (6) weeks or older shall obtain a license for the Cat from the office of the Village of Clive as set out in the Rates and Fees Bylaw#511-16 as amended.
2. The Owner of every Cat shall, annually, on or before January 31st, renew the license for that Cat by submitting to the Village the annual licensing fee, as set out in the Rates and Fees Bylaw#511-16 as amended, along with any other information as may be required by the Village. A license shall be valid only for the year for which it was issued, regardless of actual date upon which the license was purchased;
3. Upon receipt of payment of the license fee for each Cat, a Tag indicating the year for which the fee has been paid and marked with a number corresponding to the number assigned to the Cat, shall be issued to the Owner;
4. Every Owner shall provide his Cat with a collar to which the Owner shall affix the Tag for such Cat and the Owner shall ensure that the collar and Tag are worn during those occasions when the Cat is not on the Owner's premises;
5. In case a Cat license Tag is lost or destroyed, a duplicate or replacement will be issued by the Village upon payment of a Replacement Tag Fee as determined in the Rates and Fees Bylaw #511-16 as amended, by the Owner and provided the Owner can present a receipt of payment of the license fee for the current Cat license year or the Village administrative records indicate such payment was made;
6. Licenses and Tags are not transferable from one Cat to another and no refund shall be made on any paid up Cat license fee because of the death or sale of the Cat or upon the Owner's leaving the Village before expiration of the license period;
7. Any person that becomes the Owner of a Cat licensed under this Bylaw shall report the change of ownership to the licensing department of the Village and the Village shall transfer ownership of the license to that person, but no additional license fee shall be owing by that person to the Village for the year for which that license was purchased;

OFFENCES AND RESPONSIBILITY OF OWNER – PART 3

1. A resident of Clive who is the Owner of a Cat is guilty of an offence if he fails to obtain a license for such Cat.
2. The Owner of a Cat is guilty of an offence if such Cat:
 - (a) Runs At Large;
 - (b) is without a collar 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 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 Private 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 Private Property other than the property of its Owner;
 - (f) stalks or kills birds on Public or Private Property;
 - (g) damages Public or Private Property;
 - (h) bites any person or animal;
 - (i) attacks or injures any person or animal
3. The Owner of a Cat is guilty of an offence if the Owner:
 - (a) fails to provide identification (Name, Address, Date of birth and Cat Tag number) and proof thereof to a Bylaw Enforcement Officer;
 - (b) provides false or misleading information to a Bylaw Enforcement Officer.
 4. No more than three (3) Cats shall be harbored, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Town/Village unless:
 - (a) 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.

RESPONSIBILITIES OF VILLAGE ADMINISTRATION – Part 4

1. The Village of Clive shall arrange for a Pound to be established for the keeping and impounding of Cats and may do so by entering into an Agreement with a Contractor. A Contractor or any such Pound may make rules and regulations for the operation and management of the Pound, provided they are not inconsistent with this Bylaw.
2. The Bylaw Enforcement Officer may seize and impound any Cat found At Large.
3. In the active pursuit of any Cat while that Cat is At Large, any Bylaw Enforcement Officer empowered to apprehend Cats under this Part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
4. 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 Bylaw Enforcement Officer who was attempting to capture or who has captured any Cat in accordance with the provisions of this Bylaw;
 - (b) Unlock or unlatch or otherwise open the motor 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 Bylaw Enforcement Officer;

RELEASE OF IMPOUNDED CATS – Part 5

1. The Contractor shall keep all impounded Cats for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy Cat may be redeemed by its Owner, upon payment to the Contractor of:
 - (a) The appropriate license fee when a Cat is not licensed; and
 - (b) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;
2. At the expiration of the three (3) day period any Cat not redeemed may be kept, sold to a new owner, or be euthanized at the discretion of the Contractor. However, notwithstanding the care taken to ensure return of an Owner's Cat, if an impounded Cat is found to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by the Bylaw Enforcement Officer or Contractor.

3. The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Cat to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

TRAPPING OF CATS – Part 6

1. Any person, who has a complaint about a Cat At Large or causing damage to his or her property, may contact the Village Office or the Bylaw Enforcement Officer.
2. When a complaint is found to be valid the Bylaw Enforcement Officer may at their sole discretion make provision for a cat trap to be set on the property of the complainant.
3. A complainant, upon having a cat trap set on their property, shall comply with the Procedures and Guidelines for the Trapping of Stray Cats, annexed as Schedule “B” to this bylaw, and such other terms and conditions as the Bylaw Enforcement Officer may require.

PENALTIES – Part 7

1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule “A” herein and in default of payment of any fine, to imprisonment for up to one (1) year.
2. Notwithstanding Section 1 of this Part of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule “A”.
3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw;
4. A Violation Tag may be issued to such person:
 - (i) either personally;
 - (ii) by mailing a copy to such person at his last known post office address; or
 - (iii) upon retrieval of such person’s Cat from the Village’s Pound;
5. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (i) the name of the Owner;
 - (ii) the offence;
 - (iii) the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
 - (iv) that the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible prosecution; and
 - (v) any other information as may be required by the Chief Administrative Officer.
6. 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 the Village the penalty specified on the Violation Tag;
7. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
8. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. p-34, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.

9. Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
10. The Violation Ticket shall be served upon the person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended.
11. Should any Person be guilty of an offence for which no penalty is specified in Schedule “A” herein, then such Person shall be liable upon summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment of any fine, to imprisonment for up to one (1) year.

SEVERABILITY OF BYLAW PROVISIONS – Part 8

1. It is the intention of Village Council that each separate provision of this Bylaw shall be deemed independent of all provisions,
2. It is further the intention of Village Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

COMMENCEMENT OF ENFORCEMENT

1. This bylaw shall take effect on the 1st day of January 2017.

Read a first time this 27 day of June, 2016.

Read a second time this 18 day of July, 2016.

Read a third time and finally passed this 8 day of August, 2016.

Mayor

CAO

SCHEDULE “A”

**PENALTIES
INFRACTION**

1st OFFENCE 2nd OFFENCE 3rd OFFENCE

PART 3

Section 3.1 Fail to obtain a cat license	\$100.00	\$250.00	\$500.00
Section 3.2(a) Cat runs at large	\$100.00	\$250.00	\$500.00
Section 3.2(b) Fail to ensure collar and tag worn on cat	\$100.00	\$250.00	\$500.00
Section 3.2(c) Fail to confine cat in heat	\$100.00	\$250.00	\$500.00
Section 3.2(d) Fail to immediately remove cats defecation	\$100.00	\$250.00	\$500.00
Section 3.2(e) Cat in playground or sand area	\$100.00	\$250.00	\$500.00
Section 3.2(f) Cat stalks or kills birds	\$100.00	\$250.00	\$500.00
Section 3.2(g) Cat damages public or private property	\$100.00	\$250.00	\$500.00
Section 3.2(h) Cat biting causing minor injury to domestic animal or person	\$500.00	\$1,000.00	Court
Section 3.2(i) Cat causes severe injury to a domestic animal or person	\$1,000.00	\$2,500.00	Court
Section 3.3 Provide false or misleading information	\$500.00	\$1000.00	Court
Section 3.4 Harboring, suffering or permitting more than 3 cats at a residence.	\$100.00	\$250.00	\$500.00

PART 4

Section 4.4 (a) Interfering with a Bylaw Enforcement Officer	\$500.00	\$1000.00	Court
Section 4.4 (b) Unlocking or unlatching a vehicle with an impounded cat	\$500.00	\$1000.00	Court
Section 4.4 (c) Removing or attempting to remove a cat from the possession of a Bylaw Enforcement Officer	\$500.00	\$1000.00	Court

SCHEDULE "B"
PROCEDURE AND GUIDELINES FOR TRAPPING OF CATS

1. A resident of the Village of Clive who has a complaint about a Cat at large or causing damage to his or her property may report such complaints to the Bylaw Enforcement Officer.
2. If the complaint is found to be valid, the Bylaw Enforcement Officer may make provision for a cat trap to be set on the property of the complainant.
3. The complainant will be requested to sign a form and an agreement provided by the Bylaw Enforcement Officer or the Village of Clive.
4. The complainant will be required to pay a \$50.00 deposit for a cat trap. This deposit will be returned to the complainant when the trap is returned and is found to be in the same condition it was at the time it was provided by either the Bylaw Enforcement Officer or the Village of Clive.
5. It will be the responsibility of the complainant to check the trap hourly, or as approved by the Bylaw Enforcement Officer and, if an animal is caught, the complainant must contact the Bylaw Enforcement Officer within 24 hours following the trapping.
6. The Bylaw Enforcement Officer may enter and inspect the premises, other than the dwelling house of the complainant to set and periodically check a cat trap.
7. The complainant shall not leave a trap set on his or her property unattended when absent therefrom for any period of time whatsoever, except as approved by the Bylaw Enforcement Officer.
8. The complainant shall check the trap prior to 11:00 p.m. on each night that the trap is on his or her property and, if no animal is caught, he or she must, unless otherwise approved by the Bylaw Enforcement Officer, trip the trap and render it harmless until 6:00 a.m. the following day, when the complainant may again set the trap.
9. At such time as the Bylaw Enforcement Officer takes possession of a trapped Cat, the Bylaw Enforcement Officer will try to locate an identifying tag or tattoo on the Cat and, if found, will make every effort to contact the Owner of the Cat in order to report that it has been impounded by the Bylaw Enforcement Officer.
10. If an identification tag or tattoo cannot be found on the impounded Cat, the Bylaw Enforcement Officer will keep the Cat for a period of at least 72 hours and, after that time, as space permits. After said 72 hour period, it shall be at the discretion of the Bylaw Enforcement Officer as to whether or not the trapped Cat shall be kept, sold to a new owner, or be euthanized. However, notwithstanding the care taken to ensure return of an Owner's Cat, if a trapped Cat shall be found by the Bylaw Enforcement Officer to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by the Bylaw Enforcement Officer.
11. If the Owner of a Cat attends at the Animal Shelter for the purpose of claiming his or her Cat that was At Large, an offence ticket will be issued to the Owner in accordance with this Bylaw.
12. Any person seeing a Cat in a trap being abused is encouraged to telephone and report the abuse to the Bylaw Enforcement Officer, at which time the Bylaw Enforcement Officer will immediately attend to the premises where the abuse has taken place and will remove the Cat and the trap forthwith.
13. The Bylaw Enforcement Officer and the Village of Clive will not provide service after normal business hours.
14. No Cat traps will be distributed by the Bylaw Enforcement Officer or the Village of Clive to a complainant when weather conditions as, or are forecast to be, lower than +3 degrees Celsius or higher than 24 degrees Celsius within the 72 hour period from the time of issue.