



Corporate Report

Report from Legal Services, Administration

Date of Report: November 7, 2012

Date of Meeting: November 26, 2012

Report Number: LS-643-2012

File: 68.29.99

Subject: Regulating the Keeping of Cats

Recommendation

That Council receive the report from Legal Services, Administration, dated November 7, 2012, for information purposes. FORTHWITH

Summary

This Report provides Council with information regarding its ability to enact a by-law to regulate the keeping of cats. Based on a recent environmental scan, Staff has determined that a number of municipalities in the Greater Golden Horseshoe and Greater Toronto Area have passed by-laws that include provisions for regulating the keeping of cats. Many of those by-laws were passed ostensibly to promote responsible animal ownership and, more specifically, to curb the practice of euthanizing unwanted but otherwise healthy outdoor cats, a practice that this Council spoke out against during its September 24, 2012 Meeting.

Background

1. Council Direction

During the October 15, 2012 General Committee Meeting, Council approved the following Motion made by Councillor Stack:

That Council direct staff to prepare a Report on the licensing of cats; and

That the Report be presented in November, 2012. (Item No. 541).

2. Current City Regulation

On August 27, 1973, Council passed By-law No. 73-244, being A By-law for restricting the number of cats and rabbits in defined areas in the City of St. Catharines. Section 2 of that By-law provides that: "Except upon land that is assessed as farm land, no person shall have or keep more than eight cats on or in connection with his or her premises." Pursuant to By-law No. 83-272, section 3 of By-law No. 73-244 was deleted. That section had provided for enforcement "by the Niagara Regional Police Department and any employee of the Niagara (Regional Area) Health Unit".

3. Previous Staff Report

On January 10, 2000, General Committee considered a Report prepared by the Corporate Support Services Department pertaining to a by-law to regulate the keeping of cats. General Committee directed that By-law No. 73-244, as amended, be further amended to include the following provisions, which were, at that time, included in by-laws passed by the City of Niagara Falls and the City of London:

- that the number of cats per household be limited to three within the urban boundary;
- that cats not be allowed to run at large;
- that cats are required to be identified;
- that cats have required vaccinations; and
- that Staff return to Council in two months with a Report addressing the matters to be included in the amended by-law as well as the estimated costs.

In its March 22, 2000 report to Council pertaining to a by-law to regulate the keeping of cats, attached as Appendix “1” to this report, the Legal Services department recommended that:

- Council confirm its intention to have a Cat Control By-law as outlined in the “Summary” of the Report from Legal Services;
- the City Solicitor be directed to prepare the necessary by-law;
- the Service Agreement with the Lincoln County Humane Society (the “LCHS”) be amended to reflect the administration of the new by-law;
- the costs to administer the proposed by-law, in the amount of \$50,000.00, be included in this year’s budget; and
- Council give specific direction to the LCHS pertaining to a door-to-door survey to determine the number of dogs in the City of St. Catharines to include cats as directed by General Committee on June 10, 1999, for the estimated cost of \$7,000.00 - \$10,000.00.00.

Following its consideration during the March 27, 2000 General Committee Meeting, Council deferred the Legal Services Report for one week and asked that a representative of the LCHS attend the April 3, 2000 General Committee Meeting. During the April Meeting, Councillor Disher moved the Staff recommendation. The Motion, which was put to a recorded vote, was lost ten to one.

Report

Authority to pass a by-law under the *Municipal Act, 2001*

Paragraph 9 of subsection 11(3) of the *Municipal Act, 2001*, as amended (the “*Municipal Act*”), provides that a lower-tier municipality may pass by-laws within the sphere of jurisdiction pertaining to animals. More specifically, under subsection 103(1) of the *Municipal Act*, if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, such by-law may provide for: (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and (b) the sale of impounded animals (i) if they

are not claimed within a reasonable time, (ii) if the expenses of the municipality respecting the impounding of the animals are not paid, or (iii) at such time and in such manner as is provided in the by-law.

Regulating the keeping of cats

The by-laws passed by the following municipalities would appear to emphasize the prohibition against cats and other animals running at large, and include provisions for identification and/or licensing cats and other animals.

(a) Hamilton

On February 8, 2012, City of Hamilton Council passed By-Law No. 12-031, being A By-law For Responsible Animal Ownership in the City of Hamilton. In passing By-law No. 12-031, City of Hamilton Council desired, from a policy perspective, to: create one “harmonized” Animal Control By-law to replace the ten previously existing by-laws regulating the keeping and control of animals across the entire amalgamated City; increase the health and safety of residents and animals; update and change some old or out-dated regulations; and balance the needs and differing situations between regulations for the rural and urban areas.

Although By-law No. 12-031 has new provisions, much of what was in the old by-laws has remained the same. New provisions in the By-law include limiting to four the number of any combination of domestic animals that can be kept per dwelling in urban areas, and regulating “owned” cats that roam or are “at large” in the same way as dogs. Unlike with respect to dogs, By-law No. 12-031 does not require that cats be licensed. However, City of Hamilton By-law Services staff has advised that they encourage owners to register their cats and identify them by way of a personalized tag or the implantation of a microchip. The City of Hamilton has imposed a one-time registration fee for cats in the amount \$13.00.

Specifically where cats are concerned, section 7.3 of By-law No-12-031 provides that no owner shall permit his or her cat to be at large, except when the cat is on the premises occupied by the owner or on premises owned or occupied by a person who has given prior consent.

Section 11.0 of By-law No-12-031 provides for the impounding of animals, including cats. The Poundkeeper is required to keep any impounded cat for a redemption period of three days, during which the Poundkeeper: (i) may inoculate the cat to provide for immunization against distemper or any other contagious or infectious disease; and (ii) shall provide such veterinary care of an injured or ill impounded cat as may be necessary to sustain its life. Despite the foregoing, the Poundkeeper may, during the redemption period, euthanize a cat without delay where, in the opinion of the Poundkeeper, such a measure is warranted for humane reasons.

Section 11.0 of By-law No-12-031 also provides that the Poundkeeper is entitled to recover from the owner of an impounded cat the cost of inoculating or providing veterinary care during the redemption period, in addition to any other applicable fees for the redemption of the cat. Section 11.9 provides that, during the redemption period, the owner may redeem an impounded cat if he or she provides

evidence satisfactory to the Poundkeeper that they own the cat and pays the applicable redemption fee, being \$47.00 for the first and any subsequent offence. At the expiration of the redemption period, the Poundkeeper may: (i) release the impounded cat to its owner in accordance with section 11.9; or (ii) keep, sell or dispose of, including euthanize, the cat, subject to the applicable provisions of the *Animals for Research Act*, as amended.

(b) Oakville

On December 20, 2010, the Town of Oakville passed By-law Number 2010-157, being A By-law to regulate the keeping of animals in the Town of Oakville, including provisions for animal identification. Section 5 of that By-law prohibits an owner from allowing his or her animal, including cats, from being at large in the Town or from trespassing on the lands of any other person; provided, however, that the owner has not been negligent or deliberate in causing or allowing the trespass, and the owner proceeds with proper dispatch to recover the animal according to law.

Under section 6(d) of By-law Number 2010-157, where an animal is impounded for being at large or trespassing upon property, the owner is required to pay to the Humane Society reimbursement of its expenses with respect to the animal, including:

- (i) the cost of taking the animal into custody, fixed at \$25.00 pursuant to Schedule "B" of that By-law;
- (ii) the daily expenses of the Humane Society for the care of the animal, also fixed at \$15.00 pursuant to Schedule "B" of that By-law;
- (iii) veterinarian fees incurred with respect to the animal; and
- (iv) costs incurred for having the animal spayed, neutered or implanted with a microchip.

Under section 6(d) of By-law Number 2010-157, every owner is required to retrieve its impounded animal from the Humane Society within three days of the day on which the animal is impounded. Where an owner fails to do so, the animal may be sold forthwith or disposed of or destroyed in a humane manner. Notwithstanding the foregoing, where an animal bears identification in accordance with the By-law, the Humane Society must make at least one attempt to contact the owner in accordance with the information provided prior to selling or otherwise disposing of the animal. However, upon becoming entitled to sell or otherwise dispose of the animal, the Humane Society may, in its discretion, arrange to have the animal spayed or neutered and/or identified by means of a microchip. The costs of these services will, pursuant to section 6(i) of By-law Number 2010-157, be added to the costs recoverable from the owner.

While section 8 of By-law Number 2010-157 requires that the "owner of every dog shall cause the dog to be registered and licensed under this By-law," that By-law merely requires cats to be "identified". Specifically as it relates to cats, section 11(a) of the By-law provides that no owner shall permit his or her cat to be found in a place other than the premises of the owner without:

- (i) a collar or tag on which is permanently inscribed the name and either the address or telephone number of the owner;
- (ii) a collar to which an Oakville Identification Tag is attached; or
- (iii) a microchip implantation providing access to the name, address and telephone number of the owner.

Schedule “B” of By-law Number 2010-157 lists the cost for obtaining an Identification Tag for a cat if or if not spayed or neutered at \$10.00 and \$30.00, respectively. A \$15.00 surcharge is payable if an impounded cat is not properly identified pursuant to section 11(a) of the By-law.

(c) Oshawa

On March 8, 2010, the City of Oshawa passed By-law 14-2010, being A By-law to regulate the care and control of animals in the City of Oshawa. Section 5 of that By-law provides that no person shall keep a cat, where the cat’s age is greater than 12 weeks, except pursuant to a license issued under the By-law in respect of such cat. A license issued pursuant to the By-law expires on the earlier of the first anniversary of the day on which it was issued and the day on which it is revoked. Section 5.5 of the By-law requires that, at all times during the term of the license, a legible tag acceptable to the Director and that evidences the license is affixed to the cat to which the license relates.

Section 24 of By-law 14-2010 establishes a positive obligation on the part of a person keeping an animal, including a cat, and the owner of such animal to ensure that the animal does not run at large. In the event that an animal does run at large, section 25 of that By-law provides that an Officer (as defined for the purposes of the By-law) may cause the animal to be seized and impounded. Under section 26 of the By-law, the City’s Director of Municipal Law Enforcement and Licensing Services may, subject to the *Animals for Research Act*, as amended, cause the impounded animal to be euthanized pursuant to section 26 of the By-law. Where an animal is not euthanized pursuant to section 26 of the By-law, the Director may, under section 27: (i) permit the animal to be claimed by the animal’s owner upon compliance with the By-law and payment of any fees prescribed by the City’s General Fees and Charges Bylaw; or (ii) sell or otherwise dispose of the animal.

(d) Milton

By-law No. 90-2004, being “a by-law to regulate licensing and identification of domestics animals, other than farm animals, to prohibit the trespassing of domestic animals, other than farm animals, and to regulate and prohibit the keeping of certain animals within the municipality, and to repeal certain provisions of By-law Number 70-95 and to repeal By-law Number 85-2004”, was passed by Milton Town Council on October 25, 2004.

Where the regulation of cats is concerned, section 17 of By-law No. 90-2004 provides that every owner of a cat shall ensure his or her cat is identified by either:

- (i) a collar on which the owner’s name and address is permanently inscribed;

- (ii) (ii) a microchip;
- (iii) (iii) a tattoo; or
- (iv) (iv) an Oakville & District Humane Society cat tag.

Section 28.1 of By-law No. 90-2004 provides that no person shall keep or permit to be kept on any one premises owned or occupied by them more than any combination of five dogs or cats in an urban area. Section 28.3 provides that, notwithstanding section 28.1, no person shall keep or permit to be kept on any one premises owned or occupied by them more than four cats in an urban area.

Likewise, section 30 of By-law No. 90-2004 provides that no person shall keep or permit to be kept on any one premises owned or occupied by them more than any combination of eight dogs or cats in a rural area. That section does not apply to those properties in the rural area where cats are kept in barns and other agricultural buildings to control the rodent population. Section 30.1 provides that, notwithstanding section 30, no person shall keep or permit to be kept on any one premises owned or occupied by them more than six cats in a rural area. For the purposes of subsection 30, a person is deemed to be keeping more than any combination of eight dogs or cats in a rural area if more than any combination of eight dogs or cats are kept at any one property, regardless of the ownership of the dogs and cats.

Section 39 of By-law No. 90-2004 prohibits any owner from permitting his or her animal, including cats, to trespass or be at large in any public place or on private property without the consent of the property owner. Section 42 provides that an Animal Control Officer may seize and impound any animal found to be at large, and the Animal Control Officer may enter upon private property to apprehend an animal deemed to be at large.

Section 44 of By-law No. 90-2004 provides that, where an animal is seized and is otherwise injured or should be humanely destroyed without delay for humane reasons or for reasons of safety to persons or animals, an Animal Control Officer or the Poundkeeper may destroy the animal, or have it destroyed in a humane manner as soon after seizure as he or she thinks fit without the need to permit any person to reclaim the animal. Where the owner of an impounded animal is known to the Town, section 45 provides that the Licensing Officer, an Animal Control Officer or the Poundkeeper must provide notice to the owner of the impounding of the animal and the Town's authority to dispose of the animal in accordance with section 47.

Where an animal is seized and impounded, section 47 of By-law No. 90-2004 requires that it shall be returned to the owner upon payment of the redemption fees as set out in Schedule "A" to that By-law, as follows:

Impound Offence Record	1st Offence	2nd Offence	3rd Offence	> 3 Offences
1 st day impounded	\$20.00	\$40.00	\$60.00	\$60.00
2 nd day impounded	\$40.00	\$60.00	\$80.00	\$80.00
3 rd day impounded	\$60.00	\$80.00	\$110.00	\$110.00
> 3 rd day impounded	\$80.00	\$110.00	\$120.00	\$120.00

(In addition to the above fees, a further charge of \$15.00 shall be paid by owners claiming an animal that was picked up between the hours of 8:00 p.m. and 8:00 a.m., Monday to Friday inclusive, and anytime on a Saturday, Sunday or statutory holiday.)

According to section 47 of By-law No. 90-2004, if an impounded animal is not claimed by its owner within five days of receiving notice of the impounding in accordance with that By-law, the Town may sell or give away the impounded animal, or an Animal Control Officer or the Poundkeeper may destroy the animal, or have it destroyed, in a humane manner.

(e) Burlington

On June 13, 2001, the City of Burlington passed By-law 60-2005, being A By-law to regulate the licensing and keeping of dogs and the keeping of all other animals. For the purposes of the control and regulation of cats, By-law No. 60-2005 provides that cats are not allowed to run at large. Instead, they must remain on their owner's property or be leashed when off property.

Pursuant to section 1(e) of By-law 60-2005, "be at large" and "being at large" means found in any place other than the premises of the owner of the animal and not under the direct control of any person and, for greater certainty, includes any case where an animal has strayed from its permanent or temporary owner or their premises onto a public place or onto private property without the consent of the property owner.

Further, and subject to certain specified exceptions, section 30 of By-law 60-2005 provides that no person, being the owner of any cat, shall fail to have the cat implanted with a functioning subcutaneous microchip. The manufacturer of the microchip must be approved by the City's Pound Keeper, and the microchip must not be implanted by anyone other than a person qualified and/or trained to perform the implantation procedure (*i.e.*, a veterinarian).

The requirement to implant a microchip does not apply to cats under the age of eight weeks and those cats normally residing on land outside the Urban Planning Area, as defined in the City of Burlington's Official Plan, and upon which agriculture is a permitted land use.

The City of Burlington's impound fees, as set out in Schedule "D" to By-law 60-2005, are similar to those imposed by the Town of Milton. The fees charged by that City for a microchip, the implantation of a microchip, and vaccinations are \$20.00, \$10.00, and \$20.00, respectively.

Financial Implications

There are no financial implications associated with this Report. However, should Council resolve to direct Staff to amend By-law No. 73-244, to prepare a stand-alone by-law regulating the keeping of cats, or to prepare a new by-law to regulate the keeping of animals, including cats, Staff recommend that, similar to the exercise

conducted in 2000, the Lincoln County Humane Society be consulted with respect to ascertaining the costs associated with enforcing any such by-law, as well as the revenue that could be generated from licensing/identification and impound fees.

Conclusion

Based on a recent environmental scan, Staff has determined that a number of municipalities in the Greater Golden Horseshoe and Greater Toronto Area have passed by-laws for the purpose of regulating the keeping of animals, including cats. Many of those by-laws were passed ostensibly to promote responsible animal ownership and, more specifically, to curb the practice of euthanizing unwanted but otherwise healthy outdoor cats. To the extent that Council resolves to move in a similar direction, pursuant to *Municipal Act* authority, Staff recommends that a new by-law be prepared for the purpose of consolidating the regulation of cats, dogs and other animals. This would entail repealing By-law No. 73-244 and By-law No. 95-302, being A By-law to Provide for the Licensing and Regulating of the Keeping of Dogs, among other by-laws.

Prepared and Submitted by:

Christopher C. Cooper
Acting City Solicitor/Director

TO STAFF

Report of Legal Services

Dated: March 22, 2000

RE: By-law to regulate the keeping of cats

Clerk's Files Nos. 10.13.1/68.40.99

On January 10, 2000, General Committee dealt with a report of Corporate Support Services pertaining to a by-law to regulate the keeping of cats and directed that By-law 73-244 be amended in a similar manner as Niagara Falls and London's cat by-law, to include:

- ▶ that the number of cats per household be limited to three within the urban boundary
- ▶ that cats must not be allowed to run at large
- ▶ that cats are required to be identified
- ▶ that cats have required vaccinations
- ▶ that the revised draft be back before Council in two months

In making the last motion, Council also directed that the report back to Council include costs for each of the items listed above.

The following report addresses the matters directed to be included in a by-law and the estimated cost. Staff has met with the Humane Society in order to ascertain the best estimate of those costs for the purpose of this report.

Number of Cats

The City of St. Catharines' By-law No. 73-244 applies to land that is not assessed as farmland and provides that no person shall have or keep more than eight cats on or in connection with his/her property. Therefore, it is easily amended to reduce the number of cats permitted, however it would be Staff's suggestion that, this section be deleted from By-law No. 73-244 and that if it is the intention of Council to have a cat control by-law that a separate by-law be passed specifically for cat control. Municipalities are allowed to pass by-laws to regulate the number of animals kept by any person or in or about any dwelling unit (section 210(1) of the Municipal Act). Based on enforcement by complaint only, the estimated cost would be \$35.00 per complaint. For purposes of estimating a cost the number of 500 complaints has been used for a total of \$17,500.00. The estimated cost provided for each item directed by Council to be

included in a by-law does not include the cost of prosecution. Those costs have been estimated by the Humane Society to be approximately a total of \$15,000.00 for prosecution under a cat control by-law. The City of Niagara Falls in its by-law, limits the number of cats to three, and London does not have any limit in its by-law.

Running At Large

The requirements that cats must not be allowed to run at large is authorized by the Municipal Act (section 210(4)). Based on enforcement of this provision by complaint only, it is estimated that the cost would be \$35.00 per complaint. At an estimated 500 complaints per year the cost would be \$17,500.00.

The City of Niagara Falls' by-law also prohibits cats from running at large, however that by-law defines "being at large" to mean to be found in any place other than the property of the owner of the cat and causing damage to property, other than the property of the owner of the cat. The City of London's by-law does not make it an offence to run at large, however it provides that the animal control officer may upon receiving a complaint pick up the domestic cat that has caused damage or created disturbance on the complainant's property. The property owner or occupant is required to confine the cat and once this has been done, the animal control officer is authorized to remove the cat for purposes of impounding. The distinction between the Niagara Falls by-law and the London by-law is that Niagara Falls can lay charges against the owner who allows a cat to be at large if the cat is identified and the City of London cannot charge an owner for such an offence.

The Humane Society advises that it would prefer not to provide traps for the purposes of trapping cats as administratively it would be very costly to provide such a service as the Humane Society would insist on setting up the traps. There is considerable misuse with traps if they are not set up properly. The main concern is that often in the spring, traps will also trap animals not designed for the said device which may include skunks, squirrels and raccoons. Removal of these animals are problematic. Therefore, it is recommended that individuals be required to confine the cat in their garage or otherwise without involving the Humane Society in the provision of traps.

Identification

The requirement that cats be identified is authorized in the Municipal Act (section 210(5)). The Niagara Falls' cat control by-law does not have a requirement for identification. The London animal control by-law requires that all owners of cats, except on farms, are required to identify by tag their cats annually. The fees charged in the City of London for cat identification, for the first year the by-law was passed, was \$10.00 per cat and in subsequent years - \$20.00 per cat. In 1995, London adjusted their rates for a yearly fee of \$34.00 per cat and \$27.00 for spayed or neutered cats per year.

It is the Humane Society's estimate that there are approximately between 17,000 and 20,000 cats in the City of St. Catharines. Based on the Humane Society's experience it is their opinion that should a cat control by-law requiring an annual license fee to be paid, that the maximum amount of licenses that would be applied for would be in the range of 1,000. The licensing administrative cost to set up a parallel system similar to that of the canine control, would cost approximately \$11,000.00. In light of these costs, it is staff's suggestion that the by-law provide that cats be required to be identified without the requirement of paying an annual license fee. However, the owner would be required to identify their cats by either tag, micro chipping, or tattoo, a method to be selected by the owner. At the time a cat is picked up by the pound keeper, if the cat is not identified and the owner comes to claim the animal, then the Humane Society would require that the animal be identified prior to it being released. The Humane Society advised that the tattooing or micro chipping of cats is only performed by veterinarians. The Humane Society does presently sell cat collars and tags and may continue to do so. This method would provide an inexpensive method of identification in a by-law regulating cats.

Vaccination

The direction to include in the City's by-law, the requirement that cats be vaccinated is not authorized in the Municipal Act. The Municipal Act only authorizes municipalities to establish clinics for the spaying or neutering of dogs and cats and to charge fees for this service. The services provided at these clinics are provided by veterinarians. Vaccinations are available through veterinarians. However, in speaking with the Humane Society, it appears that there are a number of vaccinations available and it is up to the pet owner to determine exactly which vaccination is appropriate for his/her pet. Presently, the City offers dog owners a license discount of \$3.00 if the owner presents a valid rabies certificate. Since many vaccinations are available, that matter should be left up to individual pet owners. It is Staff's suggestion that if

Council feel that they would like to provide a discount for vaccinations that it should only be for rabies vaccinations. A discount would only be applicable if the proposed by-law required the payment of an annual license fee. The Humane Society have advised that they would not even recommend giving rabies shots to cats that are picked up because they would not have a record of the past immunization of the animal and that the administration of a rabies shot must be performed by a veterinarian.

Notwithstanding the lack of authority to require vaccination, if Council directed Staff to include the requirement of vaccination, Staff would ask that the type of vaccination be specifically provided in Council's instructions to Staff. Enforcement of vaccination requirements would only be effective if offered by discount as it would be impossible to prosecute people for having failed to vaccinate an animal, as the City would not have any knowledge or record of the immunization record of the said animal. Both the cities of Niagara Falls and London have not required any vaccinations, nor offered any discounts for vaccinations.

Additional Considerations

It is suggested that the proposed by-law should include provisions that prior to an owner retrieving the impounded animal, that the owner be required to pay the necessary costs, boarding costs, including the cost of identification. It is proposed that the animal would be kept for a minimum of three days with the exception that the pound keeper be given some discretion in the event that the cat is in distress or not domestic.

In addition to the provisions outlined herein, the Niagara Falls' by-law includes an offence for an owner to allow or permit the cat to defecate or urinate on or in private property other than the property of the owner or any public place. Staff would caution Council that we have been unable to find any legal authority to make such provisions in the by-law. The section in the Municipal Act only deals with dog excrement.

In addition to the provisions outlined above, the Niagara Falls' by-law provides for what is required to be paid by the owner prior to retrieving the impounded animal and authority for disposal of the animal once impounded. It would be Staff's suggestion that in any animal control by-law those provisions would automatically be included. The Niagara Falls by-law basically allows the owner to claim the cat within five days of the date in which the cat was impounded. It requires the owner to pay expenses of taking the cat into custody, the expenses for the care of the cat, the veterinarian fees and cage rental fees.

It is suggested that if St. Catharines passed a cat by-law that it should contain grand fathering provisions to allow those who legally had more than three cats to continue to own the said cats without penalty providing they are properly identified to establish that those cats were owned by the individual prior to the passing of a cat control by-law. Council has required the identification to be included in the said by-law. Therefore it would be staff's intention to include an exemption for cat breeders who are registered with the Canadian Cat Association. The proposed by-law would only apply within the urban area of the City of St. Catharines.

Based on 500 complaints per year for the matters of the cat limit and the prohibition of allowing cats to run at large, the Humane Society have estimated an amount of \$35,000.00. However, Council should be advised that the 500 estimated complaints are at this time only a guess. In order to provide evidence and prosecute those two charges pertaining to numbers and running at large, the Humane Society have indicated a price of approximately \$15,000.00, for a total of \$50,000.00. This amount does not include an estimated \$11,000.00 that would be required to set up an administrative licensing system for cats. In order to save the cost of the \$11,000.00, Staff are suggesting that the identification of animals be mandatory, however the method be left up to the cat owner. Therefore, because of the difficulty in prosecuting someone for not having a license because of proof of ownership, the enforcement of that provision would basically be carried out if and when the cat is trapped for running at large, the animal will be required to be identified prior to its release. Previous estimates given to this Council by the Humane Society, for the cost of administering a cat control by-law were in the range of \$173,000.00. The City might expect that amount would be used in renegotiating the animal control and humane service agreement.

At the time of approving the agreement with the Humane Society, Council directed that Staff obtain the cost of conducting a door-to-door survey pertaining to cats. The estimate of the said survey is in the range of \$7,000 to \$10,000.00. If it is Council's intention to have a cat control by-law, it will be necessary to direct that the animal control service agreement with the Lincoln County Humane Society be amended to reflect the revised service and the inclusion of conducting the survey for identification of cats at a cost of \$7,000 to \$10,000.

Summary

Notwithstanding the direction given to staff from General Committee, it is staff's recommendation that if Council decides to pass a Cat Control By-law that, as previously directed by Council, the number of cats per household be limited to three, that cats not be allowed to run at large (and that the onus be on the

complainant to trap the said cat), that cats be required to be identified (by either tag, microchip or tattoo) without the requirement of an annual license fee, that a grand fathering provision be included in the said by-law and that prior to release of any cat to the owner that all necessary expenses be paid. In light of some of the provisions previously directed by Council to be included, such as vaccination, are not authorized in law and the provisions dealing with the waste of cats is not authorized by law, it is staff's recommendation that such provisions not be included in the by-law.

RECOMMENDATION:

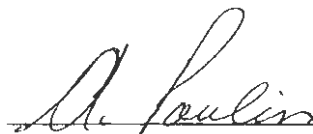
THAT the Council confirm its intention to have a Cat Control By-law as outlined in the "Summary" of the report from Legal Services;

AND THAT the City Solicitor be directed to prepare the necessary by-law;

AND THAT the Service Agreement with the Lincoln County Humane Society be amended to reflect the administration of this new by-law;

AND THAT the cost to administer the proposed by-law, in the amount of \$50,000.00 be included in this year's budget;

AND THAT Council give specific direction to the Lincoln County Humane Society pertaining to the door-to-door survey to determine the number of dogs in the City of St. Catharines to include cats as directed by General Committee on June 10, 1999, for the estimated cost of \$7,000.00 - \$10,000.00.


Annette Poulin
City Solicitor

AP:sl