



**THE CORPORATION OF THE  
TOWN OF WASAGA BEACH**

**BY-LAW NO. 2011-29**

**A BY-LAW TO AMEND BY-LAW NO. 2002-63, BEING A BY-LAW TO  
REGULATE AND CONTROL ANIMALS WITHIN  
THE TOWN OF WASAGA BEACH**

WHEREAS Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act; and

AND WHEREAS under Section 11 of the *Municipal Act, 2001*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction including animals;

AND WHEREAS Council of The Corporation of the Town of Wasaga Beach passed By-Law No. 2002-63, to regulate and control animals within the Town of Wasaga Beach, deems it expedient to amend the said by-law regarding the number of cats per household and implement an exemption and appeal process;

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT By-Law No. 2002-63, Section 2.0 – Definitions – is hereby amended by adding the following:

Section 2.22 – “Grandfathered Cats” – means the lawful keeping of any cat, currently prohibited under the provisions of this by-law, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.

2. THAT By-Law No. 2002-63, Section 6.0 – Restrictions – is hereby amended as follows:

Section 6.2 – No person shall own, control, possess, board or harbour more than three (3) domestic cats on any property within the Town of Wasaga Beach.

6.2.1- Notwithstanding Section 6.2 above, a person who “owns”, up to six cats at the date this amendment comes into force, may continue to “own” those additional cats for a further ten (10) years providing they qualify for the Grandfathered Cat exemption provisions in Section 6.10 below.

3. THAT By-Law No. 2002-63, as amended by By-Law 2009-104, Section 6.0 – Restrictions – is hereby amended as follows:

Section 6.8.1.1 – Any person who owns, controls, possesses, boards or harbours more than three (3) cats and upon establishing residency on any property within the Town of Wasaga Beach may apply in writing to the Clerk for an exemption to Section 6.2.

Section 6.8.2 – The Clerk may authorize an exemption to any person from any provision of Section 6.1, 6.2 or 6.10.3, and further, may impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law. If the Clerk refuses the exemption, the applicant may appeal the decision of the Clerk to the Chief Administrative Officer. The Clerk shall notify the applicant in writing of his/her decision and inform the applicant of his right of appeal.

#### Section 6.9 – Appeal of Exemption Refusal

Section 6.9.1 – Any person who has been denied an exemption under Section 6.8 may file an appeal in writing to the Chief Administrative Officer within seven (7) days of receipt of notification of the Clerk’s decision. The Chief Administrative Officer may authorize an exemption to Section 6.1, 6.2 or 6.10.3, subject to such terms and conditions as are necessary to give effect to this by-law. The Chief Administrative Officer shall notify the applicant in writing of their decision. The decision of the Chief Administrative Officer is final and no further right of appeal will be granted.

Section 6.10 – Grandfathered Cats.

Section 6.10.1 – Any cat may be deemed a “Grandfathered Cat”, subject to section 6.10.2, where at any time this determination is necessary to ensure compliance with the By-Law, the “Owner” of more than three (3) cats (to an upper limit of six (6) cats) shall ensure all cats “owned” were born prior to the date this amendment came into force.

Section 6.10.2 – Where the birth-date of any “owned” cats is relevant to establishing a claim for lawful exemption pursuant to section 6.10.1 above, the onus of proof to verify the age of said cat(s) rests with the owner seeking the exemption.

Section 6.10.3 – Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked by the Town Clerk or designate, subject to an appeal under section 6.8.2.

Section 6.10.4 – The Town may, at the discretion of the Town Clerk or designate impose special conditions on the keeping of any Grandfathered Cat (e.g. housing, control, identification).

4. THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF MARCH, 2011.

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Cal Patterson, Mayor

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Twyla Nicholson, Clerk  
(Original signed by Mayor & Clerk)

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