

**BY-LAW NUMBER SQ 2021-005 (R.M. 2021-033)**

**MODIFYING BY-LAW SQ 2017-005  
BY-LAW CONCERNING ANIMALS APPLICABLE  
BY THE SÛRETÉ DU QUÉBEC IN THE MUNICIPALITY OF KAZABAZUA**

**Whereas** this Council considers it necessary and in the public interest to regulate the presence of animals in its territory;

**Whereas** the tabling and presentation of draft by-law SQ 2021-005 (R.M. 2021-033) at the regular meeting of Council of the Municipality of Kazabazua held on July 6, 2021;

**Whereas** a copy of by-law SQ 2021-005 (R.M. 2021-033) was given to the members of the council no later than 2 legal days before the regular sitting of July 6, 2021, that all the members present declare that they have read the draft by-law and that they waive their reading;

**Therefore, it is proposed** by Paul Chamberlain, **seconded** by Sylvain La France and unanimously resolved that the Council of the Municipality of Kazabazua decrees the following:

**SECTION 1 – DEFINITIONS**

Unless otherwise express or resulting from the context of the provision, the following expressions, terms and words have in this By-law the meaning and application assigned to them by the present article:

**FROM NOW ON, IT SHOULD READ AS FOLLOWS:**

**1.1 Farmer :**

Means any person who is carrying out agricultural activities and recognized as such.

**1.2 Animal :**

Refers to any animal of any species and origin.

**1.3 Farm animal :**

Means any animal reserved for raising on an agricultural holding such as sheep, cattle, pigs, horses, wild boars, bison, llamas, etc., and any other animal used for agriculture except dogs.

**1.4 Animal in liberty :**

Means any animal outside the building or property of its custodian that is not under the caretaker's control or that is not kept on a leash.

**1.5 Stray animal :**

Refers to any animal lost or lost and without a known owner or guardian.

An animal that is outside the custodian's property, without immediate control of the animal's guardian, or if it is outside the property where the animal is held, is interpreted as straying.

**1.6 Exotic animal :**

Means any animal whose species or subspecies is not found naturally in Québec, with the exception of birds, fish and miniature turtles.

**1.7 Wild animal :**

Refers to any animal that usually lives in water, woods, deserts or forests, not generally domesticated by man.

**1.8 Competent authority :**

Means the personnel of the "Animal Protection Service", the personnel of any other body responsible for the application of this By-law, the Sureté du Québec, the municipal officers of the municipalities and cities of the MRC de La-Vallée-de-la-Gatineau and any member of the public security department of the MRC de La-Vallée-de-la-Gatineau.

**1.9 Building :**

Refers to a construction with a roof supported by columns or walls and used to house human beings, animals or objects.

**1.10 Kennel :**

Means any place arranged so as to be used for the care, housing or breeding of more than 3 dogs.

**1.11 Dog :**

Refers to any dog, or puppy.

**1.12 Guard dog :**

Refers to a dog trained or used for guarding and who attacks an intruder on sight or on order.

**1.13 Guide dog :**

Refers to a dog trained to compensate for a visual or any other physical disability of a person.

**1.14 Outbuilding :**

Means any building that is incidental to or adjacent to a unit of occupancy or land on which the unit of occupancy is situated, including garages attached to the unit of occupancy.

**1.15 Public building :**

Refers to any public or private building to which people have access.

**1.16 Breeder :**

Means any person practising full-time or part-time, with or without remuneration, the breeding of cats or dogs and having more than 4 dogs or cats and who holds a permit to practice for this purpose issued by the competent authority.

**1.17 Public place :**

Means any public property, traffic lane, public land and park of the competent authority.

**1.18 Host family :**

Means any person or group of persons authorized to temporarily obtain custody of an animal. It is the responsibility of the competent authority or one of its representatives to designate such foster families.

**1.19 Pound:**

Means any animal shelter designated by the competent authority or any shelter of a person or body authorized to apply this By-law.

**1.20 Guardian :**

Means a person who is the owner, has custody of a domestic animal or provides shelter, feeds or maintains a domestic animal, as well as the father, mother, guardian or sponsor with whom a minor who owns, has custody or provides shelter, feeds or maintains a domestic animal. The owner, occupant or lessee of the unit of occupation in which the animal lives is also deemed to be a custodian.

**1.21 Municipality :**

Designates any Municipality of the competent authority as well as the competent authority.

**1.22 Organization**

Means the body that has entered into an agreement with the Municipality to collect the cost of licences and apply this By-law.

**1.23 Park**

Means parks situated in the territory of the Municipality and further includes rest areas, walks, recreational or tourist trails as well as generally all public spaces, whether grassed or not, where the public has access for the purposes of rest or relaxation, play or sport or for any other similar purpose, but does not include streets, paths, alleys and sidewalks adjacent to streets and other places dedicated to vehicular traffic.

**1.24 Animal pension :**

Means any place that serves as a boarding house for animals, with or without remuneration, for a given time. The word owner preceding this term means any person carrying out this activity.

**1.25 Person :**

Refers to a natural or legal person.

**1.26 Handicap person :**

Means any person recognized as such by the Office des personnes handicapées du Québec or any other equivalent government body.

**1.27 Kennel owner :**

Means any person who devotes himself for or without remuneration on a full-time or part-time basis, either in the care, housing or breeding of more than 3 dogs.

**1.28 Property :**

Means any land or building in the private domain where the public does not have access.

**1.29 Shelter :**

Refers to any place where several animals can be accommodated. The location, operation and living conditions of the animals within the shelter must be recognized by the SPCA, the municipality or any other body appointed by the competent authority.

**1.30 By-law respecting animals in captivity:**

Refers to the By-law adopted under the Act respecting the conservation and development of wildlife (R.S.Q., c.61.1, r.0.0001).

**1.31 Agricultural sector**

Refers to a sector defined as having agricultural activities permitted by the Municipality.

**1.32 Animal protection service :**

Means the body that has entered into an agreement with the Municipality to collect the cost of licenses and apply this By-law.

**1.33 Playground :**

Refers to a public space of land mainly arranged for the practice of sports or for leisure.

**1.34 Private land :**

Means any parcel of land that is in the private domain and to which the public does not have access, excluding the buildings on the said land.

**1.35 Occupancy unit :**

Refers to one or more rooms located in a building and used primarily for residential, institutional, commercial or industrial purposes.

**1.36 Circulation :**

Means any street, alley, public road, private road with public access, parking space or lot, sidewalk or other.

**Article 2 – APPLICATION OF THE BY-LAW**

- 2.1 The Municipality may enter into agreements with any person or body authorizing such person or body to collect the cost of animal licenses and to apply this By-law in whole or in part. Every person designated to apply this By-law shall also bear the title of inspector in addition to his usual title.
- 2.2 Any person or body entrusted with the authorization to collect the cost of licenses and to apply all or part of these By-laws shall, for the purposes here of these Terms and Purposes, be called the Animal Protection Service.
- 2.3 Notwithstanding the provisions of sections 2.1 and 2.2 of this By-law, the peace officers of the Sureté du Québec are authorized to apply this By-law.
- 2.4 Any person authorized to enforce this By-law shall have an identity document provided by the competent authority.

**Article 3 – Provisions applicable to agricultural animal**

- 3.1 Any person wishing to keep one or more agricultural animals within the boundaries of the Municipality must be located in the agricultural sector or in an authorized sector, in particular where such uses are recognized by the Municipality.
- 3.2 The land where agricultural animals are kept must be fenced and fences must be kept in good condition and constructed in such a way as to contain them.
- 3.3 Every owner of an agricultural operation must contain his animals on his property in such a way as to prevent them from wandering unattended on the public highway or any other public place within the boundaries of the municipality
- 3.4 Any custodian or person in charge of farm animals who must have these animals cross the public highway must ensure that it is done in a safe manner.
- 3.5 It is forbidden to have more than one farm animal cross the public highway, unless they are escorted by a person carrying and holding a red flag in good view as a warning signal.

**Article 4 – Kennel and others**

- 4.1 Anyone wishing to operate a kennel, pet store or veterinary clinic must hold a license to carry on this activity within the permitted areas. The cost of the permit is determined in accordance with the by-law in force in the Municipality.
- 4.2 Every kennel owner must maintain his establishment in such a way as to avoid foul noise and odors and in sanitary conditions that meet the requirements of the municipal authorities.

**Article 5 – General provisions relating to the keeping of animals – animals authorized**

- 5.1 It is forbidden for any person to keep within the boundaries of the Municipality an animal other than, except in the context of an exhibition and with the permission of the Council
  - a) Dogs, cats, fish, small pet rodents (mice and rats selected by humans), miniature rabbits as well as the ferret (*Mustela putorius furo*).
  - b) The species and number of native amphibians and reptiles allowed into custody by the By-law respecting animals in captivity (R.R.Q., c.C-61.1, r.0.0001).
  - c) The following exotic animals:
    - i) All reptiles except crocodylians, venomous lizards, venomous snakes, boas, pythons, anacondas as well as snakes up to 3 meters in length in adulthood, sea turtles as well as the green red-eared turtle, wheat snakes or droplet snakes or commonly called "corn snake".
    - ii) All of amphibians
    - iii) All of the following birds: capitonidae, columbines, emberished, estrildidae, irénidae, religious mainate, musophagidae, ploceids, psittacidae, pycnonotidae, ramphastidae, timaliidae, turdidae, zosterropidae.
    - iv) All the following mammals: chinchillas, guinea pigs, deguux, gerbils, jerboas, hamsters.

Hens and small agricultural animals are permitted if the conditions as defined in the municipality's planning by-law are met.

Minimum standards and conditions for keeping animals

- 5.2 No one may keep more than 3 dogs, with the exception of farmers, in a dwelling where the dwelling is located or in the outbuildings of that dwelling.
- 5.3 The caretaker of a dog who gives birth must within 3 months from birth, dispose of the puppies to comply with this By-law.
  - Article 5.2 shall not apply before that period.
- 5.4 The custodian must provide the animal in his care with the food, water, shelter and care necessary and appropriate to its species and age.
- 5.5 The custodian must keep the place where an animal is kept in good sanitary condition.
- 5.6 The guardian of an animal kept outside must provide it with shelter appropriate to its species and temperature. The shelter must meet the following minimum standards:
  - a) It should not be located in a place that is too sunny or too exposed to wind, snow or rain.
  - b) It must be watertight and insulated from the ground, and be constructed of insulating material.
- 5.7 The loin (leash) of an animal attached to the outside must be at least three (3) meters long.
- 5.8 It is forbidden for any person to carry an animal in the trunk of a vehicle or in an open vehicle of the van type.

At all times, the custodian of the vehicle must protect the animal from the weather, sun or heat and ensure that there is no danger of the animal falling out of the vehicle.

- 5.9 A guardian who knows that his animal is injured or suffering from an illness commits a offence if he does not take the means to have his animal treated or to subject him to euthanasia.

- 5.10 A guardian may not abandon one or more animals in order to dispose of them. He must hand over the animal or animals to a competent authority which disposes of them by adoption or euthanasia. In the latter case, the costs are borne by the custodian.
- 5.11 Where the competent authority finds that animals have been abandoned, it shall dispose of the animals, by adoption or by subjecting them to euthanasia if the custodian or owner has not been found.
- If the custodian or owner is traced, he is responsible for the costs incurred and subject to prosecution under this By-law.
- 5.12 The custodian or owner of a dead animal must, within 24 hours of his death, return it to the competent authority or dispose of it in accordance with the standards of the Ministère de l'Environnement et de la Faune du Québec.

### **Nuisances**

- 5.13 It is forbidden for any person to organize, participate in, encourage or attend the course of an animal fight.
- 5.14 Anyone is prohibited from cruelty, mistreating, molesting, harassing or provoking an animal.
- 5.15 The custodian of an animal must immediately clean, by all appropriate means, any public square or private property salted by deposits of fecal matter left by the animal of which he is the guardian and must dispose of it in a hygienic manner. To this end, the custodian must have in his possession the necessary equipment.
- 5.16 Any person who finds a stray animal must report it immediately or hand it over without delay to the competent authority.
- 5.17 It is forbidden to use or allow poison or a trap to be used for the capture of animals with the exception of the trap cage.
- 5.18 It is a nuisance to feed, keep or otherwise attract pigeons, squirrels or any other animal living in freedom within the boundaries of the Municipality in such a way as to harm the health, safety or comfort of one or more persons in the neighborhood.
- 5.19 No one shall take or destroy eggs or nests of birds in parks or other places of the Municipality.
- 5.20 It is forbidden for any person to feed migratory birds such as ducks or gulls on the banks of rivers, lakes or ponds located in the territory of the Municipality.
- 5.21 Except in places specially intended for this purpose, it is forbidden to ride a horse or to walk it in the parks of the Municipality.
- 5.22 It is forbidden for any person to bring an animal to a field or in a public park at any time. This article does not apply to a guide dog or to any occasion when the presence of animals is authorized by the Municipality.
- 5.23 It is forbidden for any person to bathe an animal in the public pools of the Municipality.
- 5.24 The swimming of an animal is permitted in the lakes and rivers of the Municipality, except in places where the signs prohibit it.

### **Article 6 – Special provisions applicable to dogs**

#### **6.1 EXEMPTED DOGS**

The following dogs are not covered by this By-law:

- 1° a dog that a person needs to assist the dog and that is the subject of a valid certificate attesting that it has been trained for that purpose by a professional service dog training organization;
- 2° a dog from a dog team in a police force;
- 3° a dog used in the course of the activities of the holder of a permit issued under the Private Security Act (chapter S-3.5);
- 4° a dog used in the activities of a wildlife protection officer.

#### **Reporting injuries inflicted by a dog**

- 6.2 A veterinary shall report without delay to the competent authority concerned that a dog which he has reasonable grounds to believe constitutes a risk to public health or safety

has inflicted a bite injury on a person or pet by providing the following information, where known: :

a° the name and contact information of the dog's owner or custodian;

b° any information, including breed or type, that allows the dog to be identified;

c° the name and contact information of the injured person or the owner or custodian of the injured pet and the nature and severity of the injury that was inflicted.

- 6.3 A physician shall report without delay to the competent authority concerned the fact that a dog has inflicted a bite injury on a person, communicating to the person the nature and severity of the injury and, where known, the information provided for in article 6.2.

The custodian of a dog that has inflicted an injury on a person or other animal must communicate without delay with the competent authority and provide the information provided for in article 6.2.

- 6.4 For the purposes of sections 6.2 and 6.3, the competent authority concerned shall be that of the principal residence of the owner or custodian of the dog who inflicted the injury or, where this information is not known, the authority where the event took place.

#### **Declarations of potentially dangerous dogs and orders against dog owners or guardians**

- 6.5 Where there are reasonable grounds to believe that a dog poses a risk to public health or safety, a competent authority may require that the dog's owner or custodian submit it to a veterinary of its choice for assessment of its condition and dangerousness.

- 6.6. The competent authority shall notify the owner or custodian of the dog, where known, of the date, time and place where he must appear with the dog for the examination and of the costs he will have to pay for the dog.

- 6.7 The veterinarian shall forward his report to the competent authority as soon as possible. It must contain its opinion concerning the risk posed by the dog to public health or safety.

It may also contain recommendations on the measures to be taken with respect to the dog or its owner or guardian.

- 6.8 A dog may be declared potentially dangerous by the competent authority which is of the opinion, after considering the report of the veterinary who examined the dog and assessing its condition and dangerousness, that it constitutes a risk to public health or safety.

- 6.9 A dog that has bitten or attacked a person or pet and injured it may also be declared potentially dangerous by the competent authority.

- 6.10 The competent authority may order the owner or custodian of a dog that has bitten or attacked a person and caused his death or serious injury to the dog to euthanize the dog. It must also euthanize such a dog whose owner or custodian is unknown or untraceable.

Until euthanasia, a dog referred to in the first paragraph must at all times be muzzled by means of a basket muzzle when it is outside the residence of its owner or custodian.

For the purposes of this section, any physical injury that is likely to result in death or result in significant physical consequences constitutes a serious injury.

- 6.11 The competent authority may, where circumstances so warrant, order the owner or custodian of a dog to comply with one or more of the following measures:

1° subject the dog to one or more of the standards provided for in this By-law or in sections 6.17, 6.18, 6.19, 6.20, 6.30, 6.31, 6.39, 6.40, 6.41, 6.42 or any other measure intended to reduce the risk posed by the dog to public health or safety;

2° have the dog euthanized;

3° dispose of the dog or any other dog or prohibit it from owning, acquiring, keeping or raising a dog for a period it determines.

The order must be proportionate to the risk posed by the dog or the owner or custodian to public health or safety.

#### **Procedures for the exercise of powers by the competent authority**

- 6.12 The competent authority shall, before declaring a dog potentially dangerous under 6.8 or 6.9 or making an order under 6.10 or 6.11, inform the owner or custodian of the dog of its

intention and the reasons on which it is based and indicate the time within which it may make representations and , if applicable, produce documents to complete the file.

During the decision-making process, the competent authority may impose any conditions it deems necessary on the owner or custodian of the dog in order to preserve the safety of persons and animals. Without limitation, the competent authority may impose any temporary conditions, until the competent authority has rendered its decision on the potentially dangerous nature of the dog.

An owner or custodian who does not comply with the temporary conditions for the decision-making period is in breach of this By-law.

- 6.13 Any decision the competent authority is transmitted in writing to the owner or guardian of the dog. When declaring a dog potentially dangerous or making an order, the decision shall state the reasons in writing and shall refer to any document or information that the competent authority has taken into consideration.

The declaration or order is notified to the owner or custodian of the dog and indicates the time available to him to comply with it. Before the expiry of this period, the owner or custodian of the dog must, at the request of the competent authority, show him that he has complied with the order. Otherwise, the latter is presumed not to have complied with it. In that case, the competent authority shall give notice to him to comply within a given period and shall indicate the consequences of his default.

An owner or custodian who does not comply with the order or who does not show that he has complied with it is committing an offence under this By-law.

- 6.14 The competent authority may designate an official or employee of the competent authority responsible for the exercise of powers.
- 6.15 The powers of the competent authority to declare a dog potentially dangerous and to make orders under this By-law are exercised in respect of dogs whose owner or custodian has a residence in its territory.

However, a declaration or order made by the competent authority applies throughout the territory of Québec.

#### **Standards relating to the supervision and possession of dogs**

- 6.16 No one may possess or keep a dog within the limits of the competent authority without obtaining a license from the competent authority.
- 6.17 The owner or custodian of a dog must register it with the competent authority of his principal residence within 30 days of the acquisition of the dog, the establishment of his main residence in a municipality or the day on which the dog reaches the age of 3 months.

Notwithstanding the first paragraph, the obligation to register a dog:

- a° applies from the day the dog reaches the age of 6 months when a dog breeder owns or caretakes the dog;
  - b° does not apply to a pet store, that is, a business where pets are kept and offered for sale to the public, a veterinary institution, an educational institution or an institution that carries out research activities, as well as to a pound, animal service, shelter or any person or organization dedicated to the protection of animals that holds a permit referred to in article 6.20 of the Animal Welfare and Safety Act ( chapter B-3.1).
  - c° The owner or custodian of a dog must pay the annual registration fee set by the competent authority.
- 6.18 The owner or custodian of the dog must provide the following information and documents for the registration of the dog:
- a° their name and contact information;
  - b° the breed or type, sex, colour, year of birth, name, distinguishing marks, origin of the dog and whether its weight is 20 kg or more;
  - c° if applicable, evidence that the rabies vaccination status of the dog is up to date, sterilized or microchip number and the number of the microchip, or written notice from a veterinarian that vaccination, sterilization or microchipping is contraindicated for the dog;

d° if applicable, the names of the municipalities where the dog has already been registered and any decision in respect of or in respect of the dog made by a local municipality under this by-law or a municipal by-law concerning dogs.

- 6.19 The registration of a dog in the competent authority shall continue as long as the dog and its owner or guardian remain the same.

The owner or custodian of a dog must inform the competent authority in which the dog is registered of any change to the information provided under article 6.18.

- 6.20 The competent authority shall give the owner or custodian of a registered dog a medal containing the dog's registration number.

A dog must wear the medal awarded by the competent authority in order to be identifiable at all times.

- 6.21 The license issued under these By-laws shall be annual for the period from 1 January to 31 December of each year.

- 6.22 The guardian of a dog within the limits of the competent authority must obtain a new license for that dog, in January each year.

- 6.23 No guardian of a dog shall bring within the boundaries of the Municipality a dog usually living outside the territory of the Municipality, unless he holds a license issued by the Municipality where the dog usually lives.

However, where the Municipality where the dog usually lives does not impose the obligation to obtain a license, the dog must carry a medallion on which is written the identity of its guardian, the address of the latter and a telephone number where it is possible to reach him.

Any owner or custodian, who keeps in the territory of the competent authority, for a period of fifteen (15) days or more, a dog that does not usually live there and that does not have a license from the Municipality where the dog usually lives, must obtain a license from the competent authority, failing which he commits an offence.

For the purposes of this section, any dog referred to in this By-law, being in the territory of the competent authority for a period of fifteen (15) days or more, whose owner or custodian has not obtained a license from the competent authority, is presumed not to hold a license in the Municipality where the dog usually lives. The owner or custodian is responsible for proving that the dog has a valid license in the Municipality or usually lives the dog.

This article does not apply to an animal that participates in an exhibition or contest during the duration of the event.

- 6.24 A custodian who establishes himself in the competent authority must comply with all the provisions of this By-law even if he holds a license for a dog issued by another municipality that is not part of the competent authority.

- 6.25 The cost of the license is set out in article 9.1 of these By-laws and applies to each dog. The cost of the license is indivisible and non-refundable.

- 6.26 A medallion issued for one dog cannot be worn by another dog.

- 6.27 Any person is prohibited from altering, altering or removing an animal's medallion in such a way as to prevent its identification.

- 6.28 The custodian of a dog must present the certificate received from the Animal Protection Service to any representative of the Animal Protection Service or the Police Service who so requests.

#### **Additional custody and control standards**

- 6.29 It is forbidden to leave a dog free outside the boundaries of its guardian's building, dwelling or land.

Outside these limits, the dog's caretaker must keep the dog on a leash or otherwise assume immediate control and monitor it at all times. A dog not kept on a leash is presumed not to be under the control of its caretaker.

- 6.30 In a public place, a dog must at all times be under the control of a person capable of controlling it.

Except in a dog exercise area or when participating in a dog activity, including hunting, an exhibition, a competition or a dressage course,



A dog must also be held by means of a leash with a maximum length of 1.85 m. (6 feet).

A dog of 20 kg or more must also wear a halter or harness at all times, attached to its leash. For the purposes of this section, the custodian or owner shall be responsible for demonstrating to the competent authority that the dog has a weight of less than 20 kg.

Subject to the other provisions of this By-law, the use of the stretchable leash is prohibited in a public place but authorized in parks or public places that do not prohibit dogs.

- 6.31 A dog may not be on property owned by a person other than its owner or custodian, unless the presence of the dog has been expressly authorized.
- 6.32 No guardian can let his dog lie down in a public place in order to hinder the passage of people.
- 6.33 Any guardian carrying one or more dogs in a road vehicle must ensure that they cannot leave the vehicle or attack a person passing by the vehicle.
- 6.34 Every guardian of minor age must, in order to control and keep a dog, have reached maturity and the ability to keep the dog on a leash, without the dog escaping or controlling its movements.
- 6.35 Whether on the land where the building occupied by its custodian is located or on any other private land where it is located with the authorization of the owner or occupant of the land, any dog must be kept, as the case may be:
- a) In a building from which he cannot leave.
  - b) On a fenced plot on all sides. The fence must be of sufficient height, taking into account the size of the animal, to prevent it from leaving the land where it is located.
  - c) On land that is not fenced, the owner or occupant of the land must install a recognized electronic fencing system.

The dog must wear a properly functioning receiver in its neck when outside the building. A dog that finds itself outside the field equipped with such a system is presumed to be a dog at large, and therefore in contravention of article 6.29.

The dog can be attached to a metal pole or its equivalent, by means of a chain or rope of metal or synthetic fiber. The pole, chain or rope and fastener must be of sufficient size and strength to prevent the dog from freeing itself from it.

The length of the chain or rope must not allow the dog to approach within one meter of a boundary of the land that is not separated from the adjacent land by a fence of sufficient height, taking into account the size of the animal, to prevent it from leaving the land in which it is located.

- d) In a private lot consisting of an enclosure surrounded by a galvanized lattice fence, or its equivalent, made of tight meshes to prevent children or any person from passing the hand through, with a height of 1.2 meters and finished, in the top, inwards, in the shape of a "Y" of at least 60 cm.

In addition, this pen should be surrounded by a fence of at least 30 cm in the ground, and the bottom of the pen should be of brooch or material to prevent the dog from digging. The area must be equivalent to at least 4 m<sup>2</sup>.

For the purposes of this provision, when a dog is kept, in accordance with the requirements of paragraphs (b) and (d), the fence shall be cleared of any accumulation of snow or other elements so that the prescribed heights are complied with.

- 6.36 No guardian may order his dog to attack a person or animal unless his physical integrity is compromised or his safety, family or property threatened.
- 6.37 Any guardian of a guard, protection or attack dog, whose dog is on this private property, must indicate to any person wishing to enter his property, that he may be in the presence of such a dog and this, by posting a written notice that can be easily seen from the public square bearing one or the other of the following indications: "Attention – watchdog" or "Attention – dangerous dog" or by displaying a recognized pictogram indicating the presence of such a dog.

#### **Nuisances caused by dogs**

- 6.38 The following acts, circumstances, gestures and acts constitute nuisances or offences and the custodian is liable to the penalties prescribed in this By-law:

- a) The fact that a dog barks or screams in such a way as to disturb the peace or tranquility and to be an annoyance for one or more people.
- b) The fact that a dog moves or searches household waste.
- c) The fact that a dog is on private land without the express consent of the owner or occupant of that land.
- d) The fact that a dog causes damage to a lawn, terrace, garden, flowers or flower garden, shrub or other plants.
- e) The fact that a dog bites or tries to bite an animal that behaves peacefully.
- f) The fact that a dog bites or tries to bite a person who behaves peacefully.
- g) The fact that a dog is in a public place where a sign indicates that the presence of the dog is prohibited.
- h) The fact that a caretaker neglects to regularly collect excrement on his property and does not maintain the premises in an adequate state of health.
- i) The fact that a guardian is in public places with a dog without being able to control it at all times.
- j) The fact that a caretaker is left alone or without proper care, without the presence of a guard, for a period of more than 24 hours.
- k) The refusal of a custodian to allow the competent authority to inspect any place and immovable in order to verify compliance with this By-law.
- l) The fact that a caretaker is in a playground with his dog
- m) The fact that an animal is wandering within the territory of the Municipality.

#### **Standards applicable to dogs declared potentially dangerous**

- 6.39 A dog declared potentially dangerous must at all times have an up-to-date rabies vaccination status, be sterilized and microchip, unless a contraindication for the dog established by a veterinarian.
- 6.40 A dog declared potentially dangerous may only be kept in the presence of a child 10 years of age or younger if it is under the constant supervision of a person aged 18 and over.
- 6.41 A dog declared potentially dangerous must be kept by means of a device that prevents it from leaving the boundaries of private land that is not fenced or whose fence does not allow it to be contained there. In addition, a sign must also be placed in a place where the presence of a dog declared potentially dangerous can be announced to a person who comes to the site.
- 6.42 In a public place, a dog declared potentially dangerous must wear a basket muzzle at all times. In addition, it must be held by means of a leash with a maximum length of 1.25m, except in a dog exercise area.

#### **Article 7 – Powers of the competent authority**

- 7.1 For the purposes of ensuring the application of the provisions of this By-law, an inspector, an Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law who has reasonable grounds to believe that a dog or animal is in a place or in a vehicle may, in the performance of his duties :

1° enter and inspect the site at any reasonable time;

2° inspect or secure the vehicle for inspection;

3° examine this dog;

4° take photographs or recordings;

5° require any person to disclose, for examination, reproduction or making out an extract, any book, account, register, record or other document, if he has reasonable grounds to believe that it contains information relating to the application of this By-law;

6° require from any person any information relating to the application of this By-law.

When the site or vehicle is unoccupied, the inspector leaves a notice indicating the name, the time of the inspection and the reasons for the inspection.

- 7.2. An inspector, an Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law who has reasonable grounds to believe that a dog is in a dwelling-house may require the owner or occupant of the premises to show him the dog. The owner or occupant must comply immediately.

The inspector, the Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law may enter the dwelling-house only with the authorization of the occupant or, failing that, only under a search warrant issued by a judge, on the basis of an affidavit made by the inspector, the Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law, stating that he has reasonable grounds to believe that a dog that constitutes a risk to public health or safety is in the dwelling-house, authorizing, on the conditions he indicates therein, the inspector, the Officer of the sureté du Québec or the person designated by the competent authority to enter, seize and dispose of the dog in accordance with the provisions of the By-law, this warrant may be obtained in accordance with the procedure provided for in the Code of Criminal Procedure (chapter C-25.1)

Every judge of the Court of Québec or of a municipal court or every judge of the peace is competent to issue a search warrant under the second paragraph.

- 7.3 The inspector, the Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law may require the owner, custodian or person in charge of a vehicle or place that is the subject of an inspection, as well as any person in the vehicle or place, to assist the inspector, in the performance of his duties.

- 7.4 An inspector, an Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law may seize a dog for the following purposes:

1° subject it to a veterinary for examination in accordance with article 6.5 where the veterinarian has reasonable grounds to believe that it constitutes a risk to public health or safety;

2° submit it to the examination required by the competent authority when its owner or custodian fails to appear for the examination in accordance with the notice sent under article 6.6;

3° enforce an order made by the competent authority under article 6.10 or 6.11 where the time limit provided for in the second paragraph of article 6.13 for complying with it has expired.

- 7.5 The inspector, the Officer of the sureté du Québec or any person designated by the competent authority for the purposes of this By-law shall have custody of the dog he has seized. He may detain the seized dog or entrust the custody of the dog to a person in a veterinary institution or shelter, animal service, pound or place run by a person or body dedicated to the protection of animals holding a permit referred to in article 6.20 of the Animal Welfare and Safety Act (chapter B-3.1).

- 7.6 The custody of the seized dog is maintained until it is handed over to its owner or guardian.

Unless the dog was seized to carry out an order made under the first paragraph of article 6.10 or paragraph 2 or 3 of the first paragraph of article 6.11 or if the municipality makes an order under one of those provisions, it is handed to its owner or custodian when one of the following situations occurs:

1° as soon as the examination of the dog has been carried out, when the veterinary is of the opinion that it does not constitute a risk to public health or safety, or as soon as the prescription has been executed;

2° where 90 days have elapsed since the date of the seizure without the dog having been declared potentially dangerous or, before the expiry of that period, if the inspector is advised that the dog should not be declared potentially dangerous or that the dog has been declared potentially dangerous.

- 7.7 The costs of custody caused by a seizure are the responsibility of the owner or custodian of the dog, including in particular veterinary care, treatments, surgical interventions and medications necessary during the seizure as well as examination by a veterinary surgeon, transport, euthanasia or disposal of the dog.

## **Article 8 – Pound**

- 8.1 Any person may have any animal in breach of any provision of this By-law in a pound that contravenes or whose custodian contravenes. The representative of the competent

authority must, in the case of an animal duly licensed and in a pound, inform the owner or custodian of the animal without delay that the animal has been in a pound.

- 8.2 For the capture of a dog, a peace officer of the Police Service or one of the competent authorities is authorized to use a tranquilizer or a net gun.
- 8.3 The representative of the competent authority may enter any place where an injured, sick or ill-treated animal is located. He may capture it and put it in a pound or at a veterinarian until it recovers or until the appropriate place for the custody of the animal is available. The costs are the responsibility of the caretaker.

Where there is an emergency and a serious fear for the health or life of the animal is compromised by the time taken to obtain a warrant under this By-law. The representative of the competent authority may enter any private property without a warrant for the sole purpose of seizing the animal in order to preserve its health and life. The competent authority and the representative of the Animal Protection Service are not liable for damage to private property.

- 8.4 The representative of the competent authority may enter any place where an animal suspected of contagious disease is located. He can capture it and put it in the pound. If the animal suffers from a contagious disease, it must be isolated until it has been completely cured and, in the absence of such a cure, it must be subjected to euthanasia. If the disease is not proven, the dog is handed over to the caretaker. The costs are the responsibility of the caretaker.
- 8.5 In the event that the municipal authorities have been notified of cases of rabies, they may order, by public notice, all the guards and owners of dogs in the Municipality or the sector concerned, to lock up their animals in order to prevent them from being in contact with any other animal. The order will be valid for a period not exceeding 60 days from the public notice given to that effect and renewable for the same period as long as rabies or the danger of rabies persists. Any failure to comply with the order shall render the custodian or owner of the animal liable to the penalties provided for in this By-law.
- 8.6 Any animal in any public place or public property after the publication of the public notice referred to in article 9.5 may be seized by the competent authority and disposed of at the expense of the custodian of the animal.
- 8.7 Any animal suspected of being infected with rabies may be seized by the competent authority and placed under the observation of the competent authorities for a period of 15 days at the expense of the guardian of the animal. If the animal cannot be cured, it may be disposed of at the expense of the animal's guardian.
- 8.8 Any unclaimed and unidentified dog in a pound is kept for a minimum period of 5 days unless its physical condition justifies euthanasia.
- 8.9 If the dog wears the license required under this By-law or wears the identification medallion or any other method of contacting the custodian or owner by reasonable efforts, the period shall be 5 days. If within this period the custodian does not regain possession of it, the competent authority may dispose of it.
- 8.10 After the period prescribed in sections 8.8 and 8.9, the dog may be subjected to euthanasia or sold by adoption, subject to the other provisions of this By-law.
- 8.11 The custodian may repossess his dog, unless he is disposed of, by paying to the competent authority the boarding costs provided for under the contract entered into between the competent authority and the Municipality, all without prejudice to the rights of the Municipality to prosecute for any contravention of this By-law, if any.
- 8.12 If no license has been issued for the dog for the current year, in accordance with this By-law, the custodian must also, to repossess his dog, obtain the required license for the current year, without prejudice to the rights of the Municipality to prosecute for any contravention of this By-law, if any.
- 8.13 Any person wishing to subject a dog to euthanasia may apply directly to a veterinary of his choice or to the competent authority, in which case he must pay the competent authority the amount fixed in this By-law.
- 8.14 The competent authority may dispose without delay of an animal which dies in a pound or which is euthanized under this By-law.
- 8.15 The competent authority which, under this By-law, destroys a dog shall not be held liable for such an act.

- 8.16 Any animal that is the cause of an offence against this By-law may be kept in the pound or in any other place designated by the competent authority, and its custodian must be notified as soon as possible.

The custodian must, within 5 days, claim the animal; all transport and boarding costs shall be borne by the custodian, failing which the competent authority may dispose of the animal by adoption or by subjecting it to euthanasia.

The custodian of an animal being in a pound must pay the costs of transportation, boarding, euthanasia or other expenses even if he does not claim his animal.

- 8.17 Neither the Municipality nor the competent authority can be held liable for damage or injury caused to a dog as a result of its capture and tinging.

#### **Article 9 – Rates**

- 9.1 The cost of a license for each dog is:

a)	Dog	\$ 25.00
b)	Guide dog	free
c)	Farmer's dog	free
d)	certificate duplicate	\$ 5.00

- 9.2 Care costs are those provided for in the tariff in force at the time of the offence per day for a dog.

Transport cost for an animal are those provided for in the tariff in force at the time of the offence during business hours and those provided for in the tariff in force at the time of the offence outside business hours.

- 9.3 The costs of euthanasia of an animal are those provided for in the tariff in force at the time of the offence.

- 9.4 The costs of veterinary medicine, when necessary, shall be at the expense of the custodian.

- 9.5 The fees for the good canine citizen test are those provided for at the rate in effect at the time of the offence.

#### **Article 10 Criminal provisions**

10.1. The owner or custodian of a dog who contravenes to article 6.5 or fails to comply with an order made under articles 6.10 or 6.11 is liable to a fine of \$1,000 to \$10,000, in the case of a natural person, and from \$2,000 to \$20,000, in other cases.

- 10.2 The owner or custodian of a dog who contravenes any of articles 6.17, 6.19 and 6.20 is liable to a fine of \$250 to \$750, in the case of a natural person, and from \$500 to \$1,500, in other cases.

- 10.3 The owner or custodian of a dog who contravenes any of the provisions of articles 6.31 and 6.32 is liable to a fine of \$500 to \$1,500, in the case of a natural person, and from \$1,000 to \$3,000, in other cases.

- 10.4 The minimum and maximum fines provided for in articles 10, 1 and 10.3 are doubled when the offence concerns a dog declared potentially dangerous.

- 10.5 The owner or custodian of a dog who contravenes any of the provisions of articles 6.39 to 6.42 is liable to a fine of \$1,000 to \$2,500 in the case of a natural person and from \$2,000 to \$5,000 in other cases.

- 10.6 The owner or custodian of a dog who provides false or misleading information or information that he ought to have known to be false or misleading in relation to the registration of a dog is liable to a fine of \$250 to \$750, in the case of a natural person, and from \$500 to \$1,500, in other cases.

- 10.7 Every person who contravenes any of the provisions of these By-laws except sections 6.6, 6.10, 6.11, 6.17, 6.19, 6.20, 6.31, 6.32, 6.39 to 6, 42 is guilty of an offence and is liable to a fine of \$500 to \$1,500 in the case of a natural person and from \$1,000 to \$3,000 in other cases.

- 10.8 Every person who in any way hinders the exercise of the functions of any person entrusted with the administration of the law, deceives him by reluctance or false statements or refuses to provide him with information that he is entitled to obtain under this By-law is liable to a fine of \$500 to \$5,000.

10.9 In the case of a subsequent offence, the minimum and maximum fines provided for in this By-law.

#### **Article 11 – Interpretation**

11.1 Nothing in this By-law shall be interpreted as restricting in any way the rights and powers of the Council of the Municipality to collect, by any means at its disposal under the Act, the cost of a license due under this By-law or the cost of childcare fees fixed by this By-law.

11.2 The masculine and singular are used in this By-law without discrimination and include the feminine and the plural in order to avoid too cumbersome a text.

11.3 The preamble to this By-law shall form an integral part thereof.

11.4 In the event of a discrepancy between the French and English versions, the French version shall be the predominant version for the purposes of the By-law.

#### **Article 12 – Criminal prosecution**

The council generally authorizes the competent authority and the peace officers and other persons designated in article 2 to institute criminal proceedings against any offender of any provision of this By-law, and generally authorizes the animal handler accordingly to issue statements of offence useful for that purpose.

All costs incurred for the purpose of penal proceedings shall be borne by the owner or custodian of the animal, in particular, the costs provided for in this By-law or in other Laws or By-laws, as well as any necessary expertise or other costs that the competent authority may pay in establishing the penal proceedings.

#### **Article 13 – Abrogation and entry into force**

13.1 This By-law repeals and replaces, for all purposes only by law, the by-laws bearing the numbers **SQ 2017-005** concerning animals within the boundaries of the MRC de La Vallée-de-la-Gatineau and any other previous by-laws to that contrary.

13.2 This By-law shall come into force after the completion of the formalities prescribed by the Act.



\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director general/Clerk-treasurer

Notice of motion and Project filing : July 6, 2021  
Adoption : 2021-08-03  
Publication and entry into force : 2021-08-10  
Resolution : 2021-08-159