

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW 2003-10

Being a By-law to regulate and control cats in the Township of Manitouwadge

WHEREAS Section 8 of the *Municipal Act 2001, S.O. 2001, C.25* states that a municipality has the capacity, right, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

WHEREAS Section 11 of the *Municipal Act 2001, S.O. 2001, C.25* authorizes a municipality to pass by-laws respecting matters within spheres of jurisdiction under which animals are listed;

WHEREAS Section 9 (3) of the *Municipal Act 2001, S.O. 2001, C. 25* states that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter and as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS it is considered desirable to pass a by-law to provide for the impounding of cats running at large, licensing, regulation and registration of cats within the Township of Manitouwadge.

NOW THEREFORE the Council of the Corporation of the Township of Manitouwadge enacts as follows:

1. DEFINITIONS

- (a) "altered" used as an adjective to refer to a cat, means that the cat has been sterilized by a licenced veterinarian. The term is applied to either a male cat that has been castrated or a female animal that has been operated on to prevent conception;
- b) "animal" for the purposes of Section 2.12 means any kind or class of animal and includes birds and reptiles. For all other sections of this by-law animal shall mean cat;
- (c) "animal sound" means any sound emitted from a cat which is audible at property occupied by persons other than the owner of the animal emitting the sound. Without limitation, this term shall include meowing, crying;
- (d) "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 the owner or his/her authorized representative, except where the owner of the property permits the animal to be on his/her property;
- (e) "cat" shall mean a domesticated carnivore of the species felis catus;
- (f) "control" includes care and custody;
- (g) "impounded" means lodgement of a cat at a designated pound within the Township of Manitouwadge;
- (h) "Municipal Law Enforcement Officer" means any person appointed by the Council of The Corporation of the Township of Manitouwadge and authorized to enforce this By-law.

- i) "municipal property" means all property owned, leased or under control of the Township and shall include all lanes, pedestrian ways, highways, parks, open space, opened or unopened road allowances, sidewalks, footpaths;
- (j) "owner" means a person who:
 - i) has the care, charge, custody or control of a cat;
 - ii) owns or who claims proprietary interest in a cat;
 - iii) harbours, suffers or permits a cat to be present on any property owned, occupied or leased by him/her or which is otherwise under his /her control;
 - iv) was issued an identification tag for a cat in accordance with this by-law.
 - v) who is 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 and where the owner is a minor, the person responsible for the custody of the minor is deemed to be the owner;
- (k) "pound" means premises that are used for the detention, maintenance or disposition of cats that have been impounded pursuant to this by-law;

2.0 GENERAL PROVISIONS

- 2.1 No owner of a cat shall permit or allow his/her cat to be at large.
- 2.2 Where a person makes a complaint to the Municipal Law Enforcement Officer that a cat is causing damage to the said person's property or otherwise creating a disturbance on that property, or is on the person's property without permission, the Municipal Law Enforcement Officer may, with the consent of the said person, enter onto private property and into the structures thereon, to investigate such complaint in accordance with section 2.5 of this By-law.
- 2.3 Notwithstanding Section 2.1, a cat shall be deemed to be at large in a public place, including highways, sidewalks, municipally owned lands, parks and on private property without the consent of the owner of that property.
- 2.4 A Municipal Law Enforcement Officer may enter on:
 - a) public property at any time for the purpose of taking possession of a cat that is in violation of the provisions of this By-law;
 - b) private property where cats are kept, with the consent of the owner or tenant, for the purpose of investigating complaints and ensuring compliance with the provisions of this By-law;
 - c) private property where cats are kept, with the consent of the owner or tenant of the private property for the purpose of taking possession of a cat that is at large and in violation of the provisions of this By-law.
- 2.5 Where a cat is causing damage or creating a disturbance, or is on the person's property without permission, the person may make a complaint to the Municipal Law Enforcement Officer.

In addition to any other provisions of this By-law, where a Municipal Law Enforcement Officer has received a complaint from a person that a cat has exhibited characteristics of a wild animal in the presence of the Municipal Law Enforcement Officer.

The Municipal Law Enforcement Officer may enter onto private property with the consent of the property owner or tenant and take possession of the cat for the purpose of impoundment.

- 2.6 No owner shall permit or allow his/her cat to defecate on public or private property in the Township of Manitowadge, other than on the property of the owner unless the owner immediately and without delay removes the excrement and provides for its sanitary disposal.
- 2.7 No person shall tease, torment, annoy, or abuse any cat,
- 2.8 No owner shall cause, permit or allow the cat to emit animal sounds or other noise for an extended or frequent period of time.
- 2.9 No person shall interfere with, hinder or impede a Municipal Law Enforcement Officer in the performance of any duty authorized by this By-law.
- 2.10 Every person required to register a cat in accordance with this By-law shall supply the following information to the Township of Manitowadge at the time of registration:
- d) name of owner, current address and telephone number(s) of the owner;
 - e) species of animal to be registered, breed, colour, sex, whether or not the animal has been altered and name of animal;
 - f) alternate contact person's name and telephone number(s), at the discretion of the owner.
- 2.11 The fees referred to in this By-law shall be as prescribed in Schedule "A" attached hereto and forming part of this By-law and are subject to change from time to time.
- 2.12 No person shall keep or harbour or permit to be kept or harboured, more than six (6) animals, including cats on property in the Township of Manitowadge.

3.0 REGISTRATION AND IDENTIFICATION OF CATS

The following additional provisions shall apply:

- 3.1 When requested to do so, an owner shall provide the Municipal Law Enforcement Officer a statement in writing as to the number of cats owned by him/her that are kept on the property of the cat owner.
- 3.2 An owner of a cat shall:
- a) annually before the 31st day of January in each year, register each cat with the Township of Manitowadge, pay the prescribed registration fee in Schedule "A" and obtain an identification tag for the cat;
- 3.3 Notwithstanding the provisions of Section 3.2, no owner need register and obtain an identification tag until such cat is three (3) months of age.
- 3.4 An owner shall ensure that his or her cat is identified with a Township of Manitowadge identification tag indicating current registration that:
- a) is securely fastened to a collar or harness worn by the cat; and,
 - b) is worn by the cat at all times when the cat is anywhere other than on the owner's lot or property occupied by the owner pursuant to a lease or other arrangement.

- 3.5 An owner may obtain a replacement identification tag for any identification tag lost or destroyed upon payment of the fee as set out in Schedule "A".
- 3.6 An owner of a cat shall register and obtain an identification tag for the cat within seven (7) working days of becoming the owner of the cat.
- 3.7 An owner of a cat shall register and obtain an identification tag for each cat that he/she owns within seven (7) working days from the date the owner took up residence in the Township of Manitowadge.
- 3.8 An owner shall notify the Municipal Law Enforcement Officer of any address change within seven (7) working days of such change occurring, including a change in alternate contact person name or contact telephone number.
- 3.9 An owner of a cat shall display the identification tag upon the cat to which the identification tag is registered.
- 3.10 An identification tag issued by the Township of Manitowadge for a cat shall not be transferable to another cat by the owner of the cat for which the identification was issued.
- 3.11 Every annual identification tag issued for a cat in accordance with this By-law shall expire on December 31st in the year shown or marked on the annual identification tag.

4.0 SEIZING, IMPOUNDING AND DISPOSITION OF ANIMALS

- 4.1 A Municipal Law Enforcement Officer is authorized by the Township of Manitowadge to impound cats for the purposes of enforcing this By-law.
- 4.2 The Municipal Law Enforcement Officer shall keep a record of every cat impounded or seized, including the date upon which it was impounded, a description of the animal, any identification or registration tag number if it wore a tag, the date of disposition and the disposition made.
- 4.3 The Municipal Law Enforcement Officer may take possession of any cat, regardless of its identification being evident, that is in contravention of this By-law.
- 4.4 Where a cat with a current identification or registration tag is impounded and has not been returned to the owner, the Municipal Law Enforcement Officer shall make all reasonable effort to inform the owner or alternate contact person in accordance with the policies or practices of the Township of Manitowadge for notifying owners that a cat has been impounded and to advise of any conditions or requirements upon which the owner may regain custody of the cat.
- 4.5 Any cat seized and impounded which is not wearing an identification tag or registration tag issued for the current year, shall be released to its owner upon the payment of the applicable fees in Schedule "A" attached hereto. The owner shall be required to purchase a current Township of Manitowadge registration or identification tag as required by this By-law if the cat has not been registered for the current year.
- 4.6 Possession of an impounded animal may be restored to the owner if the owner claims the animal within 72 hours exclusive of statutory holidays and Sundays, where the ownership of the animal can be established. Prior to the Municipal Law Enforcement Officer releasing an impounded animal to its owner under this provision, the owner shall pay the applicable fees as prescribed in Schedule "A" herein.
- 4.7 Where a cat that is impounded and has not been restored to the owner after 72 hours, exclusive of holidays and Sundays, for the keeping of an impounded cat, the Municipal Law Enforcement Officer:

- a) may release the cat to a non-profit agency which provides the service of coordinating animal adoptions; or,
- b) may have the cat humanely destroyed.

5.0 COST RECOVERY

The cost of taking possession of and impounding any cat, and the return of any cat found to be at large shall be the sole responsibility of the owner of the cat.

6.0 SCHEDULES

6.1 Schedule "A" attached hereto forms part of this By-law.

7.0 ENFORCEMENT

7.1 Every person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction, to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P33* as amended from time to time.

8.0 SEVERABILITY

8.1 Each and every provision of this By-law is severable and if any provisions of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions shall remain in full force and effect.


9.0 EFFECTIVE DATE

9.1 This By-law shall come into force and take effect on **June 21, 2003**.

10.0 TITLE

10.1 This By-law may be referred to as the "Cat Control By-law" of The Corporation of the Township of Manitowadge.

Read a first and second time the 26th day of February, 2003 and read a third time and finally enacted this 23rd day of April, 2003.



Mayor



Clerk

This is Schedule "A" to By-law 2003-10

CAT CONTROL SERVICES FEES	FEE FOR SERVICE	
Impound Fee for a cat	\$40.00 per day or part thereof exclusive of Saturdays, Sundays and statutory holidays	
Release of cat after regular business hours (call out fee)	\$80.00	
CAT REGISTRATION FEES	If paid before January 1 st	If paid after January 1 st
1. For an altered cat	\$15.00	\$20.00
2. For an unaltered cat	\$25.00	\$35.00
3. Replacement Tag for cat	\$7.00	\$7.00