



BY-LAW NO. 2011-155

**“A BY-LAW TO PROVIDE FOR THE REGISTRATION,
REGULATION AND CONTROL OF CATS WITHIN THE CITY OF
OWEN SOUND”**

Originally Passed and Enacted August 29, 2011

Amended By By-law:	Passed On:
Not Amended	

Consolidated Version
Revised and Verified October 15, 2013

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk’s Department.

BY-LAW NO. 2011-155

THE CORPORATION OF THE CITY OF OWEN SOUND

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

WHEREAS it is provided by the Ontario Municipal Act, S.O. 2001 Part II General Municipal Powers, Section 11 Broad authority, lower-tier and upper-tier municipalities, and the Animals For Research Act, R.S.O. 1990, Chapter A.22, Section 20 provide that Councils of municipalities may pass by-laws to prohibit, regulate, licence and control animals within the municipality, and

AND WHEREAS Section 103 of the Municipal Act 2001, c. 25 empowers municipalities to regulate and prohibit cats at large; and

AND WHEREAS the City wishes to regulate, control, and establish basic care requirements for cats;

AND WHEREAS the Council of the Corporation of the City of Owen Sound deems it desirable to pass such a By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:**

1. SHORT TITLE

1.1 This By-law may be cited as the City of Owen Sound Cat By-law.

2. DEFINITIONS

2.1 **Animal Control Officer** means a By-law Enforcement Officer specially appointed by City Council as pound keeper and designated as a Provincial Offences Officer and includes the person or persons who have entered into a contract with the City to control cats and maintain the Owen Sound Animal Shelter.

2.2 **At large** means a cat found in any place other than the premises of the owner of the cat and not under the control of the owner of the cat or his or her authorized representative.

2.3 **City** means the Corporation of the City of Owen Sound.

2.4 **Cat** means a male, female, neutered male, spayed female feline over the age of six (6) weeks of any breed of domesticated cat or crossbreed domesticated cat.

2.5 **Control** includes care and custody.

2.6 **Enforcing Officer** means an Animal Control Officer or a By-law Enforcement Officer appointed by the City to enforce the provisions of by-laws, or a Police Officer as appointed under the Police Services Act.

2.7 **Harbour** means to provide food or shelter to a cat.

2.8 **License** means the license issued under the authority of the Director of Financial Services of the City or their designate.

2.9 **License fee** means the fee established by the City in the City of Owen Sound Fees and Charges By-law, as amended from time to time.

2.10 **Owner** means the person who possesses or harbours a cat and where the owner is a minor, the person responsible for the custody of the minor.

2.11 **Veterinarian** means a person registered as a veterinarian under the Veterinarians Act, R.S.O. 1990, Chapter V.3 as amended or successor legislation.

3. REGISTRATION AND LICENSING OF CATS

- 3.1 Every owner within the City shall, within seven (7) days after the cat comes into their possession, licence the cat at Service Owen Sound counter at Owen Sound City Hall at 808 2nd Avenue East, Owen Sound or at the Owen Sound Animal Shelter at 2125 18th Avenue East, Owen Sound by paying the fee prescribed in the City of Owen Sound Fees and Charges By-law.
- 3.2 If there is a change of ownership of a cat, the new owner shall within seven (7) days after the cat comes into their possession have the current licence transferred to their name upon payment of a transfer fee, the same as the transfer fee for dogs as specified in the City of Owen Sound Fees and Charges By-law.
- 3.3 Notwithstanding Section 3.1, the licence fees to register and licence a cat that is required as a service animal to assist a person with disabilities shall be waived upon providing sufficient documentation to the City from a Medical Doctor or other qualified person.
- 3.4 Notwithstanding Section 3.2, the fee to transfer a licence shall be waived upon providing sufficient documentation to the City from a Medical Doctor or other qualified person that the cat is required and will still be used as a service animal to assist the new owner.
- 3.5 Notwithstanding Sections 3.1 to 3.4 inclusive, the provisions of this By-law with respect to the registration of cats shall apply to cats eight (8) months of age or older.
- 3.6 Where a certificate of a Veterinarian is produced showing that a male cat has been neutered or that a female cat has been spayed, said cat shall be licensed at the lower rate specified in the City of Owen Sound Fees and Charges By-law.
- 3.7 On payment of the license fee, the owner shall be provided with a tag bearing a serial number for each cat licensed.
- 3.8 Every owner shall cause their cat to wear a durable collar or harness around its neck with the City provided tag securely attached to the collar or harness.
- 3.9 No person shall unlawfully remove from a licensed cat the collar or harness to which the tag is attached.
- 3.10 Every owner shall keep the tag securely fixed on the cat at all times.
- 3.11 No person shall affix or use a tag on a cat other than the cat for which the tag was issued.
- 3.12 The City shall keep a record showing the description of the cat for which the tag was issued, the name and address of the owner and the serial number of the tag.
- 3.13 Any person who has paid their license fee and loses their cat tag shall be entitled to a replacement tag on application and upon payment of the replacement tag fee, the same as the replacement fee for dogs as specified in the City of Owen Sound Fees and Charges By-law.
- 3.14 Every owner of a cat shall notify the City within seven (7) days of any change of address or sale of the said cat.
- 3.15 Section 3 of this By-law does not apply to:
 - 3.15.1 A pet shop licensed by the City wherein cats are kept for re-sale purposes;
 - 3.15.2 An animal hospital or an animal clinic under the control and supervision of a qualified veterinarian; or
 - 3.15.3 Cat owners actively farming areas zoned for agricultural use as designated within the City of Owen Sound Zoning By-law.

4. GENERAL PROVISIONS

- 4.1 No person shall abandon any cat in any area within the City limits.
- 4.2 No person shall make a false statement on any registration or application required under this By-law.
- 4.3 No person shall obstruct or interfere with an Enforcing Officer in the lawful execution of their duties enforcing the provisions of this By-law.
- 4.4 No person shall keep any cat without providing safe and humane living conditions on the property or residence of the owner or custodian including, but not limited to the following minimums:
 - 4.4.1 Sufficient food, water, grooming and care to ensure the cat is healthy and of proper temperament;
 - 4.4.2 Regular removal of cat excrement from litter boxes and proper disposal of same; and
 - 4.4.3 Sufficient veterinarian and human care or attention to ensure the cat does not become a nuisance in terms of behaviour.
- 4.5 Every owner of a cat may release ownership to the Animal Control Officer by signing an authorization form and the Animal Control Officer shall dispose of the cat, subject to the provisions of the Animals for Research Act. The charges to the owner for releasing ownership of the cat are set out in the City of Owen Sound Fees and Charges By-law.
- 4.6 Every owner wishing to have a cat destroyed shall pay the Animal Control Officer the fee set out in the City of Owen Sound Fees and Charges By-law.
- 4.7 Every owner shall pay veterinarian costs in relation to care of a cat while in the possession of the Animal Control Officer.
- 4.8 Any fees due the City as a consequence of this by-law and not paid within 30 days shall be deemed to be like taxes and such fees added to the municipal tax roll.

5. CATS AT LARGE

- 5.1 No person shall allow a cat to be at large within the City limits.
- 5.2 A cat shall not be considered to be at large if it is a service animal while assisting a person with a disability.
- 5.3 A cat which is found at large contrary to this By-law may be seized and impounded by any Enforcing Officer. An impounded cat shall be held for a redemption period of not less than three (3) days exclusive of the day on which it was impounded and Saturdays, Sundays or Public Holidays and if not claimed may then be sold, destroyed or otherwise disposed of at the discretion of the Animal Control Officer in accordance with the Animals for Research Act, except that where a cat is found at large and is ill or injured and a veterinarian is of the opinion that the cat should be destroyed immediately, any Enforcing Officer may direct the veterinarian to destroy the cat immediately. Where a cat is seized or impounded it will not be released until all seizure, pound and maintenance charges have been paid.
- 5.4 The Animal Control Officer shall take all reasonable steps to find the owner and shall immediately notify the owner, if found, that the cat has been impounded.
- 5.5 Where a cat is severely injured before or after being taken into custody or in the opinion of a veterinarian should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or the veterinarian shall destroy the cat in a humane manner without permitting any person to reclaim the cat or without offering it for sale.

- 5.6 The Animal Control Officer shall restore possession of an impounded cat to the owner thereof where the owner claims possession within the redemption period and the owner shall pay the Animal Control Officer all reclamation, maintenance, shelter, licence fees and all expenses incurred in capturing and transporting the cat, as set out in the City of Owen Sound Fees and Charges By-law.
- 5.7 If at the end of the redemption period, the owner has not reclaimed an impounded cat, the Animal Control Officer may sell said cat, subject to the provisions of the Animals for Research Act and all monies belong to the Animal Control Officer.
- 5.8 If at the end of the redemption period, the owner has not reclaimed an impounded cat and the cat has not been sold the Animal Control Officer may destroy the cat or dispose of it as they see fit, subject to the provisions of the Animals for Research Act; no damage or compensation shall be recovered against the Animal Control Officer or the City and the Animal Control Officer shall charge the owner all fees as provided in the City of Owen Sound Fees and Charges By-law.
- 5.9 The Animal Control Officer shall provide live traps for the use of the general public for the rental fee set out in the City of Owen Sound's Fees and Charges By-law.

6. ENFORCEMENT AND PENALTY

- 6.1 This by-law shall be enforced by the Enforcing Officers as defined herein.
- 6.2 Any person that contravenes any provision of this By-law is guilty of an offense and upon conviction therefore is subject to the penalty set out in the Provincial Offences Act.

7. SEVERABILITY

- 7.1 The terms and provisions of this By-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the By-law shall continue to be in full force and effect.

8. BY-LAWS REPEALED

- 8.1 By-law numbers 1991-055, 1992-106, 1993-034, 1996-034, 1998-022 and 2005-233 are hereby repealed.

FINALLY PASSED AND ENACTED this 29th day of August, 2011.

Signature on file
Mayor

Signature on file
Deputy Clerk