

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 10944

**A BY-LAW TO PROVIDE FOR THE REGISTRATION,
REGULATION AND CONTROL OF CATS**

WHEREAS **section 210(4) and (5) of the Municipal Act, R.S.O. 1990, Chapter M.45** provides that Council may pass by-laws as follows:

"For prohibiting or regulating within any part of the municipality or without 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."

"For providing for 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 **section 20 of the Animals for Research Act R.S.O. 1990, chap.A.22** provides for the impounding and sale or destruction of any Cat pursuant to the provisions thereof;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

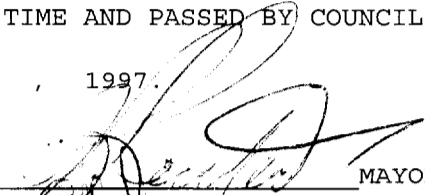
1. For the purpose of this by-law:
 - (a) "be at large" means to be found in any place other than, the premises of the owner or on the premises of some other person with such person's consent, and not under the control of a person;
 - (b) "by-law enforcement officer" means an animal control officer appointed by the poundkeeper and designated as a Provincial Offenses Officer;
 - (c) "cat" means a feline over the age of twelve weeks of any breed of domesticated cat or cross-breed domesticated cat;
 - (d) "city" means the Corporation of the City of Welland;
 - (e) "control" includes care and control;
 - (f) "Welland S.P.C.A. means the Welland and District Society for the Prevention of Cruelty to Animals;
 - (g) "poundkeeper" means the Welland S.P.C.A.;
 - (h) "Veterinarian" means a person registered under the Veterinarians Act;
 - (i) "owner" includes a person who possesses or harbours a cat and, where the owner is a minor, the person responsible for the custody of the minor;
 - (j) "humanely trap" means by use of a humane trapping device that will not cause harm or suffering to such cat.
2. The provisions of this by-law with respect to registration of cats shall apply to cats twelve weeks of age or older.

3. The owner of every cat shall within (10) ten days of his or her becoming such owner cause it to be registered, numbered and described with the Welland S.P.C.A.
4. The owner of every cat shall cause such cat either;
 - (a) to be tattooed or a microchip implanted by a veterinarian may charge a fee, with a number which such cat is then registered with the Welland S.P.C.A., in which case the owner shall provide the Welland S.P.C.A. with a written certificate from the veterinarian indicating the owner of the Cat and the said tattoo or microchip number;
 - (b) to wear around its neck a collar securely fastened to which shall be attached a tag upon which shall be inscribed the number under which the cat is to be registered and the name and address of the owner of such tag be registered with the Welland S.P.C.A.;
 - (c) notwithstanding section 4(b), nothing obligates the Welland S.P.C.A. to provide such tag. Such tag would be provided at a cost of ten dollars (\$10.00) per tag.
5. No person shall unlawfully remove such tag, tattoo or microchip implantation from a registered cat.
6. Any person who has paid his or her registration fee and loses his or her tag shall be entitled to another tag on application and upon payment of five dollars (\$5.00).
 - (a) If there is a change of ownership of a cat the new owner shall have the registration transferred to his or her name at no cost.
7. No person who owns or possesses a cat shall allow or permit his or her cat to be at large.
8. A person may humanely trap or confine any cat found to be on his or her property and not under the control of an owner or custodian.
 - (a) Any cat which has been confined by means of either humane trapping or capture shall be transported immediately to the Welland S.P.C.A. during its regular business hours;
 - (b) a person who has lawfully trapped or captured a cat may request such cat to be removed by the Welland S.P.C.A. at a fee set out by the Society.
9. The Welland S.P.C.A. shall not provide a live trap to any person where weather conditions are, or are forecasted to be colder than 0degrees celsius within 72 hours from the time of issue.
10. Where a cat has been impounded and the owner of the cat is known to the Welland S.P.C.A. the owner shall pay the following expenses incurred by the S.P.C.A.:
 - (a) Expenses to reclaim the cat - \$10.00
 - (b) Expenses of care of the cat - \$5.00 per day or part thereof
 - (c) Veterinarian fees - actual fee

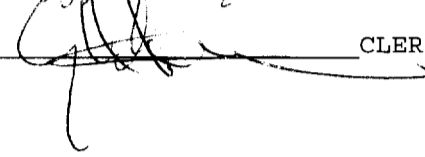
11. Every cat owner shall claim the cat within four days of the day on which the cat was impounded, excluding the day of impounding, Sundays, and statutory holidays.
- (a) where a cat is not claimed by its owner in accordance with section 10 the cat may be sold forthwith or disposed of in a humane manner.
12. Where a cat is sick or injured before being taken into custody or in the opinion of the Welland S.P.C.A. should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Welland S.P.C.A. or another officer appointed by the Welland S.P.C.A. may dispose of the cat in a humane manner as soon after capture or custody as he may determine.
13. Prior to an impounded cat which has a tag, tattoo, microchip implantation or other means of identification being destroyed in accordance with the provisions of this by-law, the Welland S.P.C.A. shall take all reasonable steps to find the owner of the cat and shall forthwith notify the owner, if found, that the cat has been impounded.
14. No person shall forcibly retrieve a cat from the Welland S.P.C.A.:
- (a) no person shall retrieve a cat without payment of expenses in full referred to in section 9;
- (b) No person shall retrieve a cat from the Welland S.P.C.A. that was seized under this by-law that is not micro-chip implanted, tattooed, or tagged without purchasing a tag for said cost.
15. No cat owner shall allow or permit the cat to defecate on or in the following premises without immediately removing the excrement and providing for its sanitary disposition:
- (a) public place;
- (b) private property, without the consent of the owner of the premises.
16. Sections 3 and 4 of this by-law do not apply to:
- (a) a pet shop licensed by the City wherein cats are kept for re-sale purposes: or
- (b) an animal hospital or an animal clinic under the control and supervision of a qualified Veterinarian who is a member of the Ontario Veterinary Association: or
- (c) the Welland S.P.C.A. or person fostering cats for the Welland S.P.C.A.
17. Any person who contravenes any provision of this By-law is guilty of an offence and, on conviction, is liable to a fine of not more than (\$5,000) five thousand dollars pursuant to the provisions of the Provincial Offences Act.

18 . If, for any reason, any section, clause or provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this By-law as a whole or any part thereof, other than the part which was declared to be invalid.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
18th DAY OF February , 1997.



MAYOR

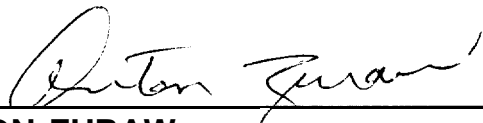


CLERK

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court Provincial Division, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the Municipal By-Law No. 10944 of the City of Welland, attached hereto are the set fines, including costs, for those offences to take effect September 21, 1998.

DATED at Hamilton, this 21st day of September, 1998.



ANTON ZURAW
Regional Senior Judge
Central South Region

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NO. 10944

TITLE: **A BY-LAW TO PROVIDE FOR THE
REGISTRATION, REGULATION AND CONTROL OF CATS**

	COLUMN 1	COLUMN 2	COLUMN 3
ITEM	DESCRIPTION OF OFFENCE	PROVISION CREATING OR DEFINING OFFENCE	SET FINE (including costs)
1.	Being the owner of a cat did fail to register	section 3	\$25.00
2.	Being the owner of a cat did fail to prevent cat from being at large	section 7	\$25.00
3.	Being the owner of a cat did fail to remove excrement	section 15	\$80.00

NOTE: the penalty provision for the offences as listed above are in section 17 of **By-law 10944, a**
certified copy of which has been filed.