

## BYLAW NO. 3382

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**A BYLAW OF THE CITY OF MEDICINE HAT** for the purpose of regulating and controlling cats and activities in relation to them.

**WHEREAS** Section 7(h) of the *Municipal Government Act*, S.A. 1994 c.M-26.1, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

**AND WHEREAS** Council considers it advisable to pass a bylaw to regulate and control cats and activities in relation to them in the City of Medicine Hat;

**NOW THEREFORE THE MUNICIPAL CORPORATION OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as the Cat Bylaw.
2. In this Bylaw, unless the context otherwise requires:
  - (a) “ANIMAL CONTROL SHELTER” means a facility designated by the City for the housing of animals as provided for in Section 8.
  - (b) “ANIMAL SHELTER SUPERVISOR” means any person, firm, or body corporate, or servants and employees of a person, firm or body corporate, appointed or employed by the City to manage and operate the Animal Control Shelter and to carry out the duties prescribed by this Bylaw.
  - (c) “BYLAW ENFORCEMENT OFFICER” means any person employed by the City as a Police Officer, Bylaw Enforcement Officer or Special Constable empowered to enforce this Bylaw.
  - (d) “CAT TAG” means a device bearing a distinctive serial number intended to be attached to the collar of a cat and issued by the City upon payment of a license fee as prescribed in this Bylaw.
  - (e) “CITY” means the Municipal Corporation of Medicine Hat, or the area contained within the boundary thereof, as the context requires.
  - (f) “IDENTIFIABLE” means a cat that is marked for identification with a Microchip, Cat Tag, or Tattoo, sufficient to allow a Bylaw Enforcement Officer or the Animal Shelter Supervisor to determine the name and address of the Owner.
  - (g) “MICROCHIP” means a traceable microchip implanted in a cat by a licensed veterinarian.
  - (h) “NUISANCE CAT” means any cat in respect of which there have been two or more convictions for offences under this Bylaw.
  - (i) “OWNER” means
    - (i) the actual Owner of a cat, whether a natural person or a body corporate; or

- (ii) a person acting on behalf of the actual Owner of a cat, where such person furnishes proof to the satisfaction of the Animal Shelter Supervisor of his authority to deal with the Animal Shelter Supervisor on behalf of the actual Owner in respect of the cat.
  - (j) “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 and vehicles.
  - (k) “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.
  - (l) “RUNNING AT LARGE” means, when used to describe a cat, being on any property other than the Owner’s Property or Permitted Property and not securely restrained by the Owner or a person having responsibility for or custody of a cat whether or not that person is the Owner.
  - (m) “TATTOO” means a permanent traceable mark placed upon a cat by a licensed veterinarian.
3. Every Owner of a cat, and every person having responsibility for or custody of a cat whether or not that person is the Owner, shall ensure that the cat is not at any time Running at Large in the City.
4. Every Owner of a cat shall ensure that the cat is Identifiable whenever the cat is off the Owner’s Property or Permitted Property.
5. (1) A Bylaw Enforcement Officer may, on having reasonable and probable grounds to believe a cat is a Nuisance Cat, direct the Owner in writing to take such actions as deemed necessary by the Bylaw Enforcement Officer to ensure this Bylaw is not further contravened.
- (2) The owner of a Nuisance Cat who fails to comply with the written direction of a Bylaw Enforcement Officer pursuant to Subsection (1) is guilty of an offence.
6. (1) The Owner of a cat shall apply for and obtain or renew a license for the cat from the City in accordance with Section 7 and shall pay the license fee as set out in Schedule “A”.
- (2) A license issued pursuant to this Bylaw shall be valid for the length of time identified in Schedule “A”.
- (3) A Cat Tag issued under this Bylaw is valid for the term of the license with which the Cat Tag is issued and for every subsequent year where the license is renewed by the date on which it is required to be renewed under this Bylaw.

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- (4) The provisions of this section and Section 7 of this Bylaw shall not apply to any person holding a valid license to operate a retail pet sales business within the City.
7. (1) A person who is an Owner of a cat on the date this Bylaw comes into force shall:
- (a) apply for and obtain a license for the cat within thirty (30) days from the date this Bylaw comes into force, if the cat is three (3) months of age or older on the date this Bylaw comes into force, or
  - (b) apply for and obtain a license for the cat on or before the date the cat reaches the age of three (3) months, if the cat is not three months of age on the date this Bylaw comes into force.
- (2) A person who becomes the Owner of a cat after this Bylaw comes into force shall:
- (a) apply for and obtain a license for the cat on the date he becomes the Owner of the cat, if the cat is three (3) months of age or older, or
  - (b) apply for and obtain a license for the cat on or before the date the cat reaches the age of three (3) months, if the cat is not three (3) months of age on the date that he becomes the Owner.
- (3) Notwithstanding Subsections 7 (1) (b) and 7 (2) (b), an Owner shall apply for and obtain a license for his cat forthwith, notwithstanding that the cat is under the age of three (3) months, where the cat is found Running at Large.
- (4) An Owner may be required to provide proof in a form satisfactory to the City that a cat has been spayed or neutered, and/or marked with a Microchip or Tattoo prior to a license being issued.
- (5) Where a cat license is required to be renewed annually pursuant to Schedule "A", an Owner shall apply for and renew the license for his cat prior to the expiry of the license each year.
8. The City may contract with any person, firm, or body corporate for the purposes of maintaining an animal control facility of such size and design and in such location as the Chief Commissioner may from time to time direct, and for the purposes of this Bylaw such facility is the Animal Control Shelter.
9. The City may employ an Animal Shelter Supervisor, Bylaw Enforcement Officers and such other employees in connection with the operation of the Animal Control Shelter and the carrying out and enforcement of the provisions of this Bylaw as the City considers necessary and expedient.
10. The Animal Shelter Supervisor shall report directly to the City department designated by the City's Chief Commissioner.
11. The Animal Shelter Supervisor or a Bylaw Enforcement Officer may capture and impound any cat:

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- (a) in respect of which there are reasonable and probable grounds to believe that an offence under this Bylaw is being committed or has been committed, or
  - (b) which is required or permitted to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta or any regulation made thereunder.
12. (1) When a cat that is Identifiable is impounded, a Bylaw Enforcement Officer shall serve upon the person identified as being the Owner a notice in the form set out in Schedule "B" to this Bylaw, either personally or by leaving the notice at or mailing it to the address of that person as indicated in the records of the City.
- (2) A person to whom a notice is mailed pursuant to the provisions of Subsection (1) of this section shall be conclusively deemed to have received such notice on the fourth day after the mailing thereof, Saturdays, Sundays, and Statutory holidays excepted.
13. On the recommendation of the Animal Shelter Supervisor, from time to time, the City may set fees for care and sustenance, destroying a cat and purchasing a cat at the Animal Control Shelter.
14. (1) An Owner of an impounded cat may reclaim the cat upon payment to the Animal Shelter Supervisor of an amount equal to:
- (a) the total of all impoundment fees, care and sustenance charges, and reasonable veterinary expenses incurred by the Animal Shelter Supervisor in respect of the cat during the period of impoundment, pursuant to Section 13 and Schedule "C" of this Bylaw; and
  - (b) any license fees payable under this Bylaw at the time the cat is reclaimed.
- (2) The Animal Shelter Supervisor may require an Owner who reclaims a cat from the Animal Control Shelter to provide a receipt for the delivery of the cat, which receipt shall set out the Cat Tag number, Microchip number, or Tattoo number, a brief description of the cat, and the name and address of the Owner.
15. (1) When a cat has been in the Animal Control Shelter for seventy-two (72) hours or more and the Owner has not reclaimed it in accordance with Section 14 of this Bylaw, the Animal Shelter Supervisor may
- (a) retain the cat in the Animal Control Shelter for such further period of time as the Animal Shelter Supervisor may think advisable in the circumstances,
  - (b) offer the cat for sale at the fee for purchasing a cat set pursuant to Section 13 of this Bylaw, or
  - (c) destroy the cat.
- (2) Where the Owner of an impounded cat has advised the Animal Shelter Supervisor that he has no further interest in the cat, the Animal Shelter Supervisor may destroy the cat or offer the cat for sale to a person other than the Owner at the fee for

purchasing a cat set pursuant to Section 13 of this Bylaw, notwithstanding that the cat may then have been in the Animal Control Shelter less than seventy-two (72) hours.

- (3) Where the Owner of a cat has advised the Animal Shelter Supervisor or a Bylaw Enforcement Officer that he has no further interest in the cat and requests the Animal Shelter Supervisor or a Bylaw Enforcement Officer to pick up the cat and take it to the Animal Control Shelter, the Animal Shelter Supervisor or a Bylaw Enforcement Officer shall comply with such request upon receipt from the Owner of the Pick up Fee as set out in Schedule "C" of this Bylaw, as soon as practicable having regard to the human resources available to the Animal Shelter Supervisor or the City and the space available for cats in the Animal Control Shelter.
  - (4) For the purpose of calculating the length of time a cat has been impounded, statutory holidays shall not be included in the calculation.
  - (5) The Animal Shelter Supervisor shall not sell any impounded cat
    - (a) to a resident of the City, unless at the time of purchasing the cat that person fulfils all licensing requirements under this Bylaw including payment of the license fee prescribed in Schedule "A" to this Bylaw; or
    - (b) to any other person, unless that person furnishes proof to the satisfaction of the Animal Shelter Supervisor that he is not a resident of the City and that the cat will be kept outside the City.
  - (6) Upon the sale of any cat by the Animal Shelter Supervisor in accordance with the provisions of this Bylaw, the person purchasing the cat shall be conclusively deemed to be the Owner and all claims or rights of ownership of any other person are extinguished by and at the time of the sale.
  - (7) Whenever the Animal Shelter Supervisor destroys a cat in accordance with the provisions of this Bylaw the Owner shall be liable to pay the fee for destroying a cat set pursuant to Section 13 of this Bylaw, and in every case where the fee has not been paid prior to the destruction of the cat, the Animal Shelter Supervisor may present the Owner with a bill or invoice therefore which shall be paid in full by the Owner within thirty (30) days of receipt of it.
  - (8) When a cat that is Identifiable is impounded, the time during which the cat must be kept in the Animal Control Shelter before it may be destroyed or offered for sale shall not commence to run until a Bylaw Enforcement Officer has served a notice pursuant to Subsection 12(1) of this Bylaw, and where such notice is mailed the time shall not commence to run until the notice is deemed to have been received pursuant to the provisions of Subsection 12(2) of this Bylaw.
16. No person shall do anything or omit to do anything where such act or omission has or may have the effect of teasing, tormenting, or annoying a cat.
17. (1) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision 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* R.S.A. 1980 c. P-21.5.

- (2) The specified penalty payable in respect of a contravention of this Bylaw is the amount set out in Schedule "D".
  - (3) Pursuant to Section 26(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Bylaw Enforcement Officer under Subsection (1) so provides, the person named in a summons may make a voluntary payment in the specified amount set out in Schedule "D" of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.
18. (1) A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) or in default of payment to imprisonment for a period of not more than one year.
- (2) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this Bylaw, shall not relieve any person from the obligation to pay any fees, charges, or costs for which that person is liable under the provisions of this Bylaw.
  - (3) Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of any provision of this Bylaw.
  - (4) A Judge, in addition to the penalties otherwise provided in this Bylaw, may, if he considers it necessary in the public interest, direct or order the Owner of a cat to take measures to ensure that the cat stops doing or repeating the act complained of.
19. In this Bylaw the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context in which this Bylaw has application so requires.
20. If there is an inconsistency between this Bylaw and the *Animal Protection Act*, S.A. 1988 cA-42.1, as amended, the provisions of the *Animal Protection Act* govern to the extent of the inconsistency.
21. It is the intention of the Council of the City that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.
22. Bylaw No. 2581 of the City of Medicine Hat is repealed.
23. This Bylaw will come into force on April 1, 2002.

**READ A FIRST TIME** in open Council on July 16, 2001.

**READ A SECOND TIME AND THIRD TIME** in open Council on August 7, 2001.

**SIGNED AND PASSED** on August 8, 2001.

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**MAYOR - TED J. GRIMM**

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**CITY CLERK - L.P. GODIN**

**SCHEDULE "A"****CAT LICENSES**

STATUS OF CAT	LICENSE FEE	TERM OF LICENSE
1. Any cat that is spayed or neutered and bearing a Microchip or Tattoo.	\$10.00 one time payment	Valid for life of the cat.
2. Any cat that is spayed or neutered but not bearing a Microchip or Tattoo.	\$15.00 annual fee	Valid for one (1) year. License shall expire one year after the last day of the month in which the license was issued. License shall be renewed annually.
3. Any cat that is not spayed or neutered	\$30.00 annual fee	Valid for one (1) year. License shall expire one year after the last day of the month in which the license was issued. License shall be renewed annually.

**SCHEDULE "B"**

**TO:** (Insert name of Owner and address of Owner as shown on the records of the City of Medicine Hat.)

**TAKE NOTICE** that an animal bearing City of Medicine Hat Cat Tag No., Microchip No. or Tattoo No. \_\_\_\_\_, registered under the above name and address, was impounded on \_\_\_\_\_, pursuant to the provisions of Bylaw No. 3382 of the City of Medicine Hat (the "Cat Bylaw"), and that unless this animal is reclaimed and all applicable charges are paid, on or before \_\_\_\_\_, the animal may be sold, destroyed or otherwise disposed of pursuant to the Cat Bylaw without further notice to you.

\_\_\_\_\_  
Bylaw Enforcement Officer

## SCHEDULE "C"

Amounts payable to the Animal Shelter Supervisor for impoundment, care and sustenance, reclaiming, destroying, or purchasing a cat at the Animal Control Shelter, or to have a cat picked up by the Animal Shelter Supervisor or a Bylaw Enforcement Officer and transported to the Animal Control Shelter:

(A) **Impoundment Fees:**

- |    |                                 |         |
|----|---------------------------------|---------|
| 1. | cat that is spayed/neutered     | \$25.00 |
| 2. | cat that is not spayed/neutered | \$50.00 |

(B) **Care and Sustenance** As set pursuant to Section 13

(C) **Veterinary Expenses** Amount expended

(D) **Destroying a Cat** As set pursuant to Section 13

(E) **Purchasing a Cat** As set pursuant to Section 13

(F) **Pickup Fee** \$ 50.00

**SCHEDULE "D"****SPECIFIED PENALTIES**

<b><u>SECTION</u></b>	<b><u>OFFENCE</u></b>	<b><u>AMOUNT</u></b>
3	Running at Large	\$30.00
4	Fail to ensure that a cat is Identifiable	\$100.00
5(2)	Fail to comply with directions	\$250.00
6(1)	Fail to apply for and obtain or renew a cat license	\$250.00
16	Teasing, tormenting, or annoying a cat	\$250.00