

BYLAW NO. 349/2010

A BYLAW OF THE TOWN OF BALGONIE TO PROVIDE FOR THE CONTROL OF CATS

The Council of the Town of Balgonie in the Province of Saskatchewan enacts as follows;

1. In this Bylaw:

“**Act**” means *“The Urban Municipality Act, 1984”*;

“**Administrator**” means Administrator of the municipality;

“**Animal Protection Officer**” means: a person employed by the The Regina Humane Society Inc. as an animal protection officer, a bylaw enforcement officer; a member of the R.C.M.P or the Director;

“**Animal Shelter**” means the facility designated by Council as the facility where surrendered, relinquished or abandoned animals; animals apprehended by Animal Protection Officers; and animals requiring impoundment may be taken and kenneled;

“**At large**” means being on:

- (a) public property unaccompanied by any person;
- (b) public property accompanied but not under the complete control of a person by means of a leash; or
- (c) private property without the permission of the owner or occupant of the property;

“**Cat run**” means a structure designed and/or used for the keeping or containment of a cat;

“**Cat Trap Permit**” means a permit in the form set out in Schedule B, issued by the Administrator to a person to trap a cat being at large;

“**Council**” means the Council of the Town of Balgonie;

“**Director**” means the person who manages and supervises the Animal Protection Officers and the operation of the Animal shelter on behalf of the organization appointed by Council to supervise and direct the operation o the Animal Shelter and the provisions of cat and cat control services for the Municipality;

“**Leash**” means a line used for leading or restraining an animal;

“**Municipality**” means the municipal corporation of the Town of Balgonie and the area of land over which it has jurisdiction;

“**Owner**” means any person owning, possessing, or keeping a cat;

“**Permitee**” means a person to whom the Administrator has issued a Cat Trap Permit;

Appointment and Designation

2. The Council designates the facility known as the Regina Humane Society at the corner of Albert Street and Armour Road as the Animal Shelter where surrendered, relinquished, or abandoned animals; animals apprehended by Animal Protection Officers; and animals requiring impoundment may be taken and kenneled.

Licensing

3. No license is required to own or harbour a cat in the municipality.

General

4. No person residing within the municipality shall own, possess or harbour more than 2 cats at one time and upon the request of an Animal Protection Officer, disclose the number of cats being kept.

At Large

5. (1) An owner shall not allow his or her cat to be at large.
- (2) The Director shall receive and detain at the animal shelter any cat found at large or caught in a cat trap.
- (3) An Animal Protection Officer or any adult may restrain a cat found at large or caught in a cat trap and convey the cat to the Director at the Animal Shelter.
- (4) The person delivering a cat pursuant to subsection (1), shall provide the Director with the name or the owner of the cat, if known, and the place and time of restraint.

Defecation

6. Where a cat has defecated on public property, or private property, without the consent of the owner of the property, the owner of the cat shall immediately remove the defecation.

Female Cats

7. An owner of a non-sterilized female cat shall keep the cat indoors at all times during the period the cat is in heat.

Cat Runs

8. (1) Where a cat is housed or kept in a cat run, the owner shall ensure that the cat run is kept in a sanitary condition protecting the health and safety of the cat and any other living being.
- (2) An owner shall ensure a cat run on the owner's property is located no closer than 1 meter to a property line and no closer than 5 meters from a dwelling unit located on an adjacent property.
- (3) If, in the opinion of an Animal Protection Officer the condition or location of a cat run is not in accordance with this Bylaw, the Animal Protection Officer may order the owner of the property on which the cat run is located, to clean, alter, demolish or relocate the cat run within the time period specified in the order.
- (4) The person to whom an order is issued pursuant to subsection (1) shall comply with the order within the time specified in the order.
- (5) An order to relocate a cat run issued pursuant to subsection (1) will allow the owner of the property on which the cat run is located, at least 30 days to relocate or remove the cat run.

Cat Traps

9. (1) A person, who has been bothered by a cat being at large, may apply to the Administrator to receive a Cat Trap Permit and a cat trap.
- (2) The Administrator shall only approve a Cat Trap Permit and issue a cat trap to a person making an application pursuant to subsection (1) when that person:
- (a) agrees to all the terms included in the Cat Trap Permit; and
 - (b) executes the Cat Trap Permit.

- (3) Where a cat trap is issued pursuant to section 12, the permittee shall:
 - (a) abide by the terms of the Cat Trap Permit.
 - (b) place the cat trap only on the permittee's property located within the Municipality.
- (4) When a cat has been trapped in a cat trap, the permittee shall, for as long as and until an Animal Protection Officer can collect the cat or the cat can be conveyed to the Animal Shelter:
 - (a) hold the cat for no longer than 24 hours;
 - (b) treat the cat humanely;
 - (c) provide shelter for the cat in a warm, dry and secure area; and
 - (d) provide water and food for the cat.
- (5) If a permittee cannot comply with the conditions in subsection (1), the permittee must release the trapped cat unharmed.
- (6) When a cat has been trapped in a cat trap and the Animal Protection Officer can collect the cat, or the cat is conveyed to the Animal Shelter, the permittee shall provide the Director with:
 - (c) the name of the owner of the cat, if known; and
 - (d) the location of the cat trap when the cat was trapped.

Detainment and Release

10. (1) Where the Director has received a cat whose owner is known, the Administrator and/or Director shall, within 24 hours, provide notice to the owner of the cat's detainment and the amount required to be paid in order for the cat to be released.
- (2) Notice in subsection (1) may be given by telephone or in writing.
- (3) An owner or his or her agent may claim a detained cat by attending the Animal Shelter and providing the Director with proof of ownership or entitlement to the cat.
- (4) The Director shall not release a detained cat unless the:
 - (a) person claiming the cat can satisfy the Director that he or she is the owner or the person entitled to possession of the cat; and
 - (b) Director has received the detainment fee as set out in Schedule A.
- (5) A cat may be considered to be relinquished to the Animal Shelter when a cat:
 - (a) Detained at the Animal Shelter, whose owner is unknown, is not claimed and released within 72 hours from the time the cat was received at the Animal Shelter;
 - (b) Detained at the animal Shelter, whose owner is known, or where the cat appears to be a pure-bred, is not claimed and released within 10 days from the time the cat was received at the Animal Shelter; or
 - (c) Is surrendered to the Animal Shelter by its owner.
- (6) The time requirements in subsection (1) do not include days during which the Animal Shelter is not open to the public.

- (7) Where a cat has been relinquished to the Animal Shelter, the Director may:
- (a) make the cat available for public adoption; or
 - (b) destroy the cat by humane means.

Penalties

11. (1) Every person who contravenes or fails to comply with any provision of this Bylaw, is guilty of an offence and liable on summary conviction to a fine in the amount set out in “Schedule A”.

Voluntary

12. (1) Where the Municipality has received the voluntary payment amount prescribed for the offence in “Schedule A”, the owner will not be liable to prosecution for the alleged contravention of the Bylaw.

General

13. Any payment required pursuant to this Bylaw may be made at the Animal Shelter or at the Town office.

Repeal and Coming into Force

14. Bylaw No. 179 amendments thereto are hereby repealed.
15. This Bylaw shall come into effect on the day of its final passing.

MAYOR

ADMINISTRATOR

Certified a true copy of Bylaw No. 349/2010
passed by resolution of Council on the
8th day of March, 2010.

ADMINISTRATOR

SCHEDULE A**FEES – FINES – VOLUNTARY PAYMENTS****IMPOUND FEES**

ITEM	AMOUNT
Impoundment Charge	\$30.00
Housing Charge	\$20.00/day or portion thereof for every day held

FINES AND VOLUNTARY PAYMENT

OFFENCE	VOLUNTARY PAYMENT
Allowing a cat to be at large	\$20.00
Failure to remove defecation	\$20.00
Failure to keep non-sterilized cat indoors while cat is in period of heat	\$20.00
Failure to comply with order of animal protection officer	\$20.00