

**THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST**

**BY-LAW NUMBER 2007-51**

**A BY-LAW FOR THE PROHIBITING AND REGULATING THE RUNNING AT LARGE AND TRESPASSING OF CATS AND OTHER ANIMALS (OTHER THAN DOGS) AND TO RESTRICT THE KEEPING OF CERTAIN ANIMALS IN THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST**

**WHEREAS** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that the scope of power of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS**, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** under Section 11 (3) of the Municipal Act, 2001, S.O, 2001, c. 25, as amended provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection 4, respecting matters within the spheres of jurisdiction, Section 11 (3) 9 animals;

**AND WHEREAS** the Council of the Corporation of the Municipality of Highlands East deems it expedient to pass a by-law with regard to cats and other animals to prohibit their running at large;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST ENACTS AS FOLLOWS:**

**SECTION 1- DEFINITIONS**

1. In this By-Law:

(a) **"any other animal"** means any animal (other than dogs) owned or controlled by any person whether wild or domesticated. Such animal shall be deemed to be not under the control of any person when the animal is not on a lead held by a person or is not otherwise physically restrained.

(b) **"dwelling unit"** means one or more rooms connected together as a separate unit in the same structure and constituting an independent unit used for residential occupancy for living and sleeping purposes. Dwelling unit shall, for the purpose of this By-Law, include all accessory buildings associated therewith.

(c) **"cat"** means cat or cats whether or not male or female, spayed or neutered.

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(d) **"owner"** means a person who owns, harbours or keeps a cat or other animal.

(e) **"By-Law Enforcement Officer"** means a person employed by The Corporation of the Municipality of Highlands East to enforce By-Laws.

#### **SECTION 3 - NUMBER OF CATS PERMITTED – HAMLET RESIDENTIAL ZONE (R2)**

2.1 In this part, CAT means any cat, male or female, over the age of twelve (12) weeks.

2.2 No person or persons may own, harbour, or keep any more than two (2) Cats on any one lot in any **HAMLET RESIDENTIAL ZONE (R2)**, attached as Schedule "A" or any other zone as defined by the provisions of any applicable land use control bylaw.

(a) The restriction on the number of cats permitted per dwelling unit shall not apply to a litter until the kittens in the litter reach the age of eight (8) weeks, following which the By-Law restrictions of this Section shall apply.

(b) All cats must be immunized and proof of immunization must be available upon request to the By-law Enforcement Officer.

#### **SECTION 3 – CATS OR OTHER ANIMALS AT LARGE**

3.1 No person shall permit a cat or any other animal owned by him or her to run at large in the Corporation of the Municipality of Highlands East.

3.2 For the purpose of this By-Law, a cat or any other animal, shall be deemed to be running 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 the control of any person. Any cat or other animal, when on the land of The Corporation of the Municipality of Highlands East or any local board thereof, shall be leashed or otherwise physically restrained and under the control of a person.

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#### **SECTION 4 – SEIZURE AND IMPOUNDING OF CATS OR OTHER ANIMALS**

- 4.1 The By-law Enforcement Officer or other officer authorized by the Municipality may:
- (a) Seize and impound any cat(s) or other animals found running at large within the Municipality.
  - (b) Where it is not possible to identify the owner of the cat(s) or other animal, the By-law Enforcement Officer or designate shall deliver the animal to the Municipal Dog Pound or designated area. The cat or animal shall be impounded for a period on not less than one (1) day and not more than three (3) days prior to further action being taken as deemed appropriate by the By-law Enforcement Officer.
  - (c) Destroy any cat or other animal found running at large within the Municipality. To prevent the spread of disease or suffering the By-law Enforcement Officer may destroy said cat or animal without permitting any person to reclaim the cat or animal.
  - (d) No damages or compensation shall be recoverable by the owner of the cat(s) or other animals on account, or as a result of the actions of the By-Law Enforcement Officer.
  - (e) Any cat(s) or other animals, impounded pursuant to Section 3.1 may be kept at the Municipal Dog Pound, or a secure place, and a fee charged to the owner prior to the release of the cat(s) or other animals, for all costs of the impoundment.

#### **SECTION 5 – OFFENCE**

- 5.1 Every owner of a cat or other animal who contravenes any of the provisions of this By-Law shall be guilty of an offence and upon conviction is liable to a penalty as provided for under the Provincial Offences Act.
- (b) Provided, nevertheless, that the owner of a cat or other animal who allow it to run at large contrary to Section 3 of this By-Law is guilty of an offence and upon conviction is liable to a penalty as provided for under the Provincial Offences Act.

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(c) A Justice of the Peace acting within his territorial jurisdiction may hear and determine prosecutions under this By-Law.

(d) 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.

**SECTION 6 - SEVERABILITY OF PROVISIONS**

6.1 Should any section, subsection, clause or provision of this By-Law be 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 so declared to be invalid.

**SECTION 7 - EFFECTIVE DATE**

7.1 This By-law shall take effect upon its adoption.

READ A FIRST AND SECOND THIS 9<sup>TH</sup> DAY OF OCTOBER, 2007.

READ A THIRD TIME AND PASSED THIS 9<sup>TH</sup> DAY OF OCTOBER, 2007.

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Dave Burton, Reeve

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Irene S. Cook, Clerk

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**Schedule "A" By-law 2007-51**

