

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 4949/5/07

BEING A BY-LAW TO PROVIDE FOR THE CONTROL OF CATS

WHEREAS Section 9, 10, and 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a Municipality has the authority to pass a bylaw, to regulate or prohibit, license as it considers appropriate animals;

AND WHEREAS Section 103 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides for the seizure and impounding of animals, regulating or prohibiting with respect to the being at large or trespassing and the sale of impounded animals;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. This by-law may be called the “Cat By-law”

DEFINITIONS

2. In this By-law:

- a. “cat” means a feline over the age of twelve weeks of any breed of domesticated cat or cross- breed domesticated cat;
- b. "Clerk" means the Clerk of the Municipality;
- c. "Council" means the Council of the Municipality;
- d. “being at large” means to be found in any place other than, the premises of the owner or on the premises of some other person with such person’s consent, and not under the control of a person;
- e. "dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities;
- f. "Humane Society" means The Welland & District Humane Society or such other agent as the Municipality may appoint and retain from time to time for the purposes of animal control;
- g. "Municipality" means The Corporation of the City of Port Colborne;
- h. "owner" includes a person who possess or harbours an animal and "owns" has a corresponding meaning;
- i. "public place" includes a highway, public park and other municipal property;

RESPONSIBILITIES OF THE OWNER

3. No person who owns or possesses a cat shall allow or permit his or her cat to be at large.
4.
 - (1) No owner of a cat shall allow or permit the cat to defecate on or in the following places:
 - (a) private property, other than the property of the owner; or
 - (b) in any public place.
 - (2) The owner shall immediately and without delay, remove the excrement and provide for its sanitary disposition.

RESPONSIBILITIES OF AN ANIMAL CONTROL OFFICER

5. The Animal Control Officer shall keep an up to date record of all complaints, notices, and reports regarding cats and a similar record of their disposition.
6. The Animal Control Officer may seize and impound any cat running at large.

INTERFERENCE WITH ENFORCEMENT OFFICER

7. No person, whether or not he is the owner of a cat which is being or has been pursued or captured shall
 - a. interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured any cat in accordance with the provisions of this by-law;
 - b. open the van or vehicle in which cats captured for impoundment have been placed, so as to allow or attempt to allow any cat to escape therefrom; or
 - c. remove or attempt to remove any cat from the possession of the Animal Control Officer.

RELEASE OF IMPOUNDING CATS

8. Where a cat is impounded, the owner shall pay all expenses incurred such as care, custody, veterinarian and cage rental fees.
9.
 - (1) Every owner shall claim the cat within three 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 (1), the cat may be adopted forthwith or dealt with of in accordance with the Animals for Research Act, R.S.O., 1990, Chapter A.22.

TRAPPING OF CATS

10. Any person who has a complaint about a cat running at large or causing damage to his property, may obtain a cat trap from the City of Port Colborne Animal Shelter for a fee.

PENALTIES:

11. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.
- (2) Each day that a breach of this by-law continues shall constitute a separate offence.

SEVERABILITY:

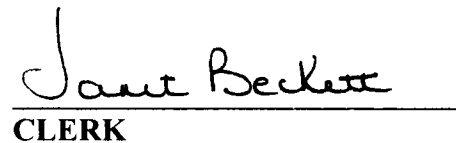
12. Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

FORCE & EFFECT OF BY-LAW:

13. This by-law shall come into force and take effect on the 22nd day of January, 2007.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
22ND DAY OF JANUARY, 2007.**


MAYOR


CLERK