

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 94-98**

**BEING A BY-LAW TO REGULATE AND CONTROL  
CATS IN THE CITY OF NORTH BAY AND  
TO REPEAL BY-LAW NO. 113-97**

**WHEREAS** paragraph 4 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M-45 enables the Council to pass by-laws:

For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

**AND WHEREAS** paragraph 5 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M-45 enables the Council to pass by-laws:

For providing for animal identification systems including tagging, tattooing or microchip implantation and for requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the by-law in respect of the identification system.

**AND WHEREAS** it is intended to control cats in the City.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:**

**DEFINITIONS:**

- l. In this By-law:
  - (a) "at large" means to be found in any place other than the premises of the owner of the cat and not under the control of any person in such a manner as to prevent escape;
  - (b) "by-law enforcement officer" means an animal control officer appointed as poundkeeper and designated as a Provincial Offences Officer;
  - (c) "cat" means a feline over the age of six months of any breed of domesticated cat or crossbreed domesticated cat;
  - (d) "City" means The Corporation of the City of North Bay;
  - (e) "control" includes care and custody;
  - (f) "Humane Society" means the North Bay & District Society for the Prevention of Cruelty to Animals;
  - (g) "owner" includes a person who registered as the owner, has legal title to, possesses, harbours or somebody who regularly feeds a cat and who is eighteen years of age or over and "owns" has a corresponding meaning;
  - (h) "veterinarian" means a person registered under the Veterinarians Act, R.S.O. 1990, C. V-3, as amended.

## **CAT IDENTIFICATION**

2. Every owner of a cat shall place on his or her cat:
  - (a) a non-breakaway collar on which is permanently affixed a current city cat tag; or,
  - (b) a breakaway collar on which is permanently affixed a current city cat tag but only if said cat is identifiable by means of microchip technology.

## **CAT AT LARGE**

3.
  - (a) No owner of a cat shall allow or permit the cat to be at large.
  - (b) Every owner of a cat shall prevent his or her cat from being at large.
  - (c) No person shall suffer, allow or permit a cat under his or her control or of which he or she is the owner to trespass on private property unless permission for said trespass is first obtained from the property owner or occupier.

## **CITY TAG**

4. Every cat owner shall submit his or her name and current address with the Humane Society and receive a number to be inscribed on a tag or other suitable attachment to the collar, at a fee of \$30.00 per cat, less \$10.00 upon proof of rabies vaccine.

## **CAPTURE OF CATS**

5. A by-law enforcement officer may take into custody a cat which has been otherwise confined:
  - (a) that is at large;
  - (b) that is trespassing on a public place; or,
  - (c) that is trespassing on private property, upon request of the owner or occupier of the property or his or her representative.

## **IMPOUNDING**

6. Where the North Bay Humane Society takes control of a cat, it shall impound the cat.

## **EXPENSES**

7. Where a cat is impounded, the owner shall pay for each cat the following expenses to the Humane Society:
  - (a) \$30.00 to impound the cat;
  - (b) \$5.00 per day for each day following the day the cat is impounded; and,
  - (c) any and all additional costs incurred by the Humane Society for the cat, including veterinary fees.

## **CLAIMING A CAT**

8.
  - (a) Every cat owner shall claim the cat within five days of the day on which the cat was impounded, including the day of impounding, but excluding statutory holidays.

- (b) Where a cat is not claimed by its owner in accordance with subsection 8(1), the cat may be sold or placed in a suitable home forthwith or disposed of or euthanised in a humane manner.
9. Where a cat is injured or after being taken into custody or in the opinion of the Humane Society should be destroyed without delay for humane reasons, or for reasons of safety to Persons or animals, the Animal Control Officer or other officer appointed by the North Bay and District Humane Society may euthanise the cat in a humane manner as soon after capture or custody as he or she may determine without permitting any person to reclaim the cat or without offering for sale.

#### **RETURN OF CATS**

10. The Humane Society shall not return a cat before payment in full of all expenses incurred in accordance with Section 7.

#### **NO COMPENSATION**

11. No compensation, damages, fees or other sum shall be:
- (a) recoverable by a cat owner or other person; or,
  - (b) paid by the Humane Society on account of, or by reason of,
    - (i) capturing, taking into custody, or impounding a cat; or
    - (ii) selling, disposing of or euthanising a cat,
- in the course of the administration and enforcement of this by-law.

#### **DEFECATION**

12. (a) No owner of a cat and no person who has control of a cat shall suffer, allow, or permit the cat to defecate or urinate in or on;
- (i) public property; or,
  - (ii) private property, without the express consent of the owner or occupier of the said property.
- (b) Should a cat defecate in a manner referred to in subsection (1), the owner of the cat or the person in control of the cat, shall immediately and without delay, remove the excrement and provide for its sanitary disposal.

#### **OFFENCES**

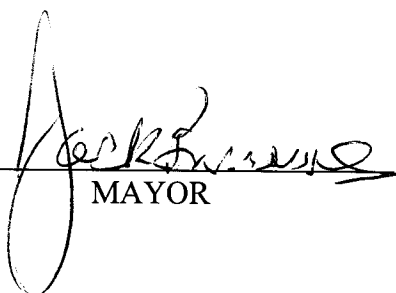
13. Where a by-law enforcement officer believes that one or more persons has committed an offence under this by-law, the officer may issue an offence notice or summons in accordance with Section 3 of the Provincial Offences Act, R.S.O. 1990, Chapter P-33 as amended.
14. Every person who contravenes Section 4 of this by-law is guilty of an offence and on conviction is liable to a fine of \$50.00 under the Provincial Offences Act.

15. Every person who contravenes a Section other than Section 4 of this by-law is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
16. That By-law No. 113-97 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 27TH DAY OF JULY, 1998.

READ A SECOND TIME IN OPEN COUNCIL THIS 27TH DAY OF JULY, 1998.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 27TH DAY OF JULY, 1998.

  
MAYOR

  
DEPUTY CITY CLERK