THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW NO. 99-28

TO REGULATE AND CONTROL CATS

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;

AND WHEREAS it is intended to control cats in the Municipality of West Nipissing

NOW THEREFORE the Council of The Corporation of the Municipality of West Nipissing enacts as follows:

1.0 DEFINITIONS

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 pound keeper;

c) **Cat:** Means a feline over the age of six weeks of any breed of domesticated cat or crossbreed domesticated cat;

d) **Municipality:** Means The Corporation of the Municipality of West Nipissing;

e) **Control:** Includes care and custody;

f) **Owner:** Includes a person who possesses or harbours a cat and who is eighteen years of age or over and "owns" and "owner" have a corresponding meaning;

g) **Veterinarian:** Means a person registered under the Veterinarians Act.

h) **Public property:** Includes any property owned by or under the control of the municipality including parks, roads, sidewalks, etc…

2. OWNER’S COLLAR

Every owner of a cat shall place on the cat a collar on which is permanently inscribed the name and address of the owner and have the cat electronically chipped for identification purposes.
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3. CAT AT LARGE

3.1 No owner of a cat shall allow or permit the cat to be at large.

3.2 Every owner of a cat shall prevent his or her cat from being at large.

3.3 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.

4. CAPTURE OF CATS

A by-law enforcement officer may take into custody a cat which has been otherwise
confided:

4.1 Not having a collar in accordance with subsection 2(1); or

4.2 That is at large; or

4.3 That is not under control by means of a leash; or

4.4 That is trespassing on a public place; or

4.5 That is trespassing on private property, upon request of the owner of the
property or his or her representative.

5. IMPOUNDING

Where the Animal Control Officer captures and takes into custody a cat, it shall impound
the cat.

6. EXPENSES

Where a cat is impounded and the owner of the cat is known to the Animal Control
Officer, the owner shall pay the following expenses incurred by such officer:

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

7. CLAIMING A CAT

7.1 Every cat 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.

7.2 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.

7.3 Where a cat is injured before or after being taken into custody or in the
opinion of the Animal Control Officer 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 Municipality
may euthanise the cat in humane manner as soon after capture or custody
as he/she may determine without permitting any person to reclaim the cat
or without offering it for sale.
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8. RETRIEVAL OF CATS

No person shall retrieve a cat without payment of expenses in full referred to in section 9, including the veterinary cost to have the animal micro chipped for identification purpose.

9. NO COMPENSATION

No compensation, damages, fees or other sum shall be:

9.1 Recoverable by a cat owner or other person;
9.2 Paid by the Municipality 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.

10. DEFECATION

10.1 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:
   i) Public place.
   ii) Private property, without the consent of the premises.
10.2 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.

11. OFFENCE

11.1 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.

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

12. EXEMPTIONS

12.1 Cats that are owned by a owner of property registered as farm land does not have to pay to have the cats micro chipped and shall not fall under the same rules as owners in residential or apartment dwellings.

READ A FIRST, SECOND AND THIRD TIME AND PASSED AS SUCH IN OPEN COUNCIL THIS 20TH day of April 1999.

[Signatures]

MAYOR

CLERK
## AMENDED SET FINE SCHEDULE “A” - BY-LAW 99/28

**THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**PART 1 PROVINCIAL OFFENCES ACT**

**By-LAW 2002/34**  Amending BY-LAW 99/28, to regulate and control cats:

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<tr>
<th>ITEM</th>
<th>COLUMN 1 SHORT FORM WORDING</th>
<th>COLUMN 2 OFFENCE CREATING PROVISION</th>
<th>COLUMN 3 SET FINE (include costs)</th>
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<tr>
<td>1</td>
<td>Failure to place collar on which is affixed a current municipal cat tag</td>
<td>Sec. 2 a)</td>
<td>$ 55.00</td>
</tr>
<tr>
<td>2</td>
<td>Failure to place collar on cat inscribed with the name and address of the owner</td>
<td>Sec. 2 b)</td>
<td>$ 55.00</td>
</tr>
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<td>3</td>
<td>Failure to have cat electronically chipped.</td>
<td>Sec. 2 c)</td>
<td>$ 55.00</td>
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<tr>
<td>4</td>
<td>Allowing or permit cat to be at large</td>
<td>Sect. 3.1</td>
<td>$ 55.00</td>
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<td>5</td>
<td>Failure to prevent cat from being at large</td>
<td>Sect. 3.2</td>
<td>$ 55.00</td>
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<tr>
<td>6</td>
<td>Allowing cat to trespass on private property without permission from property owner</td>
<td>Sec. 3.3</td>
<td>$ 55.00</td>
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<td>7</td>
<td>Allowing cat to defecate or urinate on or in a public place</td>
<td>Sec. 10.1 i)</td>
<td>$ 55.00</td>
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<td>8</td>
<td>Allowing cat to defecate or urinate on private property without consent</td>
<td>Sec. 10.1 ii)</td>
<td>$ 55.00</td>
</tr>
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<td>9</td>
<td>Failure to remove and dispose of cat’s excrement</td>
<td>Sec. 10.2</td>
<td>$ 55.00</td>
</tr>
</tbody>
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By-law 2002/34  Amending Cat By-law 99-28