

By-Law #19-04

WHEREAS the council deems it necessary to adopt a regulation to promote the protection of persons by establishing a framework with regard to dogs;

WHEREAS a notice of motion was filed and a By-Law Project adopted in accordance with article 445 of the Municipal Code of Québec (C-21.1) on July 2nd, 2019 at the regular meeting of the council;

IN CONSEQUENCE, it is proposed by Councillor Margaret-Anne Cooke and resolved unanimously by the councillors present:

That all previous by-laws with regard to dogs be abolished;

That proposed By-Law #19-04 be adopted and decree the following:

Article 1: Preamble

The above preamble is considered an integral part of this by-law as if it were reproduced here at length.

Article 2: Exempt Dogs

This by-law does not apply to the following dogs:

- a dog that is needed by a person to assist the person and that is the subject of a valid certificate attesting that the dog has been trained for that purpose by a professional service animal institution;
- a dog in a police force dog team;
- a dog used in the course of activities of the holder of a licence issued under the Private Security Act (chapter 5-3.5); and
- a dog used in the course of a wildlife protection officer's activities.

Article 3: Reporting Injuries Inflicted by a Dog

1. When a dog has inflicted injury on a person or domestic animal, a veterinarian is required to report the fact to the local municipality concerned without delay and communicate the following, if known:
 - the name, address and phone number of the dog's owner or custodian;
 - any information, including the breed or type, allowing the dog to be identified; and
 - the victim's name and contact information and a description of the injury inflicted.

Veterinarians are required to report to the municipality concerned, without delay, the fact that a dog has inflicted injury upon a person by communicating the nature and gravity of the injury and, when known, the information in subparagraphs 1 and 2 in the first paragraph of Article 3.

2. For the purposes of Articles 3.1 and 3.2, the local municipality concerned is the one in which the owner or custodians of the dog that inflicted the injuries resides or, if that is not known, the one in which the incident took place.

Article 4: Dogs Declared Potentially Dangerous and Orders in Respect to the Owners or Custodians
Powers of Local Municipalities

1. A local municipality that has reasonable cause to believe that a dog constitutes a risk for public health or safety may require that it undergo an examination by a veterinarian of the municipality's choice for evaluation of its condition.
2. If the owner or custodian is known, the local municipality must inform him or her of the date, time and place of the examination, as well as the cost.
3. The veterinarian must send his or her report to the local municipality as soon as possible. The report must contain the veterinarian's opinion as to the risk the dog constitutes for public health and safety. *It may also contain recommendations on the measures to be taken with regard to the dog.
4. After considering the veterinarian's report, the local municipality may declare the dog potentially dangerous if of the opinion that the dog constitutes a risk for public health and safety.
5. The local municipality may declare a dog that has bitten or attacked a person or domestic animal and inflicted injury, potentially dangerous.

6. In the case of a dog that has bitten or attacked a person and caused death or serious injury, the local municipality must order the dog's owner or custodian to have the dog euthanized. The municipality must also have such a dog euthanized if its owner or custodian is unknown or cannot be found.

○ When outside of the owner or custodian's residence, a basket muzzle must be worn by the aforementioned dog at all times until euthanized.

○ For the purposes of this article, any physical injury that could lead to death or that results in serious physical consequence constitutes a serious injury.

7. If the circumstances so warrant, the local municipality may order the owner or custodian of a dog to submit the dog to one or more of the following measures:

-1- one or more of the standards prescribed by a regulation made under Article 5 or any other measure to reduce the risk the dog constitutes for public health or safety;

-2- euthanasia;

-3- to get rid of the dog or any other dog or be prohibited from owning, acquiring, keeping or breeding a dog for the period determined.

○ The order must be proportional to the risk the dog constitutes for public health or safety.

Responsibilities and Powers of Local Municipalities

8. Before declaring a dog potentially dangerous by virtue of Article 4, points 4 and 5, or making an order under points 6 and 7, the local municipality must inform the dog's owner or custodian of its intention and the grounds on which it is based, and specify the time within which he or she may submit observations and, if applicable, produce documents to complete the file.

9. All decisions made by the municipality must be notified in writing. Once the municipality declares a dog potentially dangerous or issues an order, the decision must be in writing and refer to any document or information the local municipality took into consideration.

The declaration or order must be notified to the dog's owner or custodian and specify the time granted to comply with it. Before the expiry of that time, the dog's owner or custodian must, at the municipality's request, demonstrate compliance with the order to the municipality. Failing such demonstration, non-compliance is presumed. In this case, the municipality issues a notice directing the owner or custodian to comply within a given time and specifying the consequences for failing to do so.

10. The local municipality may designate an officer or employee to exercise the powers conferred by this section.

11. A local municipality's powers to declare a dog potentially dangerous and to make an order under the present law are to be exercised with regard to dogs whose owner or custodian resides within its territory.

○ However, a declaration or order given by a municipality applies to the territory of Quebec as a whole.

Article 5: Measures Relating to the Established Framework and Possession of Dogs

Standards applicable to all dogs

1. The owner or custodian must register the dog to its local municipality within 15 days of acquiring the dog or moving to the municipality, or by the time it is 3 months old.

Despite the first paragraph, the responsibility to register a dog;

-1- becomes applicable from the time the dog is 6 months old if the dog is in a pet store, or when the owner or custodian is a breeder;

-2- does not apply to veterinarian establishments, shelters, animal services, pounds, or any person or organisation devoted to animal protection with a licence relating to article 19 in the Animal Welfare and Safety Act (chapter B-3.1) as well as a teaching or research establishment.

○ The dog owner or custodian must pay all registration fees set by the local municipality.

2. The dog's owner or custodian must provide the following information upon registration:

-1- their name and contact information;

-2- the dog's breed or type, gender, color, year of birth, name, distinct characteristics, where it came from and if the weight is 20kg or more;

-3- if need be, proof of rabies vaccination, sterilization, or microchipping along with the microchip number, or a written note from the veterinarian indicating that the dog cannot be vaccinated, sterilized or microchipped;

-4- all decisions regarding the dog that have been made by a local municipality under the present law.

3. The dog registration in its local municipality remains as long as the dog and owner or custodian stays the same.

4. The local municipality gives the owner or custodian a tag indicating the dog's registration number. A dog must wear the tag given by the municipality in order to be identifiable at all times.

5. Within a public setting, a dog must be kept under control by a person capable of handling it.

A dog must also be held on a leash of a maximum of 1.85m (6 feet), unless in a dog park. Furthermore, a dog of 20kg or more must wear a halter or harness at all times.

6. A dog cannot be on a property belonging to a person other than its owner or custodian, unless the dog's presence was specifically authorized.

Standards applied to dogs declared potentially dangerous

7. A dog declared potentially dangerous must be vaccinated for rabies, microchipped and sterilized, unless contraindicated by a veterinarian. The rabies vaccine must be administered every 3 years.
8. A dog declared potentially dangerous cannot be in the presence of a child under 10 years of age unless under the constant supervision of a person aged 18 years or older.
9. A dog declared potentially dangerous must be confined by a device prohibiting it from going beyond the limits of a private property that is not fenced in or that the fence does not sufficiently contain the dog. Moreover, a sign warning of the presence of a potentially dangerous dog must be placed on the property.
10. In a public setting, a dog that has been declared potentially dangerous must wear a halter or basket muzzle at all times. Furthermore, the dog must be on a lead no longer than 1.25m (4 feet) unless in a dog park.

Article 6: Inspection and Seizure

Inspection

1. For the purpose of enforcing this Act and the regulations, an inspector who has reasonable cause to believe that a dog is on the premises or in a vehicle may, in the performance of inspection duties:
 - 1- enter and inspect the premises at any reasonable time;
 - 2- inspect the vehicle or order it to be stopped for inspection;
 - 3- examine the dog;
 - 4- take photographs and make recordings;
 - 5- require anyone to produce any books, accounts, registers, records or other documents for examination for the purpose of making copies or obtaining extracts, if the inspector has reasonable cause to believe that they contain information relating to the application of this Act or the regulations; and
 - 6- require anyone to provide any information or explanation relating to the application of this Act or the regulations.
 - o If the premises or vehicle are unoccupied, the inspector leaves a notice stating his or her name, the inspection time and the reason for the inspection.
2. An inspector who has reasonable cause to believe that a dog is in a house may require the owner or occupant of the premises to show the dog to him or her. The owner or occupant must comply immediately.

The inspector may enter the house only with the occupant's authorization or, failing that, with a search warrant issued by a judge on the basis of a sworn statement by the inspector asserting that he or she has reasonable cause to believe that a dog constituting a risk for public health or safety is in the house. On the conditions the judge indicates, authorizing the inspector to enter the house, seize the dog and dispose of it in accordance with this division.

This warrant can be obtained in accordance with the Penal Code (chapter C-25.1)

Any judge of the Court of Quebec or a municipal court, or any presiding Justice of the Peace, has jurisdiction to issue a search warrant under the second paragraph.

3. The inspector can require the assistance of the owner or custodian or person responsible for the vehicle or premises subject to inspection.

Seizure

4. An inspector may seize a dog for any of the following reasons:
 - 1- to have the dog undergo medical examination by a veterinarian as per Article 4.1 provided that the inspector has reasonable cause to believe that the dog constitutes a risk for public health and safety;
 - 2- to have the dog undergo a medical examination requested by the local municipality when the owner or custodian fails to appear for the examination in accordance with the notice under article 4.2;
 - 3- if the delay given in the second paragraph of Article 4.9 has expired and an order has been given by the municipality in accordance with Articles 4.6 and 4.7.
5. The inspector has custody of the dog and may maintain custody of the confiscated dog or entrust it to a person in a veterinary establishment or an animal shelter, animal service, pound or any person or organization dedicated to the protection of animals and holding a permit referred to in section 19 of the Animal Welfare and Safety Act (chapter B-3.1).
6. Custody of the seized dog is maintained until it has been returned to its owner or custodian. Unless a dog has been seized to enforce an order in accordance with the first paragraph of Article 4.6 or subparagraph 2 or 3 of the first paragraph in Article 4.7 or if the municipality has filed a decree under these provisions, the dog is returned to its owner or custodian if:
 - 1- after the examination has been carried out, the veterinarian considers that the dog does not constitute a risk for public health or safety, or once the order is issued;
 - 2- 90 days have elapsed since the date of seizure and the dog has not been declared potentially dangerous or before the expiry of that time if the inspector is informed that there is no cause to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.
7. Animal care expenses incurred, as a result of a seizure, such as veterinary care, treatment, surgical procedures and medication required during the seizure, and for transporting, euthanizing or disposing of the dog are borne by the dog's owner or custodian.

Article 7: Penal Provisions

1. The owner or custodian who contravenes Article 4.2 or does not comply with an order made under Article 4.6 and 4.7 is liable to a fine of \$1000 to \$10 000 in the case of a natural person, and \$2000 to \$20 000 in other cases.
2. The owner or custodian who contravenes either Article 5.1, 5.3 and 5.4 is liable to a fine of \$250 to \$750 in the case of a natural person, and \$500 to \$1500 in other cases.
3. The owner or custodian who contravenes any of the provisions in Article 5.5 and 5.6 is liable to a fine of \$500 to \$1500 in the case of a natural person, and \$1000 to \$3000 in other cases.
4. In the case of a dog deemed potentially dangerous, the maximum and minimum amounts for a fine prescribed under Articles 7.2 and 7.3 are doubled.
5. The owner or custodian who contravenes any of the provisions in Article 5.7 to 5.10 is liable to a fine of \$1000 to \$2500 in the case of a natural person and \$2000 to \$5000 in other cases.
6. The owner or custodian who provides false or misleading information or information that he or she should have known to be false or misleading with regard to the dog's registration is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1500 in other cases.
7. Anyone who, in any way, hinders a person responsible for enforcing this Act in the performance of a person's duties, deceives the person by concealment or misrepresentation or refuses to provide information that person is entitled to obtain under this Act is liable to a fine of \$500 to \$5000.
8. In the case of a subsequent offence, the maximum and minimum amounts for a fine prescribed under this division are doubled.

Article 8: Transitional and Final Provisions

1. As required by Article 5.1, the owner or custodian of a dog has 3 months to register their dog once this new law comes into effect.
2. The present law comes into effect according to the law.

Adopted in Cascapedia-St-Jules on August 5th, 2019.

Gaétan Boudreau, Mayor

Susan Legouffe, General Director