

BY LAW NO. RCM-74-2019

BY-LAW CONCERNING ANIMAL CONTROL

Notice of motion:	September 16, 2019
Adoption:	October 21, 2019
Coming into force:	November 6, 2019
Modified by RCM-74.1-2020	September 21, 2020

Regular Council meeting, held at City Hall, 60 Martin Avenue, Dorval, Québec, Monday, October 21, 2019, at 8 p.m., Mayor Edgar Rouleau presiding.

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WHEREAS the powers conferred on municipalities by the *Cities and Towns Act* and the *Municipal Powers Act*;

WHEREAS the powers granted to municipalities by the *Act aiming to promote people’s safety by the implementation of a framework concerning dogs* and the by-laws that result from it;

THEREFORE, the council decrees and ordains by this By-law the following:

CHAPTER I  
 DEFINITIONS

1. In this By-law, unless the context indicates a different meaning, the masculine shall include the feminine. In addition, the following definitions shall apply:

“Stray animal”: any animal that is not kept on a leash, is not accompanied by a guardian and is not on the guardian’s property, with the exception of a sterilized and vaccinated cat as part of the Trap-Neuter-Release-Maintain (TNRM) program;

“Competent authority”: The office of the Director General, the Registry, the Public Security service, the Service de police de la Ville de Montréal, a veterinarian member of the Ordre des médecins vétérinaires du Québec or the firm whose services are retained by the City to enforce the application of this by-law or to act as an animal controller;

"Stray cat": a cat which is not on a leash, which is not wearing an identification tag issued by the City, which is not accompanied or which is wandering outside the boundaries of its guardian’s property;

“Dangerous dog”:

- 1° A dog that has caused a serious injury or the death of a person or domestic animal; (*modified by RCM-74.1-2020, s. 1*)
- 2° ... (*repealed by RCM-74.1-2020, s. 1*)

“Potentially dangerous dog”: A dog that is trained to attack, that has aggressive behaviour or a propensity to attack, that has bitten or attempted to bite, has attacked or attempted to attack a person, that has committed an act likely to harm the safety of a person or a domestic animal and has been declared potentially dangerous by the competent authority;

"Guard dog": Any dog trained as a guard dog or to protect property through aggressive behavior;

"Animal Control Officer": The person or representative of such person or firm whose services are retained by the City to enforce the application of the provisions of the present By-law;

"TNRM": Trap-Neuter-Release-Maintain program aiming to sterilize and vaccinate stray cats and to return them to the community or to a natural or legal person who will act as a guardian;

"Pound": The premises identified to receive animals delivered to it by the Animal Control Officer or by any other authorized person;

"Public place": Any street, road, sidewalk, lane, path, park, playground, or other place belonging to the City, to a school board, to a religious order or denomination, within the boundaries of the City;

"Microchip": An electronic device encoded and inserted under the animal's skin by a veterinary doctor, which allows the code to be linked to a central database, to identify and list domestic animals in the territory;

"Owner": The owner, possessor, or custodian of a dog or cat, the owner or tenant responsible for the premises where a dog or cat is kept, the parent of any minor owner, possessor, or custodian of a dog or cat.

## **CHAPTER II**

### **REGISTRATION OF DOGS AND CATS**

2. Every owner of a dog or cat shall register said dog or cat and obtain an identification tag within thirty (30) days of moving into the territory, or following the acquisition of the animal, or following the day the animal reaches the age of four (4) months, the longest period applied.
3. The registration certificate issued is valid for one (1) year in the case of a dog and for three (3) years, in the case of a cat. The identification tag is valid for the entire life of the animal, without being refundable or transferable to another animal.
4. A permit and a tag are issued under the following conditions:
  - a) The application must comply with this By-law and the fee under the current *By-law Respecting Fees for Municipal Services* must be paid;
  - b) The application for a registration certificate must include the owner's last name, first name, address, and phone number of the owner, or, if applicable, the name of the company, as well as the breed, gender, weight, color, birth year, and name of the animal;
  - c) The applicant must present a valid piece of identification with a photo and address, as well as a proof of residence on the City's territory;
  - d) The application must be accompanied by a photo of the animal, proof of vaccination, proof of sterilization, proof that it has a microchip or written proof from a veterinary doctor indicating that any of these interventions are contraindicated for the animal. In the case of a potentially dangerous dog, the application must also be accompanied by a proof of purchase of a muzzle;
  - e) Any rabies vaccination certificate must be less than three (3) years old.

The fees paid for the registration certificate are non-refundable but can be transferred one time for an animal replacing a dog or cat that has died or that has been disposed of during the current period of validity.

The registration certificate is free of charge for any person who requires the assistance of a guide dog or service dog.

The registration certificate issued to the owner is accompanied by a tag that must be worn by the animal at all times. The competent authority reserves the right to revoke the registration certificate if the dog is declared dangerous or if the owner is found guilty of three (3) infractions of this By-law, within a period of five (5) years.

### **CHAPTER III**

### **DANGEROUS OR POTENTIALLY DANGEROUS DOGS**

#### **Dangerous Dogs**

5. It is forbidden to have custody or possession of a dangerous dog as defined by this By-law on the City's territory.

The competent authority must order the owner of a dangerous dog to have his dog euthanized within 72 hours of the issuance of the order of euthanasia and to provide a written certificate from the veterinarian who performed the euthanasia within 96 hours.

Until euthanasia is performed, the guardian of a dangerous dog must keep the animal muzzled at all times when it is outside of its dwelling.

The present section does not apply to a dog that has injured someone who was knowingly attempting to break into a property or into a residence owned, leased, or occupied by the dog owner.

*(replaced by RCM-74.1-2020, s. 2)*

#### **Potentially Dangerous Dogs**

6. The guardian of a potentially dangerous dog as defined by this by-law or declared potentially dangerous by a competent authority:
- a) must keep the animal muzzled at all times when it is outside of its dwelling, unless the competent authority is provided with a behavioral assessment report issued by a veterinarian member of the Ordre des médecins vétérinaires du Québec, demonstrating that the animal does not present behavior that is aggressive, predatory or propensity to attack.
  - b) must be in control of their dog at all times and have the physical capacity necessary to ensure constant control over the animal and prevent it from escaping.
  - c) must prominently display a pictogram for this purpose at the main entrances of their residence and yard. This pictogram must be displayed in such a way as to be easily visible to any person who may have access to the residence or property.
  - d) must report to the competent authority any injury caused by their dog to a person or other animal.
7. Any doctor or veterinarian who provides care to a person or animal who has been injured by a dog must report it to the competent authority. The latter then reserves the right to require a behavioral assessment report pursuant to section 6 a) of this By-law or to impose on the owner that the dog be subjected to a behavioral therapy and/or an obedience training.

**CHAPTER IV**  
**COMPETENT AUTHORITY AND ANIMAL CONTROL OFFICER**

8. The City may assign responsibility to an Animal Control Officer for enforcing the provisions of the present By-law in accordance with the methods prescribed in the specifications which are in effect at the time the mandate was given.
9. Any representative of the competent authority and of the Animal Control Officer thus appointed has the necessary powers to carry out his functions and have the authority to act on behalf of the City. To this end, he has the right, upon presentation of identification, to perform the acts authorized by the *Act to promote the protection of persons by establishing a framework with regard to dogs* or its implementing regulation. (*modified by RCM-74.1-2020, s. 3*)
10. In accordance with the Trap-Neuter-Release-Maintain (TNRM) program, the Animal Control Officer whose services are retained by the City can capture, keep impounded or entrust to a designated person, a cat or a dog that does not have an identification tag or that contravenes the provisions of this By-law.
11. Any dog or cat caught not wearing its identification tag, and whose owner cannot be identified and/or does not claim possession of the animal within five (5) days, may be sterilized, placed for adoption, sold and/or returned to its community. Should the animal be injured or sick or unable to be returned to its community, it may be eliminated by humane euthanasia in accordance with standards and common practice. Any pregnant cat will be subject to an abortion.
12. The Animal Control Officer who catches a dog or cat in accordance with this By-law and the agreement with the City shall try to locate its owner and inform him on how the animal can be reclaimed.
13. In order to regain possession of a captured dog or cat, the owner must pay all costs incurred for the capture, custody, care, and support of the animal. The owner must also provide a certificate showing that the animal has been spayed or neutered, registered and microchipped.

**CHAPTER V**  
**PRESENCE OF DOGS AND CATS IN PUBLIC**

14. A dog owner shall not allow his dog to roam in a public place without it being leashed in accordance with the provisions set out below, unless it is in a dog park or in an area designated for dogs.  
  
A dog owner shall not allow the dog to roam on the private property of others, unless it is leashed in accordance with the provisions listed below and unless he has received prior permission from the owner, tenant, or occupant.  
  
A dog owner shall not allow the dog to roam on his property unless it is leashed in accordance with the provisions listed below, unless it is in the fenced and secured yard in a way that the animal cannot escape.
15. Any dog, other than a dangerous dog awaiting euthanasia or a potentially dangerous dog, leashed in accordance with the provisions of section 14 shall be held on a leash not exceeding seven (7) feet (2.15 m) in length, one end of which is firmly attached to the dog and the other held by a person capable of controlling said dog. The length of the leash of a dangerous dog awaiting euthanasia or a potentially dangerous dog must not exceed four (4) feet (1.25 m). (*replaced by RCM-74.1-2020, s. 4*)

16. A dog owner shall not allow said dog to defecate or urinate on the property of others without the prior consent of the owner, tenant, or occupant of the premises.

A dog owner shall, when walking his dog in a public place, have in his possession the tools or other items necessary to remove from a public place any fecal matter left by said dog.

17. The presence of any dog, except that of a guide dog, is prohibited in a municipal building.
18. A cat owner shall not allow it to roam outside the boundaries of his property unless the cat is accompanied or is leashed.

## **CHAPTER VI**

### **MISCELLANEOUS DISPOSITIONS**

19. No person shall keep in a residence or on residential property, a combined number of more than four (4) dogs and cats.

In the event that a dog gives birth to puppies or a cat gives birth to kittens, these may be kept by the owner for a period not exceeding three (3) months, after which the stipulated limit of four (4) animals shall apply.

20. A dog owner shall not allow a dog to bark or howl in such a manner as to disturb the peace of his neighbours, nor allow it to injure any person or damage the property of others, whether public or private.

21. *(repealed by RCM-74.1-2020, s. 5)*

22. An owner of a so-called “guard dog” or potentially dangerous dog as defined by this By-law shall post, in plain view, a pictogram to this effect at the main entrances to his residence and yard. This pictogram shall be posted so that it is easily visible by any person who could approach the residence or the property.

## **CHAPTER VII**

### **NUISANCES**

23. The following constitutes a nuisance and is prohibited for any person:

1° to not pick up, place in a container, and put in the trash feces deposited on public or private property by the animal of which he is the owner or guardian;

2° to breed or board poultry, rabbits, fur-bearing animals, pigeons, cattle, horses, or wild or non-domestic animals;

3° to abuse, commit an act of cruelty against an animal, or contravene any of the provisions of the *Animal Welfare and Safety Act* (chapter B-3.1);

4° to keep, feed, attract, or allow to be fed or attracted, pigeons or gulls, on his own property or that of others;

5° to feed, attract, or allow to be fed or lured, stray cats and quadruped animals of urban wildlife such as squirrels, raccoons, skunks, or other wild animals, on his own property or that of others and resulting in the deterioration of the quality of life in the neighborhood.

6° to install a leg hold trap to capture an animal, unless authorized by the City.

**CHAPTER VIII**  
**PENALTIES**

24. Anyone who contravenes a provision of the present By-law or a ruling adopted under the present By-law commits an offence and is liable:

1° For a violation of sections 5 and 6 of the present By-law:

- a) to a \$200 fine for a first offence;
- b) to a \$400 fine for a repeat offence;
- c) to a \$600 fine for additional recidivism;

2° For a violation of other sections of the present By-law:

- a) to a minimum fine of \$50 for a first offence;
- b) to a \$100 fine for a repeat offence;
- c) to a \$150 fine for additional recidivism.

25. The failure by any person to comply with the provisions of section 23 of the present By-law shall be deemed to constitute a nuisance, the whole notwithstanding and without limiting the application of the provisions of the Nuisance By-Law.

26. The competent authority is authorized to issue a statement of offence for any infraction of this By-law.

The City Council may, by resolution, authorize any other person to issue a statement of offence for any infraction of this By-law.

**CHAPTER IX**  
**FINAL PROVISIONS**

27. This By-law repeals and replaces By-law No. RCM-53-2014.
28. The present By-law comes into force in accordance with the law, subject to sections 29 and 30.
29. Section 4 d), with respect to proof of sterilization and microchipping, as well as section 5 take effect as of July 1, 2020.
30. Any registration certificate in effect for the current year at the time of the adoption of this By-law remains in effect for the same period.

APPROVED \_\_\_\_\_ MAYOR

APPROVED \_\_\_\_\_ CITY CLERK