

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR J. LATENDRESSE

DEPT. HEAD: WAYNE P. BELTER

TITLE: BY-LAW TO REGULATE AND CONTROL CATS

03-22 Draft By-Law ___ Item ___ Policy Recommendation

Mayor D. Backer and Members of Council:

Discussion about feral cats has resulted in Council passing a Resolution authorizing the By-law Department to trap wild cats and take them to the North Bay and District Humane Society. Further review indicates a By-law authorizing the process to occur under the Provincial Act is necessary.

For these reasons the following is recommended:

Recommendation:

That By-law 03-22 is approved by Council which authorizes the By-law Officer to trap cats in the municipality and provides for charges to be laid against persons letting their cats be at large.

Respectfully submitted

Councillor J. Latendresse

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NO. 03-22

**BEING A BY-LAW TO REGULATE AND CONTROL CATS
IN THE TOWN OF MATTAWA**

WHEREAS Section 103 of the Municipal Act, S. O. 2001, c. 25 as amended enables Council to passed Animal impounding by-laws.

For prohibiting or regulating within any part of the municipality or within any defined area, or upon any defined highway 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 if the damages, fines and expenses are not paid according to law.

AND WHEREAS it is intended to control cats in the Town.

NOW, THEREFORE, the Council of the Corporation of the Town of Mattawa 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 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) "Town" means the Corporation of the Town of Mattawa;
 - (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 AT LARGE

2. (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.

CAPTURE OF CATS

- 3. A By-law Enforcement Officer may take into custody a cat which has been otherwise confined:
 - (a) that is a 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

- 4. Where the Town of Mattawa takes control of a cat, it shall impound the cat with the North Bay District Humane Society.

EXPENSES

- 5. Where a cat is impounded, the owner shall pay for each cat the following expenses to the Humane Society:
 - (a) \$35.00 to impound the cat;
 - (b) \$10.00 per day for each day following the day the cat is impounded; and,
 - (c) any and all additional costs incurred by the Humane Society or the Town for the cat, including veterinary fees.

CLAIMING A CAT

- 6.
 - (a) Every cat owner shall claim the cat within three 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 6(a), the cat may be sold or placed in a suitable home forthwith or disposed of or euthanised in a humane manner.
- 7. Where a cat is injured or after being taken into custody in the opinion of the Humane Society should be destroyed without delay for humane reasons, or for reasons for safety to Persons or animals, the cat may be euthanised 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

- 8. The Humane Society shall not return a cat before payment in full of all expenses incurred in accordance with Section 5.

NO COMPENSATION

- 9. 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 or the Town 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

- 10. (a) No owner of a cat or 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

- 11. 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.
- 12. Every person who contravenes a Section of this by-law is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.

READ, PASSED AND ADOPTED this 8th day of December 2003.



Mayor



Clerk