

DISTRICT OF MACKENZIE

TO: Mayor and Council
FROM: Administration
DATE: September 20, 2006
SUBJECT: Draft Cat Regulation Bylaw

BACKGROUND:

Council instructed Administration to prepare a bylaw to regulate cats within the District of Mackenzie.

A draft bylaw is appended to this report for Council's consideration. It is incumbent on the writer to discuss some of the issues that will arise should Council decide to regulate cats.

In researching this report communities with cat regulation bylaws were consulted as to their experiences.

1. It is acknowledged that catching a cat at large is a very difficult proposition. Cats do not generally respond to verbal stimuli as would a dog. It is therefore not practical to patrol for stray cats as pick up is unlikely.

The most practical way to secure a cat at large is to trap the animal when it ventures off its property. Cat trapping is only successful when the live traps are baited and the writer submits that providing a food source in this manner is a form of entrapment. If challenged in court, it is likely that this practice will be considered entrapment and will not be enforceable.

2. Other jurisdictions have had limited success in getting public cooperation in licencing cats and an effective enforcement of licencing regulations is elusive. Many persons do not let their cats out of the house or do it infrequently and do not bother to licence their cats.

The legal opinion is that it would be overreaching to have it that any cat "at large" would be picked up. It would be too restrictive as cats, due to their nature, roam naturally. Only unlicensed cats would be picked up.

3. Other than boarding, animal control deals with approximately 25 cats per year that are neutered and tattooed and offered for adoption. It should be noted that feral cats cannot be rehabilitated and therefore euthanasia would be the only

option at a cost of \$50.00 per animal for veterinary fees. The cost for neutering and tattooing is borne by the kennel club which has limited resources and an increase in cat traffic would not be financially viable for the club – hence the District would bear the costs. It is likely the community could not absorb a substantial increase in cats for adoption which then leads to euthanization, again at District costs.

4. The present animal control facilities do not easily lend themselves to support an increase in the number of cat holding stalls and any alterations would require, as is now, sight separation from the dog holding stalls. This is problematic. Our facilities can support, other than for boarding, on average only six impounded cats at any given time. As it is our experience that cat owners do not report their animals missing as quickly as dog owners, the bylaw proposes to hold cats for five days prior to destruction which is longer than the three days that dogs are held.

6. The 2006 Animal Control budget is \$161,547.00 and is comprised of the following:

| ADMINISTRATION | | POUND MAINTENANCE | |
|----------------------------------|----------------|-------------------|--------------|
| Wages | 96,122 | Wages | 1070 |
| Benefits | 48,403 | Benefits | 590 |
| Vehicle | 4,418 | Vehicle | 0 |
| Contracted and Answering Service | 400 | Insurance | 194 |
| Training, Travel | 1,600 | Supplied | 700 |
| Advertising | 200 | | |
| Telephone | 1,700 | | |
| Office Stationery | 2,000 | | |
| Pound Supplies | 3,000 | | |
| Office Equipment Maintenance | 400 | | |
| Sundry | 200 | | |
| Visa Fees | 250 | | |
| Euthanasia Expenses | 300 | | |
| TOTAL | 158,993 | | 2,554 |

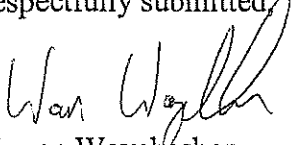
There will be a budget increase required for animal control for cat food, litter, traps and possibly increased staffing hours. Estimates for food (which would change if demand is higher or lower) and tags is \$2,500. This does not contemplate any increases in staff time which may be required if demand is high.

If the number of cats licenced is similar to dogs it is expected to increase revenues by \$16,000 to \$17,000.

RECOMMENDATION:

THAT Council receive this report and, if in agreement, considers Bylaw No.1189 for first three readings under the Bylaw Section of the agenda.

Respectfully submitted,



Warren Waycheshen,
Chief Administrative Officer

DISTRICT OF MACKENZIE

BYLAW NO. 1189

A bylaw to regulate and control cats within the District of Mackenzie.

The Council of the District of Mackenzie, in open meeting assembled,
HEREBY ENACTS as follows:

1. **TITLE**

This Bylaw may be cited for all purposes as "Cat Control Bylaw No. 1189, 2006".

2. **DEFINITIONS**

In this bylaw, unless the context otherwise requires:

BYLAW ENFORCEMENT OFFICER means the person or persons appointed from time to time by Council to enforce the provisions of this bylaw, or the authorized agent or employee of any corporation or society, with whom Council has an agreement to act as Bylaw Enforcement Officer.

COUNCIL means the Council of the District of Mackenzie.

CAT means either the male or female of the feline species.

POUND means the municipal pound established by Bylaw No. 1169 and located at 10 Cicada Road, Mackenzie, BC.

3. If any section or lesser portion of this bylaw is held to be invalid by any court of competent jurisdiction, the said section or lesser portion shall be severed from this bylaw and the remainder of this bylaw shall remain intact and in force.
4. The owner of every cat shall annually, on or before the first day of January in each year obtain and hold a licence for every cat.
5. No person shall own, keep, harbour or possess any cat in the District unless a valid and subsisting license for the current calendar year has first been obtained for the cat under this bylaw.
6. Every licence issued under this bylaw shall be for the calendar year for which the licence is issued and shall expire on the 31st day of December of the year which the licence is issued.
7. Every owner of a cat for which a licence has been issued under this bylaw shall affix, and keep affixed, the corresponding licence tag issued for that licence on the cat by a collar, harness, or other suitable device.
8. Where the owner of a cat in respect to which a licence is issued under this bylaw sells or otherwise ceases to be the owner of the cat, the licence shall, in respect of the cat thereupon become cancelled, but no licence fee refund shall be made.
9. No person shall keep or harbour, nor allow to be kept or harboured, more than two (2) cats on any property or in any residential unit within a property.
10. Every application for a licence under this bylaw shall be accompanied by a

licence fee payable in accordance with Schedule "A" which is attached to and forms part of this bylaw.

11. The Bylaw Enforcement Officer may seize and impound any cat found that has not been licenced in accordance with this bylaw.
12. The Bylaw Enforcement Officer shall immediately convey any cat seized and liable to impoundment under this bylaw to the Pound.
13. No impounded cat may be reclaimed unless all outstanding fees and all fees for impounding and storage of the cat as set out in Schedule "A" to this bylaw have first been paid in full.
14. Where the owner of a cat which has been seized and impounded under this bylaw is known to, or can be identified by the Bylaw Enforcement Officer, the Bylaw Enforcement Officer shall notify the owner, by telephone or by mail addressed to the last known address of the owner, of the fact that the cat has been seized and impounded under this bylaw and the cat will be sold, destroyed or otherwise disposed of by the District after the expiration of five days from the date the notice was received by the owner unless, in the meantime, the cat is reclaimed. For the purpose of this bylaw, notice by mail shall be deemed to be received by the owner after expiration of three days from the date the notice was mailed.

Where the owner of a cat which has been seized and impounded under this bylaw is not known to, and cannot be identified by, the Bylaw Enforcement Officer, the Bylaw Enforcement Officer shall cause notice of the seizure and impoundment to be posted on the public notice board at the District and the pound. Such notice shall set out particulars of the impounded cat, the date of seizure and impoundment of the cat, and that the cat will be sold, destroyed, or otherwise disposed of by the District after the expiration of five days from the date of the notice unless, in the meantime, the cat is reclaimed.

15. No person shall release or rescue or attempt to release or rescue any cat lawfully in the custody of the Bylaw Enforcement Officer.
16. No person shall obstruct, or otherwise interfere with the Bylaw Enforcement Officer in the lawful exercise of his duties under this bylaw.
17. Any person who violates any of the provisions of this bylaw, or will suffer or permit any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or will neglect to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence under this bylaw, and liable to a fine of up to \$2,000.00.
18. Where a violation contravention or neglect to comply with any provision of this bylaw is recurring, continual or ongoing in nature, each day's continuation or recurrence shall be considered a separate offence.

READ a first time this _____ day of _____, 2006.

READ a second time this _____ day of _____, 2006.

READ a third time this _____ day of _____, 2006.

ADOPTED THIS _____ day of _____, 2006.

I hereby certify the foregoing
to be a true and correct copy
of District of Mackenzie Bylaw
No. 1189 cited as "Cat
Control Bylaw No. 1189, 2006".

Mayor

Director of
Corporate Administration

Director of
Corporate Administration

Development Variance Permit process in order to consider a resolution to allow for the erection of a 29 foot free-standing sign which is in contravention of District of Mackenzie Sign Regulation Bylaw No. 1167 which states that no freestanding sign shall exceed 1.25 times the height of the principal building

CARRIED

25277.
2006 Seniors in
Communities

MOVED by Councillor Proctor
THAT the report from Administration, dated September 19, 2006 regarding the 2006 Seniors in Communities Workshop be received for information.

CARRIED

25278.
Draft Cat Regulation
Bylaw

MOVED by Councillor Botrakoff
THAT the report from Administration, dated September 20, 2006, regarding a draft cat regulation bylaw be received.

CARRIED

7. COUNCIL REPORTS

(a) Councillors' Reports

Councillor Desrosiers

Councillor Desrosiers participated in the Mackenzie 40th Birthday celebrations on September 9 and 10, 2006.

Councillor Desrosiers attended the dinner meeting with representatives from the Northern Health Authority on September 25, 2006.

Councillor Hall

Councillor Hall attended the Mackenzie Public Library Board of Directors meeting on September 12, 2006.

Councillor Hall discussed issues with representatives from Mackenzie Green Energy on September 12, 2006.

Councillor Hall attended the strategic planning sessions on October 23 and 24, 2006.

Councillor Jacques

Councillor Jacques advised that she raised concerns regarding animal parts being discarded within District boundaries and a public service announcement was placed on the radio.

Councillor Jacques attended the Annual General Meeting of the Northern Rockies Alaska Highway Tourist Association and Round Table meetings on September 20 and 22, 2006.

Councillor Jacques attended the strategic planning sessions on September 23 and 24, 2006.

Councillor Botrakoff

Councillor Botrakoff attended a McLeod Lake Mackenzie Community Forest meeting on September 18, 2006.

Councillor Botrakoff attended the strategic planning sessions on October 23 - 24, 2006.

Councillor Botrakoff attended the Pat Bell Invitational Golf Tournament on September 23, 2006.

Councillor Botrakoff attended the dinner meeting with the Northern Health Authority on September 25, 2006.

25279.
Hospital Staff -
Appreciation

MOVED by Councillor Proctor
THAT a letter of appreciation be sent to the Mackenzie and
District Hospital staff for their commitment to the
community.

CARRIED

25280.
Cat Bylaw - Options

MOVED by Councillor Jacques
THAT Administration be directed to prepare a report on
other options in regards to dealing with cats trespassing
on neighbours' property.

CARRIED

10. BYLAWS

25281.
Bylaw No. 1189

MOVED by Councillor Jacques
THAT Bylaw No. 1189 cited as "Cat Control Bylaw No.
1189, 2006" be tabled until a further report is received
from Administration.

CARRIED

25282.
Bylaw No. 1190

MOVED by Councillor Botrakoff
THAT Bylaw No. 1190 cited as "Hunting and Firearms
Regulation Bylaw No. 1190, 2006" be adopted.

CARRIED

25283.
Bylaw No. 1191

MOVED by Councillor Jacques
THAT Bylaw No. 1191 cited as "Tax Exemption Bylaw No.
1191, 2006" be given first three readings.

CARRIED

25284.
Bylaw No. 1192

MOVED by Councillor Proctor
THAT Bylaw No. 1192 cited as "Tax Exemption Bylaw No.
1192, 2006" be given first three readings.

CARRIED

25285.
Bylaw No. 1193

MOVED by Councillor Proctor
THAT Bylaw No. 1193 cited as "Tax Exemption Bylaw No.
1193, 2006" be given first three readings.

CARRIED

11. NOTICE OF MOTION

Nil

12. COMING EVENTS

Nil

13. INQUIRIES

Nil

14. ADJOURNMENT

25286.
Adjournment

MOVED by Councillor Proctor
THAT the meeting be adjourned at 8:10 pm.

CARRIED

Signed:

Certified Correct:

Mayor

Director of Corporate Administration