

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NUMBER 2017-48

**Being a By-Law to provide for the regulating, restricting,
prohibiting cats causing nuisance or damage in the Township
Of Asphodel-Norwood**

WHEREAS Section 103 of The Municipal Act, S.O. 2001, c. 25, as amended, provides municipalities with the authority for regulating or prohibiting with respect to the being at large or trespassing of animals it may provide for, and

WHEREAS Section 103(1)(a) provides for the seizure and impounding of animals being at large or trespassing contrary to the by-law; and

WHEREAS Section 103(c) provides for the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened. 2001,c.25 103(1); and

WHEREAS Section 103 (2) provides that if payment is not made in accordance with the procedures established under clause (1) (c), the fine is recoverable under the Provincial Offences Act. 2001, C25, s.103 (2).

WHEREAS Section 9 of The Municipal Act, S.O. 2001, c. 25, as amended, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

WHEREAS the Council of The Corporation of The Township of Asphodel-Norwood deems it advisable to do so.

NOW THEREFORE the Council of The Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

1.1 DEFINITIONS

In this by-law:

- a) "Animal Control Officer" shall mean a person or association appointed by the Township of Asphodel-Norwood to enforce the provisions of this By-Law as an Animal Control/Provincial Offences Officer.
- b) "Clerk" shall mean the Clerk of the Corporation of the Township of Asphodel-Norwood.
- c) "Council" shall mean the Council of the Corporation of the Township of Asphodel-Norwood.
- d) "Cat" shall mean a male or female cat whether neutered/spayed or intact.
- e) "Damage" shall mean any physical harm caused to property in such a way as to impair its value, usefulness, or normal function which shall

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include damage by scratching, clawing, defecating, urinating or any other such detrimental action caused by the cat.

- f) "Disturbance" shall mean any noise or action which are likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
 - a. any person in any dwelling, apartment, or other type of residence in the neighborhood;
 - b. any person in the vicinity; or
 - c. the neighborhood.
- g) "Municipality" shall mean the Township of Asphodel-Norwood.
- h) "Nuisance" shall be defined similarly as a Disturbance
- i) "Owner" includes a person, who keeps, possesses or harbors a cat and where the owner is a minor the person responsible for the custody of the minor.
- j) "Person" includes any physical or corporate entity, partnership or any association and heirs, executors, administrator, successors and assigns or other legal representative thereof to whom the context may apply.
- k) "Pound" shall mean premises, regulated under the Animals for Research Act, that are used for the confinement, maintenance or disposal of animals that have to be impounded pursuant to this by-law.
- l) "Premises" includes the entire lot on which a building is situated.
- m) "Residential" includes all properties zoned for residential use in the Township of Asphodel-Norwood including Residential One Zone (R1), Residential Two Zone (R2), Residential Three Zone (R3).
- n) "Township Property" shall mean all property owned, leased or under the control of the Township of Asphodel-Norwood, and without limitation, this term shall include all, open space, opened or unopened road allowances, sidewalks, footpaths or bicycle trails.

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EXEMPTIONS

2.1 Animal hospital – clinic – kennel-registered

This by-law shall not apply to an animal hospital, clinic, or kennel lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

2.2 Pound

This by-law shall not apply to a pound or other such premises or facilities designated as an animal shelter.

3. KEEPING AND CONTROL OF CATS

3.1 Maximum – Three (3) per premises

No person shall keep, in or about a dwelling unit in an area of the Municipality where the zoning permits a residential land use, more than three (3) cats over twenty (20) weeks of age unless:

- a) the premises are an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended.
- b) Any other exception listed in Section 2 herein.

3.2 Stoop and Scoop

The owner of a cat is required to remove immediately and dispose of in a sanitary manner any and/or all excrement left by the said cat anywhere in the municipality.

3.3 Disturbance – prohibited

a) No owner of a cat, where the owner resides in an area of the Municipality where the zoning permits residential land use, shall permit such cat to cause damage, or otherwise create a nuisance or disturbance either to another person or another person's property where that person or property is in an area of the Municipality where the zoning permits residential land use.

b) Where a person registers a request for service with the Municipality that a cat is found causing damage or otherwise creating a nuisance or disturbance to the person or person's property which is located in an area of the Municipality where the zoning permits residential land use, the Animal Control Officer or the By-law Officer may seize the cat

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provided the cat is contained and may cause the cat to be delivered to the pound or issue fines as per schedule "A"

4. FEES

4.1 Pound fees – payment – proof of ownership – required

Where a cat is claimed from the Pound keeper, the owner shall provide proof of ownership of the cat and compensate the Pound keeper for fees and penalties incurred.

5. SEIZURE AND IMPOUNDING OF CAT(S)

5.1 The Animal Control Officer/Provincial Offences Officer may:

a) seize and impound any cat(s) found to be causing nuisance or damage within the Municipality;

b) In his/her discretion, restore possession of the cat to the owner thereof.

Expenses incurred in the seizing and impounding the cat including a notification to the owner plus any other additional expenses involved therewith shall be billed to the owner;

c) Where in the opinion of the Animal Control Officer/Provincial Offences Officer, a cat seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Animal Control Officer/Provincial Offences Officer may destroy the cat(s) as soon after the seizure as he/she thinks fit without permitting any person to reclaim the cat(s);

d) No damage or compensation shall be recoverable by the owner of the cat(s) on account, or as a result of the actions of the Animal Control Officer/Provincial Offences Officer;

e) Any cat, not so released shall be destroyed or otherwise disposed of five (5) days after the notice of seizure has been given to the owner of the said cat. The owner shall be liable for all costs incurred by the Township in this matter. If after making every reasonable effort, the Animal Control Officer/Provincial Offences Officer is unable to establish the identity of the owner, the cat shall become the property of the Peterborough Humane Society.

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- 5.2 Any cat found causing nuisance or damage pursuant to Section 3.3 may be seized, impounded and euthanized, whether before or after impounding by any Police Officer, or appointed Animal Control Officer/Provincial Offences Officer within the Corporation without permitting any person to claim damages or compensation from the Corporation on account of its euthanizing or other disposition.
- 5.3 Any cat, so impounded pursuant to section 5.1 may be kept at the Peterborough Humane Society, or alternate Animal Shelter as authorized by the Municipality, a secure place and a fee charged to the owner prior to the release of the cat, for all costs of the distrainer.
- 5.4 If the Animal Control Officer/Provincial Offences Officer suspects a cat may be rabid he/she must notify the Peterborough Public Health and either:
 - a) quarantine the cat, or
 - b) destroy the cat in such a manner as to preserve the brain for examination

6. OFFENCE

- 6.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000.00) exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*.
- 6.2 Set fines attached as Schedule "A" to this By-Law for the prohibition of cats causing nuisance or damage in the Township of Asphodel-Norwood.
- 6.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

7. RECORDS

- 7.1 Any notice given to the owner of a cat pursuant to the provisions of this by-law may be in writing and may be delivered to the said owner or to an adult person at the owner's place of residence, or may be sent to him/her by first class mail.

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- 7.2 The Animal Control Officer/Provincial Offences Officer may keep a written record containing a brief description of any cat seized by him/her setting out the date, time and location of such a seizure and the date of giving notice to the owner.
 - 7.3 Any person authorized by this by-law to receive payment from an owner shall give to the person making the payment a receipt provided for the purpose and from time to time all sums so received shall be paid to the Municipality.

8. SEVERABILITY OF PROVISIONS

If any section(s) of this By-Law, or parts thereof are found by any court of law to be illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts thereof of this By-Law shall be deemed to be separate and independent there from and to be enacted as such.

- 9. This By-Law comes into force and effect on the date of its passage.

Read a first, second and third time and finally passed this 25th day of July, 2017



Mayor, Terrence J. Low



Clerk, Candice White

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Schedule "A"

**TOWNSHIP OF ASPHODEL-NORWOOD BY-LAW NO. 2017-48
SCHEDULE "A"
SET FINES**

Being a By-Law to provide for the regulating, restricting, prohibiting cats causing nuisance or damage in the Township Of Asphodel-Norwood

Part 1 Provincial Offences Act

ITEM	Short Form Wording	Set Fine (including costs)
1	Permit cat to cause disturbance or become a nuisance	\$180.00
2	Keep more than three cats - residential	\$75.00

Note: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33