

TOWN OF KINISTINO

BYLAW NO. 13/05

A BYLAW OF THE TOWN OF KINISTINO TO REGULATE AND CONTROL THE OWNERSHIP AND POSSESSION OF CATS WITHIN THE TOWN OF KINISTINO

WHEREAS it is recognized that a well-cared for cat can provide companionship for its owners;

AND WHEREAS it is also recognized that some cats may create a nuisance for neighbouring properties;

AND WHEREAS Council considers it to be in the public interest to pass a bylaw which balances these benefits and nuisance;

NOW THEREFORE, the Council of the Town of Kinistino enacts as follows:

Title

1. This Bylaw may be referred to as the “Cat Control Bylaw” of the Town of Kinistino.

Definitions

2. In this Bylaw, unless the context otherwise requires, the expression:

(a) “Animal Control Officer” means that person appointed by the Council for the purposes of this Bylaw;

(b) “Cat” means either the male or female of the feline family.

(c) “Town” means the municipal corporation of the Town of Kinistino or the area contained within the boundary thereof as the context requires;

(d) “Council” means the Council of the Town of Kinistino;

(e) “Medical Health Officer” means a medical health officer appointed under the Health Services Act or Public Health Act;

(f) “Nuisance” includes fighting with other cats, trespassing or defecating or spraying on private property without the permission of the owner or occupant of the property, howling or hissing at night, and digging in flower beds or garbage containers.

(g) “Owner” means any person owning, possessing, or harbouring a cat.

(h) "Pound Keeper" means that person, corporation, society, association, partnership or organization designated by the Town for the purpose of retaining impounded cats pursuant to this Bylaw;

Impoundment

3. (1) Where an Animal Control Officer or the Town Administrator receives a complaint of a nuisance caused by a cat, the Complainant may pick up a cat trap, upon payment of a \$25.00 deposit, during the period commencing on the 1st day of March and ending on the 1st day of October in each calendar year:

(a) issue a trap to the complainant upon execution by the complainant of an agreement as set out in Schedule "A" to this Bylaw; or

(b) if deemed necessary by the Animal Control Officer he may seize and impound any cat found causing a nuisance.

(2) Where a trap is issued pursuant to clause 3(1)(a), 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 Animal Control Officer or the town office which will contact the Animal Control Officer who may impound the cat.

(3) Where a cat is impounded, the Pound Keeper 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, however, no liability whatsoever shall attach to the Town, the Animal Control Officer or the Pound Keeper by reason of failure in contacting the owner.

(4) An Owner of a cat which has been impounded may claim the cat by:

(a) paying an impoundment charge and a housing charge, as may be specified in Schedule "B" to this Bylaw.

(b) providing proof of payment of the charges to the Town Pound Keeper; and

(5) Where a cat is not claimed by the owner within three days of impoundment, the Town Pound Keeper may dispose of the cat by adoption or by euthanasia.

(6) Any cat suspected of having rabies or other life-threatening disease shall be isolated and may not be claimed, destroyed or otherwise disposed of except after notice to the Medical Health Officer of the Health District and then only in compliance with the

direction of the Medical Health Officer and the District Veterinarian, Agriculture Canada.

Penalty

4. Any person who contravenes any provision of this Bylaw is guilty of an offense punishable on summary conviction by a fine in an amount not exceeding \$1000.00 or, in default of payment by an individual, by imprisonment for a term of not more than 30 days.

Effective Date of Bylaw

5. This Bylaw comes into force and effect upon its passage.

Bylaws Repealed

6. Bylaw No. 12/04

Mayor

Town Administrator

SCHEDULE A
To Bylaw No. 13/05
(as provided by clause 3(1)(a))

CAT TRAP PERMIT

Date: _____

Trap No. _____

The undersigned agrees to the following terms and conditions:

- to pay a refundable deposit fee of \$25.00
- to place the trap only on his or her property which is within the Town of Kinistino;
- to personally check the cat trap each hour while the trap is set;
- In the event a cat is trapped, to contact the Animal Control Officer or the town office for pick up of cat. 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 the 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 0 degrees Celsius or rises above 25 degrees Celsius;
- an Animal Control Officer may enter the property of the undersigned to ensure the trap is being used properly;
- to advise the Animal Control Officer or the Pound Keeper of the ownership of any cat trapped; if known;
- to be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen. The trap is to be returned in a good and clean condition;
- traps must not be set by town residents on statutory holidays or on week-ends as the office is closed;
- the trap is to be returned to the town office two days after issuance.

IT IS A CRIMINAL 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 Town of Kinistino for all such liability.

Signature _____

TRAP RETURNED

Name of Complainant _____

Date: _____

Address of Complainant _____

Received by: _____

Remarks: _____

SCHEDULE "B"

To Bylaw No. 13/05
(as provided by clause 3(4)(a))

Impounded charge	\$25.00
Housing charge	\$5.00 per day or portion thereof