

CITY OF MELFORT

BYLAW NO. 2019-29

A BYLAW OF THE CITY OF MELFORT TO REGULATE & CONTROL THE OWNERSHIP AND POSSESSION OF CATS WITHIN THE CITY OF MELFORT

The City of Melfort considers it to be in the public interest to pass a bylaw which balances the benefits and nuisances of cat ownership. Pursuant to Section 8 of *The Cities Act*, the Council of the City of Melfort, in Council assembled, enacts as follows:

Title

1. This Bylaw may be referred to as the “Cat Control Bylaw” of the City of Melfort.

Interpretation

2. In this Bylaw, unless the context otherwise requires, the expression:
 - (1) “**Animal Control Officer**” means any person authorized by Council to enforce the provisions of this Bylaw, any member of Melfort RCMP and any other person or agency appointed by Council to restrain, receive or impound animals;
 - (2) “**Cat Run**” means a permanent structure outside of a residential dwelling unit, used for the containment of a cat;
 - (3) “**City**” means the City of Melfort;
 - (4) “**Council**” means the Council of the City of Melfort;
 - (5) “**Nuisance and Running at Large**” includes, but is not limited to; fighting with other cats, defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, digging in flower beds or garbage containers and trespassing on private property;
 - (6) “**Owner**” means any person owning, possessing, or harbouring a cat.
3. Explanatory notes included in this Bylaw are intended to assist in the interpretation of the provisions, but shall not derogate from any powers or duties created or imposed by the Bylaw.
4. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

Licensing

5. (1) The license year for cats shall be from January 1 to December 31 of the same year.
 - (2) Every cat owner shall apply to the City Treasurer for a license to own and harbor a cat in the City of Melfort. The cat owner will be issued a cat tag after paying the appropriate license fee as shown in Schedule "B" of this Bylaw.
 - (3) The owner of a cat shall ensure that the cat wears a collar to which is attached a valid license tag whenever the cat is off the premises of the owner. This subsection shall not apply while a cat is participating in a recognized cat show, obedience trial or field trial, or where a tattoo has been permanently imprinted or electronic identification microchip has been implanted in the animal and the identification information related to the tattoo or microchip has been provided to the City by a veterinarian.
 - (4) Subject to subsection 5(3), a person being the owner of a cat which is not licensed according to subsection 5(2) of this section or is found not wearing the license tag issued under subsection 5(2) shall be guilty of an offence.
 - (5) Licenses issued pursuant to this section are non-transferable and non-refundable.
6. The following are exempted from the licensing provisions in Section 5:
- (1) The Animal Control Agency and SPCA;
 - (2) The Poundkeeper; and
 - (3) A store whose business includes the sale of pets and is licensed as such.

Nuisance or Running at Large

7. (1) The owner of a cat shall ensure that the cat is not being a nuisance or running at large.
- (2) When a cat is found being a nuisance or running at large, its owner shall be deemed to have failed or refused to comply with the requirements of the previous subsection.
- (3) Where a cat is being a nuisance or running at large, the owner or occupant of that property on which the cat is running at large may make a complaint to the Animal Control Officer or Bylaw Enforcement Officer, who will issue the owner a written warning for a first offence.
- (4) If a second or subsequent complaint of a cat being a nuisance or running at large is received by the City, the owner of the cat will be charged.

Impoundment

8. (1) Where an Animal Control Officer receives a complaint of a nuisance caused by a cat, the Animal Control Officer may:
 - (a) seize and impound any cat found causing a nuisance;
 - (b) issue a trap to the complainant upon execution by the complainant of an agreement as set out in Schedule "A" to this Bylaw.

- (2) Where a trap is issued pursuant to clause 8(1)(b), the complainant shall:
 - (a) abide by the terms of the Cat Trap Permit agreement;
 - (b) personally check the trap each hour while the trap is set;
 - (c) in the event a cat is trapped, immediately contact the City.
- (3) Where a cat is impounded, the City shall:
 - (a) hold the cat for three days, unless earlier claimed by the owner of the cat;
 - (b) attempt to notify the owner of the cat, if known, of the impoundment.
- (4) An owner of a cat which has been impounded may claim the cat by:
 - (a) providing reasonable proof of ownership to the City; and
 - (b) paying an impoundment charge and a housing charge, as may be specified in Schedule "B" to this Bylaw.
 - (c) Having the cat spayed or neutered if not already or be able to provide proof why it shouldn't be.
- (5) Where a cat is not claimed by the owner within three days of impoundment, the City may dispose of the cat:
 - (a) by humane destruction.
- (6) Notwithstanding the above, any animal involved in a bite incident or suspected of having rabies or other life-threatening disease shall be isolated and observed for not less than 10 days and may not be claimed, destroyed or otherwise disposed of except after notice to the Regional Medical Health Officer and then only in compliance with the direction of the Medical Health Officer and the provisions of *The Health of Animals Act (Canada)*.
- (7) The North East SPCA is hereby designated as the City's official pound.

Cat Runs

- 9. (1) Where cats are housed or kept in a cat run, the owner of the cats shall:
 - (a) ensure that the cat run is kept at all times in a sanitary condition, and the removal and disposition of all refuse shall be done in a regular and sanitary manner;
 - (b) ensure that the cat run meets the following minimum requirements:
 - (i) base and flooring constructed or composed of impervious material or wood;
 - (ii) located no closer than one metre of any property line and no closer than five metres of any neighbouring dwelling unit.

Defecation

- 10. No owner of a cat shall fail to immediately remove any exposed defecation of the cat from private property, other than property owned or occupied by the owner, and dispose of the defecation in a sanitary manner.

Harbouring

- 11. (a) No person in the City shall harbour or keep more than four (4) cats in any one location.
- (b) Section 11(a) shall not apply to any person harbouring or keeping cats:
 - (i) For commercial breeding purposes;
 - (ii) For boarding on a commercial basis;

- (iii) For a period not exceeding 12 weeks following the birth of a litter of kittens, to provide an opportunity for dispersal of the litter.

Providing the harbourage or keeping, in the opinion of the Animal Control Officer, does not constitute a nuisance.

Penalties

- 12. (1) Every person who contravenes any of the provisions of this Bylaw, or fails to comply therewith, or with any notice or order given hereunder, shall be guilty of an offence and liable to the penalty as herein provided in Schedule "B" to this Bylaw.
 - (2) Notwithstanding any of the provisions of this Bylaw to the contrary, where any person has committed or is alleged to have committed an offence under this Bylaw, a ticket in a form approved by the Council may be served upon such person, and if such person pays the penalty provided for the offence that he has committed or is alleged to have committed voluntarily to the Poundkeeper at any time within seventy-two (72) hours of the time of service of the ticket upon such person, such person shall not be liable to prosecution for the offence;
 - (3) Service of such ticket may be made by prepaid registered mail, or by personal service, or by delivery to an adult person at the home of the person alleged to have committed the violation;
 - (4) If the person served with such ticket fails to pay the specified penalty voluntarily within the time allowed following service of the ticket, then the provisions of this section shall no longer apply and the person shall be liable to prosecution for the offence in a court having a jurisdiction over summary conviction matters, providing that nothing in this section shall prevent any person served with such a ticket from exercising his right to defend himself against any of these particularized offences.
- 13. That Bylaw Nos. 2007-24, 2012-25, 2013-25 and 2015-02 are hereby repealed.
 - 14. That this Bylaw shall come into force and effect on January 1, 2020.

INTRODUCED AND READ a first time this 9th day of December, 2019.

READ A SECOND TIME this 9th day of December, 2019.

READ A THIRD TIME and passed this 9th day of December, 2019.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 2019-29 adopted by Resolution of Council on the 9th day of December, 2019.

City Clerk

SCHEDULE "A"

To Bylaw 2019-29 as provided by Clause 8(1)(b)

CAT TRAP PERMIT

Date: _____

Trap #: _____

The undersigned agrees to the following terms and conditions:

- To place the cat trap only on his or her property, which is within the City of Melfort;
- To personally check the cat trap each hour while the trap is set;
- In the event a cat is trapped, to immediately contact the City at 752-5911. Where a cat is held, the undersigned is responsible for the humane treatment and shelter of the cat including feeding and watering. A captured cat should be left in the trap and placed in a shed, garage, basement or other place that is warm, dry and secure with a blanket placed over the trap to pacify the animal. Do not attempt to remove an unfamiliar cat from the trap – this will be done by an Animal Control Officer. If the undersigned cannot comply with this condition, the trapped cat must be freed unharmed.
- To ensure that no harm comes to any trapped cat while in their possession including exposure to inclement weather.
- Cat traps are not to be used when the temperature falls below -10°C or rises above +30°C;
- Any Animal Control Officer may enter the property of the undersigned to ensure the trap is being used properly;
- To advise the City of the ownership of any cat trapped, if known;
- To be responsible for the trap, including the cost or repair or replacement if damaged, lost or stolen;
- Traps must not be set on statutory holidays as the City Office is closed.
- The trap is to be returned to the City three days after issuance.

IT IS A SERIOUS OFFENCE TO HARM ANY DOMESTIC ANIMAL

Address of intended location of trap: _____

I understand and accept all liability which may arise in connection with the use of this cat trap while it is in my possession and will save and indemnify the City of Melfort for all such liability.

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

TRAP RETURNED:

Date: _____

Received by: _____

Remarks: _____

SCHEDULE "B"
To Bylaw 2019-29 as provided by Clauses 5(2) and 8(4)(b)

A. License Fee

1. The license fee for each year under Section 5(2) shall be Thirty-one (\$31.00) Dollars.
2. Where, upon application for a license, the owner provides a certificate from a certified veterinarian stating that the cat has been neutered/spayed, the license fee for that year and each year after shall be Eleven (\$11.00) Dollars.

B. Impoundment Charges

1. Neutered/spayed cat:
 - a) 1st Offence \$20.00
 - b) 2nd and Subsequent Offence within a 12-month period \$40.00
2. Unneutered/unsprayed cat – each offence (if neutered or spayed, charges reduced to above charges on proof of same) \$50.00

Housing/Boarding Charges

Per day or part thereof Actual cost charged by pound

C. Penalties

Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to:

- (1) In the case of a first offence, a fine of Fifty (\$50.00) Dollars and in default of payment, to imprisonment for not more than Five (5) Days;
- (2) In the case of a second offence committed within Twelve (12) Months of the date of a first offence, a fine of One Hundred and Twenty-five (\$125.00) Dollars, and in default of payment, to imprisonment of not more than Ten (10) Days;
- (3) In the case of a third offence committed within Twelve (12) Months of the date of a first offence, a fine of Two Hundred and Fifty (\$250.00) Dollars, and in default of payment, to imprisonment of not more than Fifteen (15) Days;
- (4) In the case of a fourth and subsequent offence committed within twelve (12) months of the date of a first offence, is guilty of an offence and liable on summary conviction to a maximum fine of:
 - a) Ten Thousand Dollars (\$10,000.00) in the case of an individual; or
 - b) Twenty-Five Thousand Dollars (\$25,000.00) in the case of a corporation.