

The Corporation of the City of Hamilton

BY-LAW NO. 86-343

TO REGULATE AND CONTROL CATS

WHEREAS paragraph 4 of Section 210 of The Municipal Act, R.S.O. 1980, Chapter 302 provides as follows:

4. For prohibiting or regulating within any part of the municipality or within 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.

AND WHEREAS it is intended to control cats in the City.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Definitions

1. (a) **"be at large"** means to be found in any place other than the premises of the owner of the cat and not under the control of any person;
- (b) **"by-law enforcement officer"** means an animal control officer appointed as poundkeeper and designated as a Provincial Offences Officer;
- (c) **"cat"** means a feline over the age of six weeks of any breed of domesticated cat or cross-breed domesticated cat;
- (d) **"city"** means The Corporation of the City of Hamilton;
- (e) **"control"** includes care and custody;
- (f) **"Hamilton S.P.C.A."** means the Hamilton Society for the Prevention of Cruelty to Animals, Inc.;
- (g) **"highway"** means a common and public highway, street, avenue, parkway, driveway, square, place and bridge, designed and intended for or used by the general public for the passage of vehicles;
- (h) **"municipal property"** means property other than a highway or public property;
- (i) **"poundkeeper"** means the Hamilton S.P.C.A.;
- (j) **"public park"** means a park, recreation area, recreation centre, playlot, playground, school ground, athletic field, square, avenue, boulevard, drive, and any building thereon intended for, or used by, the general public;

- (k) **"public place"** includes a highway, public park and other municipal property;
- (l) **"Veterinarian"** means a person registered under The Veterinarians Act.

Name and Address of Owner

2. (1) Every cat owner shall place on his or her cat a collar on which is permanently enscribed the name and address of the owner.

Owner's Premises

(2) No cat owner shall permit his or her cat to be found in any place other than the premises of the owner, without a collar referred to in subsection 1.

Cat at Large

3. (1) No cat owner shall allow or permit his or her cat to be at large.

Ibid.

(2) Every cat owner shall prevent his or her cat from being at large.

Number on Collar

4. (1) Notwithstanding section 2, a cat owner may lodge his or her name and address with the Hamilton S.P.C.A. and receive a number to be enscribed on the collar or a tag on which the number is enscribed for attachment to the collar, but nothing obliges the Hamilton S.P.C.A. to provide a number or a tag.

Number in lieu of Name and Address

(2) Where a number is received and is valid in accordance with subsections 1 and 2 and the number is enscribed on the collar or on a tag attached to the collar, section 2 shall not apply.

Trespass

5. (1) No cat owner shall allow or permit his or her cat to trespass on a public place.

Leash

(2) Subsection 1 does not apply where the cat is under control by means of a leash.

Private Property

6. (1) No cat owner shall allow or permit his or her cat to trespass on private property.

Ibid.

(2) Subsection 1 does not apply where the cat is on the private property with consent of the owner or his or her representative.

Capture and Custody of Cats

7. A by-law enforcement officer may capture and take into custody a cat,

- (a) not having a collar in accordance with subsection 2(1) or a tag in accordance with subsection 4(1);
- (b) that is at large;
- (c) that is not under control by means of a leash;
- (d) that is trespassing on a public place;
- (e) that is trespassing on private property, upon request of the owner of the property or his representative.

Impounding

8. Where the Hamilton S.P.C.A. captures and takes into custody a cat under section 6, it shall impound the cat.

Expenses

9. Where a cat is impounded and the owner of the cat is known to the Hamilton S.P.C.A., the owner shall pay the following expenses incurred by the Hamilton S.P.C.A.:

1. Expenses of taking the cat into custody.
2. Expenses of care of the cat.
3. Veterinarian fees.

Claiming a Cat

10. (1) Every cat owner shall claim the cat within three days of the day on which the cat was impounded, excluding the day of impounding, Sundays and statutory holidays.

Disposal of Cats

(2) Where a cat is not claimed by its owner in accordance with subsection 10(1), the cat may be sold forthwith or disposed of or killed in a humane manner.

bid.

11. Where a cat is injured before or after being taken into custody or in the opinion of the Hamilton S.P.C.A. should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other officer appointed by the Hamilton S.P.C.A. may kill the cat in a humane manner as soon after capture or custody as he may determine without permitting any person to reclaim the cat or without offering it for sale.

Retrieval of Cats

12. (1) No person shall forceably retrieve a cat from a by-law enforcement officer.

bid.

(2) No person shall break and enter into a patrol or other vehicle of the Hamilton S.P.C.A. for the purposes of retrieving a cat.

bid.

(3) No person shall retrieve a cat without payment of expenses in full referred to in section 8.

no Compensation, etc.

13. No compensation, damages, fees or other sum shall be,

- (a) recoverable by a cat owner or other person;
- (b) paid by the Hamilton S.P.C.A.,

on account of, or by reason of,

- (c) capturing, taking into custody, or impounding a cat; or
- (d) selling, disposing of or killing a cat,

in the course of the administration and enforcement of this by-law.

Defecation

14. (1) No cat owner and no person who has control of a cat shall suffer, allow, or permit the cat to defecate or urinate on or in the following premises:

1. Public place.
2. Private property, without the consent of the owner of the premises.

Ibid.

(2) The cat owner or person referred to in subsection 1 shall immediately and without delay, remove the excrement and provide for its sanitary disposition.

**R.S.O. 1980,
Ch. 400**

15. Where a by-law enforcement officer believes that one or more persons has committed an offence under this by-law, the officer may issue an offence notice or summons in accordance with section 3 of The Provincial Offences Act.

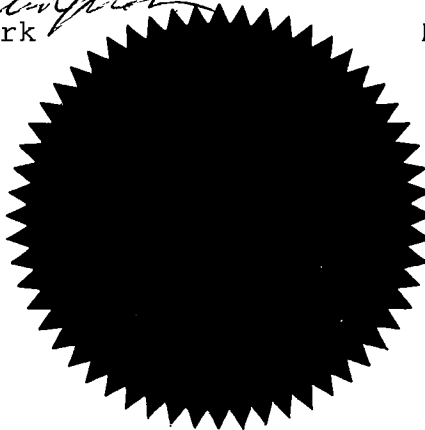
Offence

16. Every person who contravenes a provision of this by-law, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

PASSED this 9th day of December A.D. 1986.


City Clerk


Mayor



(1986) 17 R.L.C. 1(g), November 11

(1986) 17 R.L.C. 6, November 11

The Corporation of the City of Hamilton

BY-LAW NO. 98-231

To Amend:

By-law No. 84-191 Respecting

THE KEEPING OF ANIMALS

and

By-law No. 86-343

TO REGULATE AND CONTROL CATS

WHEREAS By-law No. 84-191 on the Keeping of Animals was enacted on August 28, 1984;

AND WHEREAS By-law No. 86-343, to Regulate and Control Cats, was enacted on December 9, 1996;

AND WHEREAS the Municipal Act and the Provincial Offences Act have been amended;

AND WHEREAS it is desirable to Amend the Penalty Sections of the said By-laws;

AND WHEREAS Council, on September 8th, 1998, authorized the Amendment of By-law No. 84-191 respecting The Keeping of Animals and By-law No. 86-343 To Regulate and Control Cats.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 5 of By-law No. 84-191 is repealed and replaced by the following:

"Any person who contravenes a Section of this By-law is guilty of an offence and is liable upon conviction to the Penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

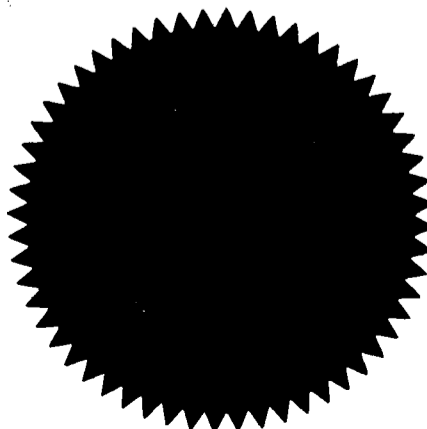
2. Section 16 of By-law No. 86-343 is repealed and is replaced by the following:

"Any person who contravenes a Section of this By-law is guilty of an offence and is liable upon conviction to the Penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33."

PASSED this 8th day of September 1998.



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 00-066

To Amend:

By-law No. 85-148 and By-law No. 86-343

Respecting:

ANIMAL CONTROL AND LICENCING

WHEREAS By-law no. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs and By-law No. 86-343, passed on December 9, 1986 provides for the regulation and control of cats;

AND WHEREAS section 11 of By-law No. 85-148, as amended by By-law 85-215, passed on the 8th day of October, 1985, and section 9 of By-law 86-343 provide for the charging of impounding fees;

AND WHEREAS City Council, on April 25, 2000, directed that the By-laws be amended to reflect increased impounding fees for 2000 and thereafter;

AND WHEREAS City Council, on December 8, 1998, directed that section 20 of By-law No. 85-148, as amended, be amended to reflect increased licence fees for 1999;

AND WHEREAS City Council, on April 25, 2000, directed that section 20 of By-law No. 85-148 be amended to reflect increased fees for 2000 and thereafter;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 9 to By-law No. 86-343 as amended, is repealed and the following is substituted therefor:

9. Where a cat has been impounded, the owner shall

(a) pay a pound fee of \$30.00 to the Hamilton S.P.C.A. for the first day and \$10.00 for any additional day or part thereof that the cat remains in custody. For any second or subsequent impounding, the owner shall pay a pound fee of \$50.00 for the first day and \$10.00 for any additional day or part thereof that the cat remains in custody.

(b) pay any veterinarian fees incurred by the Hamilton S.P.C.A.

2. Sections 11 and 12 to By-law 85-148, as amended, are repealed and the following is substituted therefor:

11. Where a dog is claimed, the owner shall provide proof of ownership of the dog, and

(a) for a dog for which a current year's dog licence has not been issued, pay a pound fee of \$60.00 for the first day and \$15.00 for any additional day or part thereof that the dog remains in custody and shall also forthwith procure a licence for such dog. For any second or subsequent impounding, the owner shall pay a pound fee of \$120.00 for the first day and \$15.00 for any additional day or part thereof that the dog remains in custody and shall also forthwith procure a licence for such dog.

- (b) for a dog for which a current year's licence has been issued, pay a pound fee of \$30.00 for the first day and \$15.00 for any additional day or part thereof that the dog remains in custody.
- (c) for a vicious dog, pay a pound fee of \$200.00 for the first day and \$50.00 for any additional day or part thereof that the dog remains in custody.

12. Where the owner of a dog does not claim the dog, the owner shall, when known to the poundkeeper, pay the fees as set out in section 11 hereof.

3. By-law 85-148 as amended, being a by-law to control and licence dogs, is hereby further amended by repealing and replacing sections 19, 20 and Schedule "A" with the following;

19.(1) Every dog owner, except an owner or operator of a kennel owner in respect of the dogs boarded in the kennel, shall obtain and maintain in good standing a licence and tag for each dog owned and shall affix the dog tag to the dog for which it was obtained.

(2) No licence or tag is valid under this by-law unless the fees required to be paid have been paid in full.

(3) A person required to have a licence under (1), shall make application for a dog licence and pay the fee prescribed for each dog owned, and shall provide to the licensing agent:

- (a) identification of the owner,
- (b) the name and a description of the dog sufficient to identify the dog,
- (c) the date the dog was acquired accompanied by a receipt for the acquisition or other proof satisfactory to the licensing agent, and
- (d) such other information as may be required to issue a licence on the application or forms provided by the licensing agent.

(4) The applicant for a dog licence may apply for either a one or two year licence for a dog, and when applying for a two year licence shall pay double the fees prescribed in section 20 less the sum of \$2.00 upon application or renewal of a licence.

(5) A dog licence and tag paid for and issued under this by-law shall expire on the following dates occurring after the date of issue of the licence:

- (a) For an individual who has acquired a one year licence, on the anniversary date of the issuance of the first licence obtained for the dog under this by-law.
- (b) For an individual who has acquired a two year licence, on the second anniversary date of the issuance of the first licence obtained for the dog under this by-law.

(6) For the purposes of the renewal of a dog licence, the renewal date shall be the anniversary date of the issuance of the first licence for the particular dog.

(7) In the event an owner fails to obtain a valid licence prior to the expiry of a current licence, an additional late payment fee of \$15.00 shall be paid at the time of issuance of a new licence in addition to any fee prescribed by Schedule "A" hereto.

20. A licence fee shall be paid to the licensing agent at the time the licence is issued in accordance with Schedule "A" hereto annexed and forming part of this By-law.

Schedule "A"

(Section 20)

(1) Where a licence is issued during the period from January 1, 1999 to April 25, 2000:

- 1. One spayed or neutered dog \$21.00
- 2. Each additional spayed or neutered dog \$21.00
- 3. One not spayed or neutered dog \$41.00
- 4. Each additional spayed or neutered dog \$41.00

(2) Notwithstanding subsection (1) of this Schedule, where a licence is issued to a dog owner who aged 65 or over during the period from January 1, 1999 to April 25, 2000:

- 1. One spayed or neutered dog \$6.00
- 2. Each additional spayed or neutered dog \$6.00
- 3. One not spayed or neutered dog \$11.00
- 4. Each additional spayed or neutered dog \$11.00

(3) Where a licence is issued on or after April 25, 2000:

- 1. One spayed or neutered dog \$21.00
- 2. Each additional spayed or neutered dog \$21.00
- 3. One not spayed or neutered dog \$61.00
- 4. Each additional spayed or neutered dog \$61.00

(4) Notwithstanding subsection (3) of this Schedule, where a licence is issued to a dog owner who aged 65 or over after April 25, 2000:

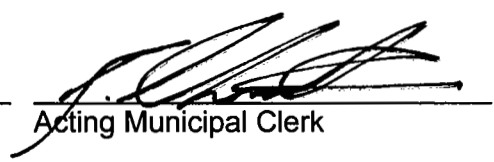
- 1. One spayed or neutered dog \$6.00
- 2. Each additional spayed or neutered dog \$6.00
- 3. One not spayed or neutered dog \$18.00
- 4. Each additional spayed or neutered dog \$18.00

4. THAT this by-law shall come into force and take effect on January 1, 1999.

PASSED AND ENACTED this 25th day of April, 2000.



 Acting Mayor



 Acting Municipal Clerk

