

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2012 - 111

**A BY-LAW TO PROVIDE FOR THE REGISTRATION,  
REGULATION AND CONTROL OF CATS; AND TO  
REPEAL BY-LAW 10944**

WHEREAS *Section 11(1) of the Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS *Section 11(3) of the Municipal Act, 2001*, provides that a Municipality may pass by-laws respecting matters including animals;

AND WHEREAS *Section 103 of the Municipal Act, 2001* provides that a municipality may pass by-laws with respect to the being at large or trespassing of animals including the seizure and impounding of animals being at large or trespassing contrary to the by-laws as well as the sale of impounded animals;

AND WHEREAS the *Animals for Research Act, R.S.O. 1990, c. A. 22* provides for the sale or destruction of any animal which has been impounded pursuant to the provisions thereof,

AND WHEREAS it is necessary and advisable to repeal By-law 10944.

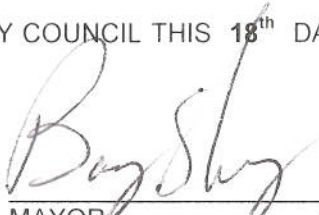
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:


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 and "being at large" has a corresponding meaning;
  - (b) "by-law enforcement officer" means an animal control officer appointed by the poundkeeper and designated as a Provincial Offences Officer;
  - (c) "cat" means a cat over the age of twelve weeks of any breed or cross breed;
  - (d) "city" means The Corporation of the City of Welland;
  - (e) "control" includes care and control;
  - (f) "humanely trap" means by use of humane trapping device that will not cause harm or suffering to such cat;
  - (g) "kitten" means a cat under the age of twelve weeks of any breed or cross breed;
  - (h) "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;
  - (i) "poundkeeper" means the Welland S.P.C.A.;
  - (j) "veterinarian" means a person licensed under the *Veterinarians Act, R.S.O. 1990, c. V.3* to engage in the practice of veterinary medicine; and
  - (k) "Welland S.P.C.A." means the Welland and District Society for the Prevention of Cruelty to Animals.
2. The owner of every cat shall, within (10) ten days of becoming such owner, cause it to be registered, numbered and described with the Welland S.P.C.A.
3. The owner of every cat shall cause such cat to have a microchip implanted by a veterinarian or the Welland S.P.C.A. with a number so that such cat is then registered with the Welland S.P.C.A. 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 microchip number. This provision shall not apply to an owner who, on the date of the passage of this by-law, had such cat tattooed with a number and registered with the Welland S.P.C.A. or had such cat wear around its neck a collar securely fastened with an attached tag upon which is inscribed the number under which the cat is registered to and the name and address of the owner of such tag has been registered with the Welland S.P.C.A.
4. No person shall unlawfully remove such tag, tattoo or microchip implantation from a registered cat.

5. Any person, subject to the provisions of Section 3, 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). 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.
6. No person who owns or possesses a cat shall allow or permit his or her cat to be at large.
7. Any cat found to be at large pursuant to the provisions of this by-law may be impounded by a by-law enforcement officer or the Welland S.P.C.A. and delivered to the Welland S.P.C.A.
8. The Welland S.P.C.A. shall keep care and control of all cats who are brought to it or seized by it for being at large in accordance with all applicable legislation and shall sell or destroy of said cats in accordance with such legislation. The Welland S.P.C.A. shall keep a record of all cats impounded and all disposed of, the amount collected for fees and the proceeds of same.
9. 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 provided that:
  - (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; or
  - (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. subject to the required fee, if any, as imposed by the Welland S.P.C.A.
10. Any person may obtain a trap from the Welland S.P.C.A. to capture a cat that is found to be at large provided that such person pays the required fee, if any, to the Welland S.P.C.A. 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 zero (0) degrees Celsius within 72 hours from the time of issue.
11. Where a cat has been impounded and the owner of the cat has satisfactorily established to the Welland. S.P.C.A. that he or she is the owner of the cat, the owner shall pay the following fees.
  - (a) expense to reclaim the cat
    - (i) First time \$ 25.00
    - (ii) Second time \$ 75.00
    - (iii) Third time \$150.00
    - (iv) All additional times \$500.00
  - (b) expenses of care of the cat - \$25.00 per day or part thereof
  - (c) veterinarian fees – actual fee
12. Every 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. Where a cat is not claimed by its owner in accordance with this section 12 the cat may be sold forthwith or disposed of in a humane manner.
13. 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.
14. 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.

15. No person shall forcibly retrieve a cat from the Welland S.P.C.A. No person shall reclaim a cat unless such person is the owner of said cat. No owner shall reclaim a cat without payment of expenses in full referred to in section 11. No cat, subject to the provisions of Section 3, shall be reclaimed from the Welland S.P.C.A. unless that cat is microchip implanted. The owner of said cat shall pay all fees associated with being microchip implanted.
16. No owner shall allow or permit his or her 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.
17. No person shall keep, permit to be kept or harbour more than three (3) cats on a property, regardless of whether that person is the owner of the cats.
18. No person shall keep, permit to be kept, or harbour a litter of kittens, on a property more than once in any twelve (12) month period.
19. Sections 2 and 3 of this by-law do not apply to:
- (a) an animal hospital or an animal clinic under the control and supervision of a qualified Veterinarian who is a member of the College of Veterinarians of Ontario; or
  - (b) the Welland S.P.C.A..
20. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5000.00) as prescribed in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and regulations thereto.
21. That By-law Number 10944 shall be and the same is hereby repealed.
22. 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 affect 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 18<sup>th</sup> DAY OF  
**September, 2012.**

  
 MAYOR

  
 ACTING CITY CLERK