

**City Of Quinte West
By-Law Number 14-90**

Being A By-Law For The Prohibition And Regulation Of The Being At Large Or Trespassing And Harboursing Of Cats And Other Animals (Other Than Dogs) In The City Of Quinte West.

And Whereas Section 10(2) of the Municipal Act, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting 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 being at large or trespassing and the sale of impounded animals;

And Whereas Sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provide that where a contravention of a by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention;

And Whereas Section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may direct or require a person to do a matter or thing, and that in default of it being done by the person directed or required to do it, the municipality may have the matter or thing done at the person's expense and add the costs of doing so to the tax roll and collect them in the same manner as property taxes;

And Whereas Section 425 (1) of the Municipal Act, 2001 authorizes that municipalities may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

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) Being at Large and Harboursing By-law**".
2. **Definitions**
In this By-law:
 - (a) "**Animal Control Officer**" shall mean a person appointed by the Corporation of the City of Quinte West for the purpose of enforcing by-laws respecting animals 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) **"Control"** means being kept on a leash or otherwise physically restrained by its owner or another person acting on the owner's behalf.
- (e) **"Dwelling unit"** shall mean a residential use that functions as a housekeeping unit used or intended to be used as a domicile by one or more persons containing cooking, eating, living, sleeping and sanitary facilities, and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building. Dwelling unit shall, for the purpose of this By-Law, include all accessory buildings associated therewith.
- (f) **"Other animal"** shall mean any animal (other than dogs) owned by any person whether wild or domesticated.
- (g) **"Owner"** includes any person who owns, 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 other animal shall prevent such cat or other animal from being at large within the municipal limits of the City.
- (b) For the purpose of this By-Law, a cat or other animal shall be deemed to be 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 control.
- (c) 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 control.
- (d) Every cat or other animal found to be at large may be seized and impounded by any Animal Control Officer and any 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 other animal so impounded, if known, shall be notified that such cat or other animal has been impounded and as to the time within which and the conditions upon which such cat or other animal can be reclaimed.
- (e) The owner of a cat or other animal must reclaim the cat or other animal within seventy-two (72) hours of its being impounded and the cat or other animal will be delivered up to the owner upon payment of the cost of its maintenance while impounded.
- (f) Every cat or other animal not reclaimed within seventy-two (72) hours after it has been impounded may be sold or disposed of.
- (g) A cat or other animal shall be deemed to have been impounded when it has been delivered into the custody of the pound-keeper.

- (h) (i) No person shall keep or permit to be kept at any one time more than five (5) cats per dwelling unit.
- (ii) All cats must be immunized and every owner must provide proof of immunization upon request by an Animal Control Officer.
- (iii) This section shall only apply to cats aged six (6) months or older.

4. Orders

- (a) Where an Animal Control Officer is satisfied that any person has failed to comply with this By-Law, the Animal Control Officer may make an Order requiring the person to:
 - (i) take steps to correct the contravention; or
 - (ii) discontinue the contravening activity.
- (b) An Order shall set out:
 - (i) reasonable particulars of the contravention adequate to identify the contravention; and
 - (ii) the date by which the Order must be complied with; and
 - (iii) if applicable, the steps to be done.
- (c) Any person who fails to comply with an Order is guilty of an offence.
- (d) Where a person fails to comply with an Order, the City may, without notice to the person, cause the Order to be complied with at the person's expense.
- (e) For the purposes of causing the Order to be complied with, the City may enter upon land at any reasonable time.
- (f) The City may recover any costs of causing the Order to be complied with from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

5. Penalties

- (a) 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.
- (b) 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.

6. 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.

7. 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.

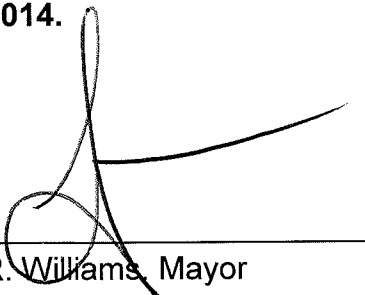
8. Repeal Of Previous By-Law

By-law 08-50 is hereby repealed.

9. 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 21st Day Of July, 2014.



John R. Williams, Mayor



Kevin Heath, City Clerk