

## CITY OF QUINTE WEST

### BY-LAW NO. 08-50

#### BEING A BY-LAW FOR THE PROHIBITION AND REGULATION OF THE RUNNING AT LARGE AND TRESPASSING OF CATS AND OTHER ANIMALS (OTHER THAN DOGS) IN THE CITY OF QUINTE WEST.

**WHEREAS** Section 8 of the Municipal Act, .S.O. 2001, c. 25, provides that a council may pass by-laws for governing their affairs as they consider appropriate;

**AND WHEREAS** Section 10(2) of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass by-laws to regulate animals, including animals running at large within the City;

**AND WHEREAS** the Council of the Corporation of the City of Quinte West deems it expedient to pass a by-law for this purpose;

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF QUINTE WEST AS FOLLOWS:**

#### 1. TITLE

This By-law shall be entitled the "**Animals (other than dogs) Running at Large By-law**".

#### 2. DEFINITIONS

In this By-law, the terms in the following lettered paragraphs shall have meanings as indicated in this section. Words contained herein should be read in the context of their ordinary, everyday meanings:

- (a) "**Animal Control Officer**" shall mean a person employed by the Corporation of the City of Quinte West for the purposes of and shall include a Police Officer.
- (b) "**Cat**" shall mean cat or cats whether or not male or female, spayed or neutered.
- (c) "**City**" shall mean the Corporation of the City of Quinte West.
- (d) "**Dwelling unit**" shall mean one or more rooms connected together as a separate unit in the same structure and constituting an independent unit used for residential occupancy for living and sleeping purposes. Dwelling unit shall, for the purpose of this By-Law, include all accessory buildings associated therewith.
- (e) "**Other animal**" shall mean any animal (other than dogs) owned or controlled by any person whether wild or domesticated. Such animal shall be deemed to be not under the control of any person when the animal is not on a lead held by a person or is not otherwise physically restrained.
- (f) "**Owner**" shall mean the owner of a cat or other animal includes any person who possesses or harbours a cat or other animal and "owner" and "owned" have a corresponding meaning.

#### 3. REGULATIONS

- (a) Every owner of a cat or any other animal shall prevent such cat or other animal from running at large within the boundaries of the City.

- (b) For the purpose of this By-Law, a cat, or any other animal, shall be deemed to be running at large if it is found in any place other than the premises of the owner of the cat or other animal and not under the control of any person. Any cat or other animal, when on the land owned by the City or any local board thereof, shall be leashed or otherwise physically restrained and under the control of a person.
- (c) Every feral cat or any other animal found running at large may be seized and impounded by Animal Control or other person authorized for that purpose and any feral cat or other animal impounded shall be supplied with food, water and shelter by the pound-keeper while it is so impounded. The owner of the cat or any other animal so impounded, where he or she can be ascertained, shall be notified either personally or by registered mail, that such cat or any other animal has been impounded and as to the time within which and the conditions upon which such cat or any other animal can be reclaimed.
- (d) The owner of a cat or any other animal must reclaim the cat or any other animal within seventy-two (72) hours after receiving notice of its being impounded and the cat or other animal will be delivered up to the owner and upon payment of the cost of its maintenance while impounded.
- (e) Every cat or any other animal not reclaimed within seventy-two (72) hours after it has been impounded or after its owner has been notified as hereinbefore provided, whichever shall be last, may be sold or disposed of.
- (f) A cat or any other animal shall be deemed to have been impounded when it has been delivered into the custody of the pound-keeper.
- (g) (i) The number of cats in any dwelling unit in the City shall be restricted to five (5).
- (ii) The restriction on the number of cats permitted per dwelling unit shall not apply to a litter until the kittens in the litter reach the age of six (6) months, following which the By-Law restrictions of this Section shall apply.
- (iii) All cats must be immunized and proof of immunization must be available upon request.
- (h) (i) Every owner of a cat or other animal who contravenes any of the provisions of this By-Law shall be guilty of an offence and upon conviction is liable to a penalty as provided for under the Provincial Offences Act.
- (ii) Provided, nevertheless, that the owner of a cat or other animal who allow it to run at large contrary to Section 2 of this By-Law is guilty of an offence and upon conviction is liable to a penalty as provided for under the Provincial Offences Act.
- (iii) A Justice of the Peace acting within his territorial jurisdiction may hear and determine prosecutions under this By-Law.
- (iv) Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-Law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

- (i) When any person suspects that an animal has rabies, or that an animal has been bitten by an animal suspected of having rabies, he shall forthwith notify the Medical Officer of Health.

#### 4. PENALTIES

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to such fines and penalties as are prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.

#### 5. INTERPRETATION

All words and personal pronouns relating to words contained in this by-law shall be read and construed with the number and gender of the person or persons referred to in each case. Paragraph headings are inserted solely for ease of reference.

#### 6. SEVERABILITY

If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the City that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

#### 7. REPEAL OF PREVIOUS BY-LAW

By-laws 2499-87 and 96-502 are hereby repealed.

#### 8. EFFECTIVE DATE

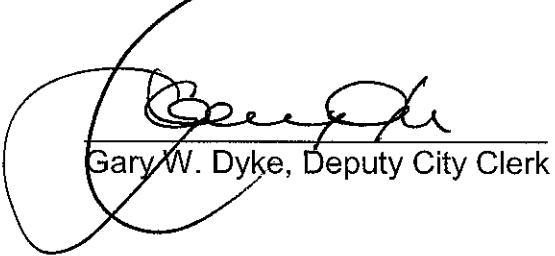
This By-law shall become effective upon the date of final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY**

**PASSED THIS 7<sup>TH</sup> DAY OF APRIL, 2008.**



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John R. Williams, Mayor



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Gary W. Dyke, Deputy City Clerk