

BY-LAW NO. 2394

**BY-LAW TO REGULATE THE
LICENSING OF CATS**

At the Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, October 22, 2012 at 8:00 p.m., at which were present:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A.

Councillor Dida Berku, B.C.L.

Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Sam Goldbloom, B.A.

Councillor Ruth Kovac, B.A.

Councillor Allan J. Levine, B.Sc., M.A., DPLI

Councillor Glenn J. Nashen

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager

Mr. Jonathan Shecter, Director of Claims & Litigation and City Clerk

CONSIDERING the powers given to the City in virtue of the *Municipal Powers Act*, RSQ, c C-47.1 and the *Cities and Towns Act*, RSQ, c C-19;

WHEREAS it would be in the interest of the City to pass a By-Law to regulate the licensing of Cats;

THAT it be ordained and enacted as By-Law No. 2394 as follows:

CHAPTER 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

Article 1.1 – Title of By-law

This By-Law is entitled “By-Law to regulate the licensing of cats”.

Article 1.2 – Territory subject to this By-Law

This By-Law shall apply to the territory of the City.

Article 1.3 – Application

The City Manager, the Director of Public Safety and designated employees and volunteers shall be responsible for the coordination, application and enforcement of this By-Law.

Article 1.4 – Definitions

In this By-Law, unless the context indicates otherwise, the following expressions:

- a) “Animal Care Facility” means medical care facility specializing in the treatment of animals, as designated from time to time by the City.
- b) “Cat” means any female or male cat that is among the following:
 - i) Abandoned Cat means an Indoor Cat or an Outdoor Cat with no Cat Identification Tag that has been abandoned within the City’s limits.
 - ii) “Indoor Cat” means a Cat that was acquired by the Owner for the purpose to remain primarily inside the Owner’s dwelling.
 - iii) “Outdoor Cat” means a Cat that was acquired by the Owner for the purposes of remaining primarily outdoors.
- c) “Cat Identification Tag” means a device bearing a distinctive number, which must be attached to the collar of an Outdoor Cat, that is issued by the City upon payment of a license fee as prescribed in this By-law.
- d) “City” means the City of Côte Saint Luc more specifically, the area contained within the boundary thereof, as the context requires.
- e) “City Hall” means Côte Saint-Luc City Hall located at 5801 Cavendish Boulevard.
- f) “Council” means the Council of the City of Côte Saint-Luc.
- g) “Owner” or “Keeper” means any person who is the Owner of a Cat, whether a natural person or a body corporate who has either acquired the Cat or was given the Cat that feeds the Cat, acts as its master and who is responsible for keeping and watching over the Cat.
- h) “Owner’s Property” means any property in which the Owner has a legal interest or which is otherwise under the control or in the possession of the Owner, and which property shall include land or buildings.

- i) “Permitted Property” means private property upon which the Owner of a Cat has the express permission of the owner of the property or a person in control or possession of the property to allow the Owner’s cat.
- j) “Public Place” means any street, sidewalk, lanes, walkway, park, playground or other area in the City.
- k) “Responsible Authority” means any City employee or volunteer as responsible for the enforcement of this By-law.
- l) “Running at Large” means being on any property other than the Owner’s Property or Permitted Property and not securely restrained by the Owner or a person having the responsibility for or custody of a Cat whether or not that person is the Owner.

CHAPTER 2 REGISTRATION OF CATS

Article 2.1 – Registration

Any Owner of an Outdoor Cat residing, even temporarily, within the limits of the City shall, in the thirty (30) days following the acquisition or becoming the Owner of an Outdoor Cat, or from the date this By-law comes into effect if the Outdoor Cat is six (6) months of age or older:

- a) have such Outdoor Cat registered at City Hall and obtain a Cat Identification Tag;
- b) provide the information required to process the registration of a Cat, including, but not limited to, the name and address of the Owner, the breed, gender, colour, name of the Outdoor Cat and the microchip or tattoo number if the Outdoor Cat is so identified;
- c) provide, in a timely manner, any changes to the information provided;
- d) produce a certificate from the Outdoor Cat’s veterinarian stipulating that the Outdoor Cat has been spayed or neutered, on a one time basis;
- e) pay the following annual registration fees:
 - \$10.00 for an Outdoor Cat that is spayed or neutered and which bears a microchip or a tattoo.
 - \$15.00 for an Outdoor Cat that is spayed or neutered, but does not bear a microchip or tattoo.
 - \$20.00 dollars for an Outdoor Cat that is not spayed or neutered as a result of a medical exemption, as described in article 2.2 of the present By-law.

Article 2.2 – Medical exemption

Notwithstanding section 2.1, the Owner of an Outdoor Cat who is 10 calendar years or older or has a medical exemption from the veterinarian attesting to the fact that Outdoor Cat cannot be spayed or neutered, will be exempt from the requirement of having his cat spayed or neutered.

CHAPTER 3 CAT IDENTIFICATION TAG

Article 3.1 – Term

The Cat Identification Tag shall be valid from July 1 of the year it is issued and will expire on June 30 of the following year.

Article 3.2 - Issuing of the Cat Identification Tag

The City will issue, upon receipt of the information required to process the application and the prescribed registration fees, an annual, non-transferable Cat Identification Tag.

Article 3.3 - Lost Cat Identification Tag

Should the Cat Identification Tag be lost or destroyed, the person to whom it has been issued shall present the receipt for payment and pay a \$5.00 dollar fee for a replacement Cat Identification Tag.

**CHAPTER 4
OBLIGATIONS OF THE CAT OWNER/KEEPER**

Article 4.1 - Care of a Cat

Every Owner of a Cat shall provide the Cat with food, shelter and adequate care, including veterinary care.

Article 4.2 - Supervision of a Cat

Every Owner of a Cat shall not abandon a Cat under any circumstances, subject to a fine as indicated in Chapter 7 of the present By-law.

Article 4.3 - Cat Identification Tag

Every Owner of an Outdoor Cat shall ensure that the Outdoor Cat wears the issued Cat Identification Tag whenever the Outdoor Cat is Running at Large and not on the Owner's Property or Permitted Property.

Article 4.4 - Number of Cats

It shall be prohibited to keep in a dwelling more than four (4) Cats. Notwithstanding the aforementioned, in the event that that a female Cat gives birth to a litter of kittens, any amount of Cats that surpass the total amount of Cats allowed per dwelling may be kept by the Owner for a period not exceeding three (3) months.

**CHAPTER 5
OBLIGATIONS OF THE RESPONSIBLE AUTHORITY**

Article 5.1 – Objectives

The Responsible Authority shall be responsible to:

- a) patrol the City and attempt to control the Cat population by identifying areas where large numbers of Cats are seen and Running at Large;
- b) ensure that Outdoor Cats have a valid Cat Identification Tag in conformity with the present By-law;
- c) ensure that Abandoned Cats are transported to the Animal Care Facility for medical evaluation and sterilization if deemed necessary by the veterinarian;

Article 5.2 – Trapping a Cat

The Responsible Authority may seize and retain any Cat without a Cat Identification Tag and have that Cat spayed or neutered, and then released once deemed safe to do so.

**CHAPTER 6
PENALTIES**

Anyone contravening a provision of this By-Law, or tolerating or permitting such a contravention, including, but not limited to the Owner or Keeper of a Cat, commits an infraction and is liable to the following fine, plus costs as are set forth in the *Code de procédure pénale*, R.S.Q. c. C-25.1:

Article 6.1

For having an Outdoor Cat that does not have a valid Cat Identification Tag worn, that is not spayed or neutered or having more than 4 Cats in a dwelling as outlined in Sections 4.3, 4.4:

- a) For a first infraction: a minimum of FORTY DOLLARS (\$40.) and a maximum of ONE HUNDRED DOLLARS (\$100.);
- b) For a repeat infraction within two (2) years of the first infraction (section 236 of the *Code de procédure pénale*): a minimum of EIGHTY DOLLARS (\$80.) and a maximum of TWO HUNDRED DOLLARS (\$200.).

Article 6.2

For abandoning a Cat, as outlined in section 4.2:

- a) For a first infraction: a minimum of THREE HUNDRED DOLLARS (\$300.) and a maximum of SIX HUNDRED DOLLARS (\$600.);
- b) For a repeat infraction within two (2) years of the first infraction (section 236 of the *Code de procédure pénale*): a minimum of SIX HUNDRED DOLLARS (\$600.) and a maximum of ONE THOUSAND, TWO HUNDRED DOLLARS (\$1,200.);

**CHAPTER 7
COMING INTO FORCE**

The present By-law shall come into force according to the law.

The invalidity or unenforceability of any provisions of this By-law shall not affect the validity or enforceability of any other provision of this By-law, which shall remain in full force and effect.

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
CITY CLERK