

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 113-97

A BY-LAW TO REGULATE AND CONTROL CATS

(Replaces by-law 152-93)

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

4. 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.

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

5. 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:

1. 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 by way of a leash of a maximum length of two (2) meters held by a person, or when a cat is not on a leash which is securely affixed to some permanent structure from which the cat cannot 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 weeks 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 possesses, harbours or somebody who regularly feeds a cat and who is eighteen years of age or over and "Owns" and "Owner" have a corresponding meaning.
 - (h) "veterinarian" means a person registered under the *Veterinarians Act*.

OWNER'S COLLAR

2. Every owner of a cat shall place on the cat a collar on which is permanently inscribed the name and address of the owner.

CAT AT LARGE

3. (1) No owner of a cat shall allow or permit the cat to be at large.
- (2) Every owner of a cat shall prevent his or her cat from being at large.
- (3) No person shall suffer, allow or permit a cat under his or her control or of which he or she is the registered owner to trespass on private property whether on a leash or not unless permission for said trespass is first obtained from the property owner.

HUMANE SOCIETY'S TAG

4. Every cat owner shall lodge his or her name and address with the Humane Society and receive a number to be inscribed on a tag for 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:
 - (1) not having a tag in accordance with section 4;
 - (2) that is at large;
 - (3) that is not under control by means of a leash;
 - (4) that is trespassing on a public place; or
 - (5) that is trespassing on private property, upon request of the owner of the property or his or her representative.

IMPOUNDING

6. Where the North Bay Humane Society takes into custody a cat, it shall impound the cat.

EXPENSES

7. Where a cat is impounded, and the owner of the cat is known to the Humane Society, the owner shall pay for the following expenses incurred by the Humane Society:

\$30.00 for first day and \$5.00 per day thereafter and any veterinary fees incurred for the cat.

CLAIMING A CAT

8. (1) Every cat owner shall claim the cat within five days of the day on which the cat was impounded, excluding the day of impounding, Sundays, and statutory holidays.
- (2) Where a cat is not claimed by its owner in accordance with subsection 10(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 on 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/she may determine without permitting any person to reclaim the cat or without offering for sale.

RETRIEVAL OF CATS

10. No person shall retrieve a cat without payment of expenses in full referred to in section 7.

NO COMPENSATION

11. No compensation, damages, fees or other sum shall be,
- (1) recoverable by a cat owner or other person;
 - (2) paid by the Humane Society on account of, or by reason of,
 - (a) capturing, taking into custody, or impounding a cat; or
 - (b) selling, disposing or euthanising a cat,

in the course of the administration and enforcement of this by-law.

DEFECATION

14. (1) 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 on or in the following premises:
1. Public place.
 2. Private property, without the consent of the owner of the premises.
- (2) The owner of a cat or other person referred to in subsection 1 shall immediately and without delay, remove the excrement and provide for its sanitary disposition.
15. Where a by-law enforcement officer believes that one or more persons has committed an offence under this by-law, the office may issue an offence notice or summons in accordance with section 3 of the *Provincial Offences Act*.

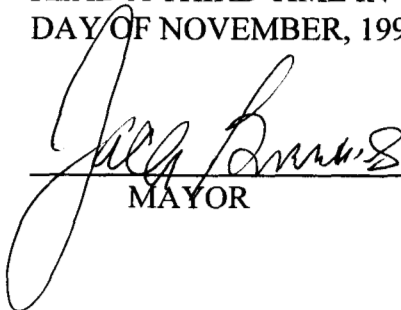
OFFENCE

16. (1) Every person who contravenes section 4 of this by-law is guilty of an offence and on conviction is liable to a fine of \$75.00 under the *Provincial Offences Act*.
- (2) 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*.

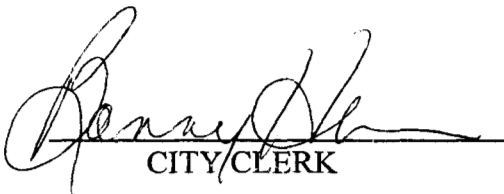
READ A FIRST TIME IN OPEN COUNCIL THE 3RD DAY OF NOVEMBER, 1997.

READ A SECOND TIME IN OPEN COUNCIL THE 3RD DAY OF NOVEMBER, 1997.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3RD DAY OF NOVEMBER, 1997.



 MAYOR



 CITY CLERK