

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NUMBER 995

Being a by-law to regulate and control cats in the Town of Thessalon;

WHEREAS paragraph 1 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M-45 enables the Council to pass by-laws:

For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the Municipality or defined areas thereof, the number of animals or any class thereof that may be kept by any person, or that may be kept in or about any dwelling unit or class of dwelling unit as defined in the by-law.

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

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:

For providing the 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 paragraph 7 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M-45 enables the Council to pass by-laws:

For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer.

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

NOW THEREFORE the Council of the Corporation of the Town of Thessalon enacts as follows:

DEFINITIONS:

- (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 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 Thessalon;
- (e) "control" includes care and custody
- (f) "Humane Society" means the Sault Ste. Marie Humane Society;
- (g) "owner" includes a person who registered as the owner, has legal title to, possesses, harbours or a person 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;
- (i) "dwelling unit" means one or more habitable rooms that may be used as a permanent residence with cooking and sanitary facilities, a private entrance, from a common hallway or stairway inside the building or from outside the building;

all of which are provided for the exclusive use of and individual, a group of individuals for a family.

LIMIT PER DWELLING UNIT

10. The number of cats that may be kept by any person, or that may be kept in or about any dwelling unit as defined by this by-law, shall be restricted to three (3) cats, as defined in this by-law.

CAT IDENTIFICATION:

11. Every owner of a cat is responsible for ensuring that his or her cat bears sufficient identification to allow any person finding the cat running at large to identify and contact the Owner. For clarity, but without limiting the identification options open to an Owner, cat identification may take the form of a collar and tag worn by the cat or a traceable microchip.

CAT AT LARGE:

3. (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:

4. A by-law enforcement officer may take into custody a cat which has been otherwise confined:
(j) that is at large;
(k) that is trespassing on a public place; or,
(l) that is trespassing on private property, upon the request of the owner or occupier of the property or his or her representative.

IMPOUNDING:

5. (a) The owner of any cat taken to the Sault Ste. Marie Humane Society will be liable for the mileage expenses for the Animal Control Officer, in accordance with the by-law regarding remuneration and expenses for members of Council, local Boards and Officers and Servants of the Corporation and members of the Thessalon Hydro Electric Commission.
(b) Where the Sault Ste. Marie Humane Society takes control of a cat, it shall impound the cat and the regulations and applicable fees of the said Society will apply.

Where a cat is injured or after being taken into custody, or 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 Animal Control Officer or other officer appointed by the Sault Ste. Marie Humane Society may euthanise the cat 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.

NO COMPENSATION:

6. No compensation, damages, fees or other sum shall be:
(m) recoverable by a cat owner or other person; or,
(n) paid by the Sault Ste. Marie Humane Society on account of, or by reason of,
(ix) capturing, taking into custody, or impounding a cat; or

- (x) selling, disposing of or euthanising a cat,

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

DEFECATION:

- 7. (a) 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 in or on:
 - (i) public property; or,
 - (ii) private property, without the express consent of the owner or occupier of the said property.
- (o) Should a cat defecate in a manner referred to in subsection (a), 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.
- 8. 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.
- 9. Every person who contravenes a Section of this by-law is guilty of an offence and on conviction is liable to a fine of \$50.00 under the Provincial Offences Act.

READ a first and second time this 6th day of March, 2000.

READ a third time and FINALLY PASSED this 6th day of March, 2000.

MAYOR

Seal

CLERK