

Bylaw 437/07
A Bylaw of the Village of Duchess,
To provide for the licensing, regulating and confinement of cats

Whereas, by virtue of the power conferred on it by the Municipal Government Act, the Council of the Village of Duchess, in the Province of Alberta duly assembled, enacts as follows:

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

Definitions:

1. Animal Control Officer- means Bylaw Enforcement Officer, or other person or persons appointed by Village of Duchess Council to maintain animal control.
2. Bylaw Enforcement Officer- means a person appointed as such by resolution of Council, or Peace Officer appointed by Alberta Justice.
3. Cat- means the male or female of the feline family.
4. Village- means the municipal corporation of the Village of Duchess or the area contained within the boundary.
5. Owner- means a person who has legal claim to the cat, and includes any person who has possession or custody of the cat.
6. Running at large- means a cat that is anywhere but on their owner’s property.

Licensing Provisions

7. Every person who owns any cat more than 3 months old shall pay to the Village of Duchess a yearly fee as set out in Schedule A of this Bylaw. The fees shall become due and payable on the first day of January of each year and shall be for the period of January 1st to December 31st of each year.
8. A cat owner shall provide to the Village of Duchess the following information with each application for a cat license: name, telephone number, street and mailing address of the owner.
9. The Village in its sole discretion may revoke a cat license upon 30 days written notice to the owner.

Running at large

10. The owner of a cat shall ensure that the cat is not running at large.
11. Where a cat is running at large, the owner or occupant of that property on which the cat is running at large may make a complaint to the Bylaw Enforcement Officer.

Impoundment

12. A Bylaw Enforcement Officer may capture and impound any cat running at large with respect to which a complaint under this Bylaw has been made.

Obstruction

13. No person, whether or not he is the owner of a cat which is being or has been pursued or captured shall interfere with or attempt to obstruct a Bylaw Enforcement Officer who is attempting to capture or who has captured a cat which is subject to impoundment pursuant to the provisions in this Bylaw.
14. If the Bylaw Enforcement Officer knows the name and current address of the owner of any impounded cat, he shall serve the owner with a Notice as in Schedule B of this Bylaw, either personally or by leaving or mailing it to the current address of the owner.
15. An owner to whom a Notice is mailed pursuant to the provisions in section 14 is deemed to have received a Notice within 48 hours of the time it is mailed.

Reclaiming

16. The owner of any impounded cat may reclaim the cat by paying to the Village of Dutchess the costs of impoundment as set out in Schedule C of this Bylaw.

Sale or Destruction

17. The Bylaw Enforcement Officer may sell or euthanize an impounded cat once the following conditions have been met:
 - a. The cat has been retained for 1 day, excluding statutory holidays, after the owner has received notice or is deemed by section 15 to have received notice that the cat has been impounded.
 - b. The cat has been retained for 2 days, excluding statutory holidays, when there is no known owner or identifying tags.
18. The Bylaw Enforcement Officer may retain a cat for a longer period or may euthanize a cat after a shorter period if in his opinion the circumstances warrant.
19. The purchaser of a cat must pay for the care and sustenance of the cat (Schedule C) and purchase a Village of Dutchess pet license (Schedule A) for the cat. The requirement to purchase a license only applies if the purchaser and cat reside within the Village of Dutchess.

Penalties

20. Where a Bylaw Enforcement Officer believes that a person has contravened any provisions of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act Chapter P-34.
21. The specified penalty payable in respect of a contravention if a provision of this Bylaw is the amount shown in Schedule C of this Bylaw in respect of that provision.
22. Notwithstanding Section 21:
 - a. where any person contravenes the same provisions of this Bylaw twice within on twelve month period, the specified penalty payable in respect of the second contravention is double the amount show in Schedule C of this Bylaw in respect of that provision, and
 - b. where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule C of this Bylaw in respect of that provision.

Summary Conviction

23. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than two thousand five hundred dollars (\$2500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

24. The levying and payment of any fine or the imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

25. This Bylaw shall come into force upon receiving third reading.

Read a first time this ____ day of _____, 2007.

Read a second time this ____ day of _____, 2007.

Read a third and final time this ____ day of _____, 2007.

**Schedule A:
Bylaw 437/07**

Fees for licenses

A1.	Neutered male or spayed female cat	\$ 5.00
A2.	Male cat that has not been neutered or a female Cat that has not been spayed	\$10.00
A3.	Replacement tag	\$ 4.00
A4.	One time license fee for a tattooed cat	\$10.00

**Schedule B:
Bylaw 437/07**

Notice

You are hereby notified that a cat bearing identification showing your name and address, was impounded on _____, _____. Pursuant to the provisions of Bylaw 437/07 of the Village of Dutchess, and that, unless the said animal is claimed and all impoundment charges are paid, on or before _____, _____, the said cat will be sold or euthanized pursuant to the said Bylaw.

**Schedule C:
Bylaw 437/07**

Amount to be paid to the Bylaw Enforcement Officer by the owner of a cat in order to reclaim or euthanize a cat.

1.	Impoundment fee- unlicensed cat	\$40.00 * Plus licensing
2.	Impoundment fee-unaltered cat	\$30.00 *
3.	Impoundment fee-spayed or neutered cat	\$15.00 *
4.*	Care and sustenance-per day or a portion of a day (This will be added to all impoundment charges)	\$ 5.00
5.	Veterinary fees	amount expended
6.	Obstruction	\$100.00

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License # _____

Date _____

Information required to license a cat within the Village of Dutchess.

Owners name _____

Street address _____

Mailing address _____

Phone # Home _____ Cell _____ Work _____

Alternate contact _____

Name of cat _____

Neutered or Spayed _____

Color of cat _____

Identifying marks or id tags _____
