

BYLAW NO. 3174/96

Being a bylaw of the City of Red Deer, in the Province of Alberta, to regulate and restrain the running at large of cats;

WHEREAS the *Municipal Government Act*, R.S.A., 1994, enables a Council of the City to pass bylaws respecting wild and domestic animals, and activities in relation to them;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1 This bylaw may be called the “Cat Bylaw”.

DEFINITIONS

2 For the purposes of this bylaw;

“**Animal Control Officer**” means a person employed from time to time by the Contractor under the contract between the City and the Contractor to enforce the provisions of this bylaw, or a person so appointed by the City or the Inspections and Licensing Manager;

“**Cat**” means either male or female of the feline family;

“**Contractor**” means a person employed or under contract by the City to enforce the provisions of this bylaw and maintain and administer an impound facility for cats;

“**Owner**” means any person:

- (a) owning or possessing or having charge of or control over any cat; or
- (b) harbouring any cat; or

- (c) suffering or permitting any cat to remain about his house or premises.

“Runs at Large” means off the premises of the Owner and not under the control of any person.

RESPONSIBILITIES OF THE OWNER

- 3 (1) No owner shall allow or permit his cat to run at large.
- (2) No owner shall allow or permit his cat to damage public property or the property of any other person.

RESPONSIBILITIES OF AN ANIMAL CONTROL OFFICER

- 4 The Animal Control Officer shall keep an up to date record of all complaints, notices, and reports regarding cats and a similar record of their disposition.
- 5 The Animal Control Officer, a Peace Officer, or a Bylaw Enforcement Officer may seize and impound any cat running at large.

INTERFERENCE WITH ENFORCEMENT OF A BYLAW

- 6 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 an Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer who is attempting to capture or who has captured any cat in accordance with the provisions of this bylaw; or
- (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 Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer.

RELEASE OF IMPOUNDED CATS

7 The Contractor 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 redeemed by its Owner upon payment to the Contractor of:

- (a) the appropriate fine, where applicable; and
- (b) kennel fees as specified from time to time in the contract between the City and the Contractor for every 24 hour period or fraction thereof that the cat has been impounded.

8 At the expiry of the 72 hour period, any cat not redeemed may be

destroyed or sold and the money kept by the Contractor.

- 9 The Contractor or Animal Control Officer 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 charges resulting therefrom.

TRAPPING OF CATS

- 10 Any person who has a complaint about a cat running at large or causing damage to his property, may obtain a cat trap from the Animal Control Officer.
- 11 A Complainant, upon receiving a cat trap, shall comply with the *Procedure and Guidelines For The Trapping Of Stray Cats*, annexed as Schedule "A" to this bylaw, and such other terms and conditions as the Contractor may require.
- 12 The provision of a cat trap to a Complainant shall be at the sole discretion of the Contractor or Animal Control Officer.

PENALTIES

- 13 Every Owner of a cat :
- (a) whose cat runs at large is guilty of an offence and, upon conviction, shall be liable for a fine of \$30.00;
 - (b) whose cat damages public or private property is guilty

of an offence and liable, upon conviction, to a fine of \$30.00;

- (c) who contravenes any provision of section 6 of this bylaw is guilty of an offence and, upon conviction, shall be liable to a fine of \$60.00;
- (d) who commits for a second time any of the offences listed in paragraphs (a), (b), and (c) herein, within 6 months of committing such offence the first time, shall be liable, upon conviction for such second offence, to a penalty of \$60.00.

14 (1) 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 Contractor; or

- (e) leave a set cat trap unattended, except as authorized by the Contractor; or
 - (f) leave a cat trap set between the hours of 11:00 p.m. on one day to 6:00 a.m. the following day, unless authorized by the Contractor; or
 - (g) fail to deliver a trapped animal to the Contractor within 24 hours of the time it is trapped.
- (2) Any person who contravenes this section is guilty of an offence and, upon conviction, shall be liable for a fine of \$510.00.

15 The Animal Control Officer, Peace Officer, or Bylaw Enforcement Officer may enforce the provisions of this bylaw and, where he has reasonable grounds to believe that a person has committed a breach of any provision of this bylaw, he may issue an offence ticket to an Owner of a cat alleged to have committed one or more of the offences hereinbefore described designating the specified penalty for such offence.

SEVERABILITY OF BYLAW PROVISIONS

16 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.

17 Bylaw No. 3009/90 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 15 day of July A.D. 1996.

READ A SECOND TIME IN OPEN COUNCIL this 15 day of July A.D. 1996.

READ A THIRD TIME IN OPEN COUNCIL this 15 day of July A.D. 1996.

AND SIGNED BY THE MAYOR AND CITY CLERK this 15 day of July A.D. 1996.

"G. D. SURKAN"

MAYOR

"KELLY KLOSS"

CITY CLERK

SCHEDULE "A"

PROCEDURE AND GUIDELINES FOR TRAPPING OF STRAY CATS

IDENTIFICATION SERVICE:

The Contractor will offer to residents of the City of Red Deer, at a nominal fee, a "Cat Identification Tag Service" for a period of 30 working days prior to any cat traps being released to a Complainant of the City of Red Deer.

PROCEDURE AND GUIDELINES:

- 1 A citizen of the City of Red Deer who is annoyed with damages done to his property as a result of a stray cat, may telephone the Contractor and voice a complaint, requesting a cat trap.
- 2 The Complainant will attend at the office of the Contractor and, if the complaint is found to be valid, the Complainant will be requested to sign the form and an agreement provided by the Contractor, and the Contractor will then provide a cat trap to the Complainant.
- 3 The Complainant will be required to pay a \$20.00 deposit to the Contractor. This deposit will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from the Contractor.

- 4 The Complainant will set the cat trap in a place shaded from the hot sun, on the premises of the Complainant for a period of not more than 72 hours, after which time he will return the trap to the Contractor.
- 5 It will be the responsibility of the Complainant to check the trap hourly, or as approved by the Contractor and, if an animal is caught, the Complainant must bring the animal and the trap to the Contractor within 24 hours following the trapping.
- 6 The Contractor may enter and inspect the premises of the Complainant and ascertain if a cat trap has been properly placed or set and if a cat has been trapped.
- 7 The Complainant shall not leave a trap set on his property unattended when absent therefrom for any period of time whatsoever, except as approved by the Contractor.
- 8 The Complainant shall check the trap prior to 11:00 p.m. on each night that the trap is on his property and, if no animal is caught, he shall, unless otherwise approved by the Contractor, 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 Contractor takes possession of a trapped cat, the Contractor 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 Animals Services.

- 10 If an identification tag or tattoo cannot be found on the impounded cat, the Contractor 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 Contractor 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 Contractor to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by Animal Services.
- 11 At such time as a cat owner attends at Animal Services for the purpose of picking up his or her cat which was running at large, an offence ticket will be issued in accordance with this bylaw. At the time of returning a cat to its owner, the Contractor will make the Owner aware of the Identification Tag Service offered by the Contractor.
- 12 It is the responsibility of the Complainant to ensure that, once a cat is trapped on his property, that said cat shall not be abused contrary to section 14(1)(b) and 14(1)(c) of this bylaw, by anyone on his property or anyone coming onto his property.
- 13 Any person seeing a cat in a trap being abused is encouraged to telephone and report the abuse to the Contractor, at which time the Contractor will immediately attend at the premises where the abuse has taken place and will remove the cat and the trap forthwith.

- 14 The Contractor will not provide service after normal business hours.
- 15 No cat traps will be provided by the Contractor to a Complainant when weather conditions are, or are forecast to be, colder than 0 degrees Celsius within the 72 hour period from the time of issue.
- 16 Any person who abuses, teases, or pokes an animal in a cat trap or is causing pain, suffering, or injury to any animal may be charged with an offence under section 446 of the Criminal Code of Canada.
- 17 If a Complainant is disabled and therefore unable to pick up the cat trap, the Contractor will deliver the trap to the Complainant's property, and pick up the trap 72 hours later. No fee shall be charged to such Complainant.