

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2019-097

BEING a by-law to limit the number of cats per dwelling unit in an urban settlement area in South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c. 25 Ss. 9 to 11 confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 9 (3) (b) confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS Council of the Corporation of the Township of South Stormont desires to ensure that animals are kept and treated in a humane manner and that, the owners of animals provide good quality care to them.

NOW THEREFORE Council of the Township of South Stormont enacts as follows:

SHORT TITLE

This By-law shall be known as the Cat limit By-law.

DEFINITIONS

1. In this by-law:

"Animal" shall mean a member of the animal kingdom, other than human.

"Cat" shall mean any felis catus and includes both male and female of the species.

"Corporation" shall mean the Corporation of the Township of South Stormont.

"Council" shall mean Council of the Corporation of the Township of South Stormont.

"Dwelling unit" shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants,

with a private entrance from outside the building or from a common hallway or stairway inside the building. This shall not include a mobile home, park model trailer, recreational vehicle, hotel, motel or boarding house.

"Municipal Law Enforcement Officer" shall mean a person appointed by the Corporation of the Township of South Stormont as municipal law enforcement officer, or designate, whose duties include the enforcement of municipal by-laws.

"Owner" shall mean any person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and the word "owns" has a similar meaning.

"Pet shop" shall mean any dwelling or structure where animals, small reptiles, fish or birds for use as pets are sold, kept for sale or groomed and where pet supplies and pet foods are sold but does not include a shop or place for the breeding or overnight boarding of pets.

"Township" shall mean the Corporation of the Township of South Stormont.

"Urban Settlement" shall mean urban settlement areas identified by the United Counties Stormont, Dundas and Glengarry Official Plan.

SCOPE AND APPLICATION

1. This By-law shall apply to all dwelling units within the urban settlement areas identified by the United Counties Stormont, Dundas and Glengarry Official Plan.
2. Where a provision of this By-law conflict with a provision of another By-law in force and effect in the Township, the provision that establish the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

LIMITATIONS OF THE NUMBER OF CATS

3. No person shall own more than a maximum of five (5) cats within or about any dwelling unit, building or structure in urban settlement areas within the Township of South Stormont.
 - a. The following cat(s) shall not be counted in determining the number of cat(s) per dwelling unit:
 - i. Kittens may be kept with their mother for a period not exceeding sixty (60) days following their birth.
 - ii. The temporary housing of cat(s) shall not exceed a total of four months during any calendar year.
 - b. This section does not apply to:
 - i. An animal hospital owned and operate by a veterinarian;

- ii. An owner who is registered as a breeder with The Canadian Cat Association or any other distinctive breed association; or
 - iii. A pet shop.
- 4. No person shall place food designed for or attractive to cats outside of any dwelling unit or in front, rear or side yards.
- 5. Notwithstanding the provisions of section (3), any person who owns, harbours, maintains, or possesses more than the permitted total number of cats on the date this by-law comes into force shall be permitted to own a maximum of ten (10) cats until they die or are otherwise disposed of.

ADMINISTRATION AND ENFORCEMENT

- 6. The Municipal Law Enforcement Officer, or designate may enter on property at all reasonable times for the purpose of:
 - a. Carrying out an inspection;
 - b. Take photos of any cat(s) found on the property;
 - c. To ascertain whether the provisions of this By-law are complied with, or
 - d. To ascertain whether the conditions of a Notice to Comply, issued pursuant to this By-law, have been complied with.
 - 7. For the purposes of an inspection conducted under this By-law, the Municipal Law Enforcement Officer, or designate may:
 - a. Require the production of documents or things for review, that may be relevant to the inspection of the enforcement of a Notice to Comply pursuant to this by-law;
 - b. Inspect and/or remove documents or things relevant to the inspection or enforcement of a Notice to Comply, for the purpose of making copies; and/or
 - c. Require information from any person concerning a matter related to the inspection or enforcement of a Notice to Comply.
 - 8. No person shall hinder or obstruct or attempt to hinder or obstruct a Municipal Law Enforcement Officer, or designate exercising power or authority, or performing a duty as permitted under this By-law.
- Notice to Comply
- 9. Where a Municipal Law Enforcement Officer or designate is satisfied that the number of cats does not comply with the provisions of this By-law, the Municipal Law Enforcement Officer, or designate may issue a Notice to Comply upon the owner, requiring the owner to bring the number of cats into compliance with the provisions of this By-law.
 - 10. A Notice to Comply shall set out:
 - a. Reasonable particulars of the non-compliance, and identify concerned property address;
 - b. The maximum number of cats permitted to gain compliance within the dwelling unit; and
 - c. The date by which the cats shall be removed from the dwelling unit to gain compliance within the dwelling unit.

Service of Notice to Comply

11. A Notice to Comply issued pursuant to this By-law, may be served:
 - a. Personally, with service being deemed effective on the date given;
 - b. By registered mail, with service being deemed effective on the fifth (5th) day after mailing;
 - c. By placing the Notice to Comply in the mailbox or other depository ordinarily used for mail, with service being deemed effective on the fifth (5th) day after the leaving or placing, and/or
 - d. By posting the Notice to Comply in a conspicuous place on the property, and a Municipal Law Enforcement Officer, or designate may enter the property for this purpose, with service being deemed effective on the fifth (5th) day after the posting.

OFFENCE AND PENALTY

12. Every person or owner who contravenes any provisions of this By-law, or who fails to comply with a Notice to Comply, is guilty of an offence.
13. Every person or owner who contravenes any provision of this By-law, is guilty of an offence, and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

SEVERABILITY

14. If any article or provision of this By-law is for any reason held to be invalid, the remaining articles and/or provisions shall remain in effect until repealed.

ENACTMENT

15. This By-law shall come into full force and effect on the day of passing.

READ AND PASSED in open Council, signed and sealed this 23rd day of October, 2019.



Mayor



Clerk