

Bylaw 607-15

BYLAW 607-15 being a Bylaw of the Village of Innisfree, in the Province of Alberta for licensing, regulating and confinement of cats.

WHEREAS, the Council for the Village of Innisfree wishes to regulate and control cats in the Village of Innisfree, 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 Council of a Municipality may pass bylaws regarding wild and domestic animals and activities in relation to them;

NOW THEREFORE, the Council of the Village of Innisfree, in the Province of Alberta, duly assembled, enacts as follows:

1.0 Short Title:

1.1 This bylaw shall be known and may be cited as the “**Cat Control Bylaw**” of the Village of Innisfree.

2.0 Definitions and Interpretations:

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

- a. ‘**At large**’ – shall mean a Cat that is present at any other 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;
- b. ‘**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;
- c. ‘**Bylaw**’ - means the Village of Innisfree Cat Control Bylaw 607-15, as may be amended from time to time;
- d. ‘**CAO**’ shall mean the ‘Chief Administrative Officer’ as defined in section 1(1)(c) of the *Municipal Government Act*, RSA, 2000, c M-26.
- e. ‘**Cat**’ – shall mean with the male or female of the feline family;
- f. ‘**Cat Control Officer**’ – shall mean an employee or independent contractor appointed by the Village to enforce the provisions of the Village Bylaws, includes a member of the Royal Canadian Mounted Police, Community Peace Officer, a Bylaw Enforcement Officer or the CAO is a Designated Officer for the purposes of Section 542 of the *Municipal Government Act*;
- g. ‘**Licensee**’ – shall mean the minimum age required to obtain a Cat License is 18 years of age;
- h. ‘**License Fee**’ – shall be the fee as set out in the Master Rates Bylaw;
- i. ‘**License Tag**’ – shall mean an identification tag issued by the Village of Innisfree, showing the license number for a specific cat;
- j. ‘**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, diffing in flower beds, gardens or garbage containers and trespassing on private property;

- k. **'Owner'** - shall mean a person:
 - i. Who has care, charge, custody, possession or control of a Cat;
 - ii. Who owns or claims any proprietary interest in a Cat;
 - iii. Who harbours, suffers or permits a Cat to be present on any property owned or under his/her control;
 - iv. Who claims and receives a Cat from the custody of the Village Cat Shelter or a Cat Control Officer;
 - v. To whom a License Tag was issued for a Cat in accordance with this Bylaw;
 - vi. A person to whom a license has been issued under Section 3 of this Bylaw.
- l. **'Possession'** – shall mean:
 - i. Exercising physical or effective control of a Cat;
 - ii. 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;
- m. **'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 buildings, apartment units, condominiums, mobile home trailers and vehicles;
- n. **'Permitted Property'** – means private property upon which the Owner of a Cat has the express permission of the Owner of a property or a person in control or possession of the property to allow the Owner's Cat;
- o. **'Replacement License Tag'** – shall mean a License Tag to replace a lost or damaged License Tag, pursuant to Section 3.10, herein;
- p. **'Public Property'** – shall mean property owned or under the control and management of the Government of Canada, Government of Alberta, or the Village, contained within the boundaries of the Village;
- q. **'Village'** – shall mean the Village of Innisfree, a municipal corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Village of Innisfree, as the context may require;
- r. **'Village Cat Shelter'** – shall mean the premises designated by the Village for the impoundment and care of Cats;
- s. **'Violation Tag'** – shall mean a written notice, in a form approved by the Village, issued by a Cat Control Officer or the CAO, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Village within a set time period, that person will avoid persecution for the offence;
- t. **'Violation Ticket'** – shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A., c- P-34, as amended, and any regulations thereunder.

3.0 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 Village and being the Owner of a Cat over the age of six (6) weeks shall on or before the thirty-first (31) day of January in each year, pay the License Fee, as set out in

the Master Rates Bylaw, and obtain a License Tag for each Cat for the current year by the thirty-first (31) day of January, by applying at the Village Office;

- 3.4 Every person who resides within the municipal boundaries of the Village, who becomes the Owner of a Cat, or a person who takes up residence within the municipal boundaries of the Village and who is the Owner of a Cat which is not licensed in accordance to this Bylaw, shall pay a License Fee, as set out in the Master Rates Bylaw, and obtain a License within fourteen (14) days after becoming an Owner of the Cat or being the Owner of the Cat and taking up residence within the Village.
 - 3.5 On applying for a Cat License, the Owner shall provide information as required in 'Schedule B' 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 Village 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 transferrable 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 Village before the expiration of the license period.
 - 3.8 Upon payment of the required License Fee, as described in the Master Rates Bylaw, and providing the Village with the information set out in Section 3.5 herein, an Owner will be supplied by the Village with a 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, that 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 the Master Rates Bylaw.
- 4.0 **Offences and Responsibility of Owner:**
- 4.1 A resident of Innisfree, who is the Owner of a Cat, is guilty of an offense if he fails to obtain a license for a such Cat.
 - 4.2 The Owner of a Cat is guilty of an offense if such Cat:
 - a. Runs at Large;
 - b. Is without a Collar, chain or harness and Tag while off 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 other Owner's Property other than the property of its Owner;

- f. Stalks or kills birds on Public or on Owner's Property other than the property of its Owner;
- g. Damages Public or any other 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 offense if the Owner:

- a. Fails to provide identification (Name, Address and Cat License 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 an Owner's property within the Village 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 (6) weeks of age and the offspring of a licensed Cat residing at the same location.
- d. The Owner of a Cat that has been grandfathered shall be allowed to continue to license those grandfathered animals until such a time as the animal shall become deceased or is no longer the animal of the current Owner. The Owner will be allowed to replace a Cat if they have fewer than two (2) cats and meet the other requirements of this Bylaw.

5.0 Impoundment:

- 5.1 Except for 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 Village, 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 Village Cat Shelter for a minimum period of three (3) days. Weekends and Statutory holidays shall not be included in the calculation of time period, however, any Cat may be reclaimed by its Owner during this period, except as provided in this Bylaw, upon payment to the Village of:
 - a. The appropriate License Fee when a Cat is not licensed as set out in the Master Rates Bylaw.
 - b. The appropriate catching and impoundment fees as set out in the Master Rates Bylaw.
 - c. The cost of any veterinary treatment of any Cat found to be injured when captured or injured in the process of capture.

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 to payment of all cost incurred by the Village with respect to any medical treatment received by the Owner's Cat pursuant to this paragraph. The Owner shall be responsible for such costs whether or not the Cat is retrieved from the Village shelter.

6.0 Penalty Provisions:

6.1 Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable upon 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 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.

7.0 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 of 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/her last known mailing address, or
- c. Upon retrieval of such person's Cat from the Village Cat Shelter.

7.3 The Violation Tag shall be in a form approved by the Village 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. The penalty that 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 Village.

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 Village within the time specified in Section 7.3 Subsection 'd' herein, a reduced early payment penalty specified in 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 the Violation Ticket to be carried out in accordance with the provisions of the Provincial Offenses Procedures Act R.S.A. 2000, Chapter P-34 as amended.

7.7 When 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 (1) Violation Ticket shall be issued for each day that the contravention continues.

8.0 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 this 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 the Cat from the possession of the Cat Control Officer;
- 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, inures, teases, torments or annoys any Cat is guilty of an offense.

8.3 Any person who, without the permission of the Owner, unties, loosens or otherwise frees a Cat which is not in distress, is guilty of an offense.

9.0 Enforcement Practices:

9.1 With the exception of the enforcement of 'blitz periods' for the purposes 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.

10.0 Severability of Bylaw Provisions:

10.1 It is the intention of Council that:

- e. Each separate provision of this Bylaw shall be deemed independent of all other provisions and,
- f. Should any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then that provision may be severed and all other provisions of the Bylaw will remain valid and enforceable.


11.0 Effective Date:

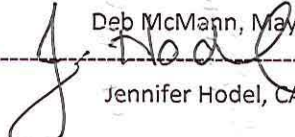
11.1 This Bylaw will come into effect on January 1, 2016.

Read a first time this 20th day of October, 2015.

Read a Second time this 20th day of October, 2015.

Read a Third time and finally passed this 20th day of October, 2015.



Deb McMann, Mayor


Jennifer Hodel, CAO

Schedule 'A'

Offences and Penalties

Offense	Penalties	Early Payment Penalty	Second or Subsequent offense within one year	Early Payment Penalty	Section Subsection
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 Owner's 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.
11. More than 2 Cats	250.00	200.00	500.00	400.00	4.4
12. Intefere/obstruct Bylaw Enforcement Officer	250.00	200.00	500.00	400.00	8.1 a.
13. Release/attempt to release Cat from Enforcement vehicle	250.00	200.00	500.00	400.00	8.1 b.
14. Remove/attempt to remove Cat from Bylaw Enforcement Officer	250.00	200.00	500.00	400.00	8.1 c.
15. Tamper/damage/destroy Town-owned live cat trap	200.00	150.00	400.00	300.00	8.1 d.
16. Abuse, injure, tease, torment or annoy a Cat	100.00	75.00	200.00	150.00	8.2
17. Untie, loosen or free a Cat not in distress	200.00	150.00	400.00	300.00	8.3

Schedule 'B'
APPLICATION FOR VILLAGE CAT LICENSE

License Fee Per Cat: Neutered/Spayed____ Not Neutered/Spayed ____
Replacement Tag: ____

Name of Owner _____

Property where Cat (s) will be housed: _____

Address of Owner: Box _____, Innisfree, AB T0B 2G0 or: _____

Contact Information: H/W/C _____ H/W/C _____

Emergency Alternate Contact: Name _____ Contact Info: H/W/C _____

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1. Name of Cat: _____ Tag# _____

Description of Cat (Color/Sex/Special Marks, etc)

2. Name of Cat: _____ Tag# _____

Description of Cat (Color/Sex/Special Marks, etc)

Replacement Tag Number _____ Issued for Cat: 1 or 2

It is understood that I am responsible for notifying the Village of Innisfree of any changes to the above information. I also understand that I am responsible to ensure that my cat(s) wears this tag. I also agree that if my cat is impounded without its Tag, the Village may not be able to notify me. I was made aware of Cat Control Bylaw 607-15.

Date: _____ Owner Signature _____

Renewal Date _____ Owner Signature _____

Renewal Date _____ Owner Signature _____

Renewal Date _____ Owner Signature _____

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

Note: The information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act and is used solely for purposes relating to the administration of the Feline Control Bylaw. Questions about collection of this information can be directed to the CAO (780) 592-38861 or in person at 5116 – 50 Avenue, Innisfree, AB T0B 2G0

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