

**Village of Warburg
Bylaw # 168/20**

A BYLAW of the Village of Warburg, in the Province of Alberta, to license and control cats within the Village of Warburg.

WHEREAS, the Council deems it necessary to regulate the running at large of cats, to provide for the licensing of cats within the Village;

AND WHEREAS, Section 164 of the *Municipal Government Act*, R.S.A. 1980, for the Province of Alberta, gives the Council the authority to pass such a bylaw;

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

PART 1 – TITLE AND DEFINITIONS

1. This Bylaw may be cited as the "Cat Bylaw"
2. In this Bylaw, unless the context otherwise requires:

"Animal" means, any member of the kingdom Animalia other than a human being.

"At Large" means an animal that is located at any place other than the premises of its owner, is not being carried by any person, or is not otherwise restrained by a person controlling the animal by means of a securely fastened leash.

"Cat" means, either a male or female of the cat family.

"Microchip" means an encoded, electronic device implanted in an animal by or under the supervision of a licensed veterinarian, containing a unique code number for the purpose of identifying the Animal and its Owner.

"Owner" means:

- i. A Person who has the care, charge, custody, Possession or control of an Animal;
- ii. A Person who owns or claims a proprietary interest in an Animal;
- iii. A Person who harbours, suffers or permits an Animal to be present on any property owned or under that Person's control;
- iv. A Person who claims and receives an Animal from the custody of the Village Animal Shelter or a Peace Officer; or
- v. The Person to whom a license has been issued under Part 2 of this Bylaw.

"Parkland" means all recreational land areas owned or controlled by the Village, within the jurisdictional boundaries of the Village, whether improved in whole or in part, or remaining in a natural state, and included all areas administered by the Village's parks and facilities department, including buildings or other improvements situated on those Lands.

"Person" includes a partnership or corporation.

"Possession" means:

- i. Exercising physical or effective control of an Animal;
- ii. Having been given physical or effective control of an Animal by its Owner for the purpose of controlling the Animal for a specific period of time;
- iii. Where one or more Persons with the knowledge and consent of the others, has physical or effective control of an Animal, it may be deemed to be in the control of each and all of them.

"Peace Officer" means a Bylaw Enforcement Officer appointed by the Village, Special Constable or a member of the RCMP.

"Residential District" means, designated residential district as per the Village of Warburg's Land Use Bylaw.

"Village" means, the Village of Warburg.

"Village Animal Shelter" means, the premises designated by the Village for the purpose of impounding and caring for Cats, and other animals regulated under this Bylaw.

"Violation Ticket" means a ticket issued under and pursuant to Part 2 of the *Provincial Offences Procedure Act, R.S.A. 2000. c.P-34*, as amended or repealed and replaced from time to time.

"Violation Tag" means a municipal notice issued by the Village pursuant to s.7 of the *Municipal Government Act* for the purpose of providing a Person with an opportunity to acknowledge the contravention of a Bylaw and to pay a penalty directly to the Village, in order to avoid prosecution for the contravention.

PART 2 – LICENSING

3. No person shall own, keep or harbour any Cat within the Village limits unless such Cat is licensed.
4. Every Person residing within the jurisdiction of the Village who is the owner of a Cat over the age of six months shall obtain, on an annual basis, a license for that Cat as determined by Council from time to time, and set out in Schedule "A".
5. Every person who:
 - i. Becomes the Owner of a Cat over the age of six months, whether that Cat was previously licensed under this Bylaw; or
 - ii. Takes up residence within the Village and is the Owner of a Cat which is over the age of three months.Shall within one (1) month of becoming the owner of the Cat or taking up residence within the Village, license the Cat in accordance with this Bylaw.
6. Licenses issued under this Bylaw shall not be transferable from one Cat to another or from one Owner to another.

7. The Owner shall ensure that the license tag is securely fastened to a collar or harness that must be worn by the Cat at all times when it is off the premises of the Owner.
8. Cat Owners shall provide the Village with the following information with each application for a Cat license:
 - a) Name, street address and phone number of the Owner;
 - b) Name and description of the Cat to be licensed;
 - c) Proof of spaying/neutering if applicable, and
 - d) Such other information as may be required on the application form, as established by resolution of Council or by the Municipal Administrator from time to time.
9. No more than two (2) Cats shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure or premises within the village unless:
 - a) The premises are lawfully used for the care and treatment of Animals;
10. Notwithstanding s.9, a person may harbour more than two (2) Cats, where those Cats in excess of the maximum are under six (6) months of age, and are the progeny of a licensed Cat resident in the same premises.
11. Notwithstanding s.9, a person may harbor more than two (2) cats where the cats were in residence prior to the date of this Bylaw. All cats are to be licensed.

PART 3 – RESPONSIBILITIES OF OWNER

12. a) The Owner of a Cat that is at large is guilty of an offence.

b) A Cat is not at large when located within the confines of a marked Village off-leash area and accompanied by its Owner.
13. a) A female cat in heat shall be confined within the residence of its Owner, or at a licensed kennel, during the period of time in which the Cat is in heat.

b) Notwithstanding subsection a) above, a female Cat in heat, if controlled by a leash, may be allowed outside of its Owner's residence for the sole purpose of permitting the Cat to defecate or urinate on the premises of its Owner.
14. a) If a Cat defecates on any public or private property other than the property of its Owner, the Owner shall cause such feces to be removed immediately.

b) Residences or grounds where any Cats are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of a Peace Officer.
15. An owner whose Cat howls excessively, thereby unreasonably disturbing the quiet or repose of any person, is guilty of an offence.
16. The Owner of a Cat that damages public or private property, is guilty of an offence.

17. a) No Owner shall permit his or her Cat to be on parkland areas.
- b) Subsection a) does not apply to surfaced walkways within the Village parkland, provided that the Cat is leashed or harnessed and in control of a person able to control the Cat.

PART 4 – OTHER CONTRAVENTIONS

18. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise release a Cat, thereby allowing said Cat to run loose in the Village.
19. No person shall harbour and/or feed feral cats.

PART 5 – PENALTIES AND ENFORCEMENT

20. Any person who violates a provision of this Bylaw is guilty of an offence, and liable, on summary conviction, to the specified penalties set out at Schedule "B" of this Bylaw.
21. It is the intention of the Village Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Village Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
22. a) A Peace Officer is hereby authorized and empowered to issue a Violation Tag, pursuant to s.7 of the *Municipal Government Act*, to any person whom the Peace Officer has reason to believe has contravened any provision of this Bylaw.
- b) A Violation Tag, may be issued to such persons:
- i) Personally
 - ii) By mailing a copy to the person at his or her last known post office address; or
 - iii) In respect to a partnership or corporation, by mailing or delivering the Violation Tag to either the registered office or the business office of the partnership or corporation.
- c) A Violation Tag, issued, pursuant to this Bylaw, shall be in a form approved by the Municipal Administrator and shall state:
- i) The name of the Owner;
 - ii) The section number of the Bylaw provision breached and a brief description of the offence;
 - iii) The appropriate specified penalty for the offence as set out at Schedule "B" of this Bylaw;
 - iv) That the penalty for the offence is required to be paid within 30 days of the issuance of the Violation Tag; and
 - v) Any other information as may be required by the Municipal Administrator from time to time.
- d) 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 to the Village Office, the penalty specified on the Violation Tag.

e) Where a Violation Tag has been issued and the specified penalty is not paid within the specified time, The Peace Officer is authorized to issue a Violation Ticket pursuant to part 2 of the *Provincial Offences Procedure Act*, to any person that the Peace Officer has reasonable grounds to believe has contravened a provision of this Bylaw.

f) A person to whom a Violation Ticket is issued pursuant to this Bylaw may, in accordance with the provisions of the *Provincial Offences Procedure Act*, elect to plead guilty and make a voluntary payment of the specified penalty indicated on the Violation Ticket, on or before the initial appearance date indicated on the Violation Ticket.

g) Notwithstanding section 21 e) of this Bylaw, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*. R.S.A 2000 c.P-34, as amended or repealed and replaced from time to time, to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw, regardless of whether a Violation Tag has first been issued.

PART 6 – EFFECTIVE DATE

23. This Bylaw shall come into force upon the third and final reading.

Read a first time this 10 day of February, A.D. 2020.

Read a second time this 10 day of February, A.D. 2020.

VILLAGE OF WARBURG



Mayor Kevin Maine



Christine Pankewitz
Municipal Administrator

Read a third time and finally and passed this 9 of March,
A.D. 2020.

VILLAGE OF WARBURG



Mayor Kevin Maine



Nicole Rapati
Administrative Assistant

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SCHEDULE "A"

FEES

Section 4	Cat License (Unaltered)	\$ 50.00
	Cat License (Spayed/Neutered)	\$ 20.00
	(Senior citizens 65 years and older will received a discount of 50% on licensing fees.)	
Section 7	Replacement Tags	\$ 10.00

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SCHEDULE "B"

SPECIFIED PENALTIES

PART 2 – LICENSING

Section 3	Fail to obtain valid Cat license	\$100.00
Section 7	Fail to ensure license tag is worn by Cat	\$100.00
Section 9	Keep more than the maximum number of animals allowed	\$200.00

PART 3 – RESPONSIBILITIES OF OWNER

Section 12 a)	Allow Cat to run at large	\$100.00
Section 13 a)	Fail to confine female Cat in heat	\$100.00
Section 14 a)	Fail to immediately remove Cat defecation from public or private property	\$100.00
Section 14 b)	Fail to keep residence/grounds clean/sanitary/inoffensive	\$100.00
Section 15	Allow Cat to howl excessively or otherwise disturb quiet	\$100.00
Section 16	Allow Cat to damage public or private property	\$100.00
Section 17 a)	Permit Cat to be on parkland	\$100.00

PART 4 – OTHER CONTRAVENTIONS

Section 18	Release Cat from confined area, allowing to run loose	\$100.00
Section 19	Harbouring and/or feeding feral cats	\$200.00

*** Second and subsequent offences occurring within six (6) months of the first offence shall be liable to double the specified penalty amount listed.**