

BY-LAW 2508

BY-LAW TO REGULATE DOGS

At the Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, June 11, 2018 at 8:00 p.m., at which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Ruth Kovac, B.A.

Councillor Mitchell Kujavsky, B.Comm.

Councillor Oren Sebag, B.Sc.N, RN, M.B.A.

Councillor David Tordjman, B.Sc. Eng.

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager

Ms. Nadia Di Furia, Associate City Manager

Me. Jonathan Shecter, Associate City Manager and City Clerk

Me. Frédérique Bacal, Assistant City Clerk, acted as Secretary of the meeting

WHEREAS By-Law number 267, entitled “By-Law Concerning Dogs” was adopted by the Côte Saint-Luc City Council on July 18, 1956 and subsequently amended on numerous occasions;

WHEREAS it is expedient to update and consolidate the aforementioned By-law and its amendments;

THAT it be ordained and enacted as By-Law No. 2508 entitled “By-Law to Regulate Dogs” as follows:

CHAPTER 1
DECLARATORY AND INTERPRETATIVE PROVISIONS

Article 1.1 – Territory subject to this By-Law

This By-Law shall apply to the territory of the City, as defined in the present By-law.

Article 1.2 – Definitions

In this By-Law, the following terms, unless the context indicates otherwise, shall have the following meaning:

- “City” means the City of Côte Saint-Luc and includes the entire territory of the municipality;
- “Council” means the Côte Saint-Luc City Council;
- “Designated Authority” means the Persons responsible for the application and enforcement of the present By-law;
- “Dog” means any male or female canine or puppy.
- “Dog Run” means an enclosed area provided exclusively for Dogs and their Guardians.
- “Guardian” means the Person who is the recognized owner, who has the guardianship of a Dog, or who provides shelter, food or care for a Dog, the person in charge of the premises in or on which the Dog is given shelter, as well as the parent, tutor or the responsible person where a minor resides therewith who is the owner, has the guardianship or gives shelter, feeds or takes care of the Dog.
- “Leash” means a tether attached to the head or neck of a Dog for restraint and/or control. For the purpose of the present By-law, a Leash cannot exceed five (5) meters in length.
- “License” means a medallion issued by the City bearing the reference year and a unique identification number or code.
- “Muzzle” means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.
- “Person” means any person, or any group of persons or assets, such as a partnership, association or trust, according to the definition of this term provided in the *Act respecting Municipal Taxation* (CQLR c F-2.1);
- “Playground” means any land area, accessible by the public, occupied with equipment destined for the amusement of children, such as a sand box, swing, slide or similar.
- “Pound” means premises identified and approved by the City where animals are brought, kept and otherwise dealt with by the competent authority or any other Person authorized to do so.
- “Public Domain” means any road, street, sidewalk, stair, garden, alley, park or homologous space, opened or acquired by the City for the use of the public;
- “Reference Year” means the period of time from May 1 of the year in question up to and including April 30 of the following year.

- “Service Dog” means a Dog that has been trained and certified to provide guidance or therapy to a Person with a handicap or disability, as recognized by the *Commission des droits de la personne et les droits de la jeunesse Québec*.
- “Sign” means any sign, poster, panel or device, installed by the City, which is used to convey information or instructions; and
- “Stray Dog” means a Dog that is running or wandering loose, not held by a Leash and not in the control of a Guardian, lost or that has been abandoned.

Article 1.3 – Application

The employees and/or agents of the City of Côte Saint-Luc Public Security service and of the *Service de police de la Ville de Montréal (“SPVM”)* shall be responsible for the enforcement of this By-law and shall take any measures necessary to ensure the observance thereof, including the visiting of a residential, commercial, industrial or institutional property. The employees and agents of the aforementioned services shall be designated the Designated Authority for the purposes of the present By-law.

Nothing in the preceding article abrogates or derogates from the powers already conferred to any other authority by any other legal authorization.

Article 1.4 – Obstruction

It shall be unlawful for any Person to obstruct, interfere with or provide false information to a Designated Authority enforcing any provision of the present By-law.

CHAPTER 2
DOG LICENSE

Article 2.1 – Obligation

Every Guardian of a Dog must purchase a License issued by the City annually, indicating the breed, gender, colour and name of the Dog, the address where it resides and provide a copy of the veterinary records as stipulated below.

Article 2.2 – Costs of the License

The annual cost of a License is set out in Annex A of the present By-law.

Article 2.3 – Veterinary records

The Guardian of a Dog must provide proof that the Dog has been inoculated against rabies issued by a Veterinarian and that the effectiveness of the said inoculation covers the reference year.

For the purpose of obtaining a discount on the cost of the License as set out in Annex A of the present By-law, the Guardian must also provide a confirmation that a Dog has been spayed or neutered.

If a Dog cannot be inoculated for whatever reason, a note so indicating issued by a Veterinarian must be presented by the Guardian of a Dog for the purpose of obtaining a License.

Article 2.4 – Validity

All Dogs must have a License valid for each Reference Year, which begins on May 1 of each calendar year and ends on April 30 of the following calendar year.

Any License purchased within the Reference Year shall expire as if it were purchased at the beginning of said reference year, without pro-ratio or discount. Furthermore, any License cancelled within the Reference Year cannot be transferred to another Dog or returned, refunded or reimbursed.

Article 2.5 – Wearing of the License

Every Dog must have the License worn, affixed or attached to it at all times.

Article 2.6 – Delay to acquire a License

The Guardian of a Dog must acquire a License within fifteen (15) days of the acquisition of the Dog.

Article 2.7 – Transfer of a License

Dog Licenses are not transferrable to another Dog under any circumstances. If the Guardian of the same Dog is changed during the Reference Year, a new License must be issued, at no cost to the Guardian.

Article 2.8 – Replacement License

The cost to replace a lost, stolen or damaged License is set out in Annex A of the present By-law.

Article 2.9 – License issued by another government authority

A Dog whose Guardian does not reside in the City may bring their Dog into the City, provided that the Dog bears a License issued by another municipality and abides by the other provisions of the present By-law.

**CHAPTER 3
DOG WELFARE**

Article 3.1 – Care of the animal

The Guardian of a Dog must:

- a) Supervise the Dog when it is outside of the dwelling unit of its Guardian;
- b) Ensure the Dog's wellbeing;
- c) Provide the Dog with food and water, appropriate for the size and breed of the Dog;
- d) Provide the Dog with sanitary shelter;
- e) Ensure that the Dog is not purposely harmed, injured, mistreated or caused unnecessary pain or suffering;
- f) When leaving a Dog in a stopped motor vehicle or in a dwelling unit, ensure adequate ventilation, heating and/or cooling.

Article 3.2 – Leaving a Dog unattended

It shall be unlawful to leave a Dog unattended, for example tied to a post or other street furniture on the Public Domain, for more than fifteen (15) minutes.

Article 3.3 – Abandoning a Dog

It shall be unlawful to abandon a Dog in the City.

Article 3.4 – Number of Dogs per dwelling unit

It shall be unlawful to keep more than four (4) Dogs in the same dwelling unit, including its adjacent structures.

Article 3.5 – Litters

Notwithstanding the preceding article, in the event that a female Dog gives birth to a litter, the Guardian may keep the puppies for a period not to exceed six (6) months.

Article 3.6 – Trapping

It shall be unlawful to use traps or poison in order to trap, restrain or eliminate a Dog, except where explicitly authorized by the City.

CHAPTER 4 OBLIGATIONS OF A GUARDIAN

Article 4.1 – Leash

The Guardian of a Dog must affix a Leash to every Dog that is on the Public Domain or on the private domain of another Person. The Leash must be held at all times in the control of a Person capable of restraining the Dog.

Notwithstanding the first paragraph, the provisions related to Leashes shall not apply within a City Dog Run.

Article 4.2 – Excrement

The Guardian of a Dog is required to pick up all excrement emitted by the Dog, collect it in an appropriate compostable receptacle and dispose of it in accordance with the law.

Article 4.3 – City Buildings

It is unlawful to walk a Dog in a municipal building. A Dog may be carried or held by hand, in a bag or appropriate carrier, provided that the Guardian maintains control of the Dog at all times.

Article 4.4 – Parks and Public Spaces

Dogs on a Leash are permitted in City parks and public spaces, unless indicated by a Sign, with the exception of:

- a) Playgrounds and within nine (9) meters thereof;
- b) Public swimming pools and wading pools and within the enclosures that surround them;
- c) Splash pads and within nine (9) meters thereof;
- d) On a sports field (e.g. baseball diamond, soccer pitch, tennis court, skate park, skating rink, etc.);
- e) In a Park where a special event organized or sanctioned by the City is being held (e.g. Canada Day).

Article 4.5 – Cenotaph

Notwithstanding the preceding article, it shall be unlawful to take a Dog, other than a Service Dog, into Veteran's Park or any park that contains a Cenotaph.

Article 4.6 – Noise

It shall be considered a nuisance for the Guardian to permit or allow the Dog to create undue noise by barking, howling or otherwise disturb the tranquility of the neighbourhood.

Article 4.7 – Disturbance

It shall be considered a nuisance for the Guardian to permit or allow the Dog to cause damage to property, dig up soil, spread litter or otherwise disturbs the environment.

Article 4.8 – Dog Run

It shall be unlawful to enter a Dog Run outside of the posted hours.

Where the Dog Run is separated into separate sections for large Dogs and small Dogs, the Guardian of the Dog shall keep the Dog in the appropriate section.

Article 4.9 – Service Dogs

Where a certified and identified Service Dog is accompanying a Person who so requires it, a leashed or harnessed Service Dog shall be permitted in a municipal building, park or other facility without restrictions and in accordance with the law.

**CHAPTER 5
DANGEROUS DOGS**

Article 5.1 – Definition

For the purpose of the application of the present By-law, a Dog can be declared dangerous if the Dog:

- a) has a propensity, potential or disposition to attack, bite, threaten, chase, or injure, with or without provocation, any Persons, property or other animals; or
- b) with or without provocation or physical injury, attacks, bites, threatens, chases, or injures a Person, property, or other animal; or
- c) has been trained for dog fighting or to attack upon a command.

Article 5.2 – Designation

A Designated Authority may declare a Dangerous Dog and issue a Muzzle order, in writing and delivered by the City or by certified mail or by bailiff to the Guardian of the Dog. Said Muzzle order takes effect within five (5) days of its delivery to the Guardian.

Article 5.3 – Muzzle order

In addition to a Leash, the Guardian of a Dangerous Dog must securely attach a Muzzle to the Dangerous Dog when on the Public Domain or on the private domain of a Person that is not the Guardian of the Dangerous Dog.

Article 5.4 – Lifting of a Muzzle order

The Guardian of a Dog may request in writing that the City lift an issued Muzzle order, upon presentation of an attestation by a Veterinarian that the Dangerous Dog has undergone training or procedure and no longer meets the definitions of the present By-law. The City will examine the documentation provided and render its decision in writing to the Guardian within 90 days.

**CHAPTER 6
ANIMAL CONTROL**

Article 6.1 – Collection of a Stray Dog

If a Designated Authority finds a Dog, they can return it to the Guardian by means of the information provided to obtain a License. If the Dog is not wearing a License or the Designated Authority is unable to return the Dog to the Guardian, it shall be collected by or remitted to the Pound.

Article 6.2 – Ill or injured Dog

A Designated Authority or the Pound may collect or remit to the Pound for examination by a Veterinarian any Dog that appears to be severely ill or injured, have contracted rabies or another communicable disease or where the welfare of the Dog is in question, at the expense of the Guardian.

Article 6.3 – Pound

Any Dog that has been collected by or remitted to the Pound can be returned to the Guardian in accordance with the Pound contract and policies, provided that the Dog does not pose a risk to itself or others. A Dog that is not claimed within five (5) days, shall be transferred to the guardianship of the Pound, be offered for adoption or be euthanized.

Article 6.4 – Euthanasia

A Designated Authority or the Pound may order or perform the euthanasia of a Dog that poses an imminent danger, is severely ill or injured, or is abandoned at the expense of the Guardian.

**CHAPTER 7
PENALTIES AND INFRACTIONS**

Article 7.1 – Penalty

Any Person contravening a provision of this By-Law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine of ONE HUNDRED DOLLARS (\$100) for a first offence, or TWO HUNDRED DOLLARS (\$200) for a repeat offence, plus costs, and in default of payment of such fine and costs within the delay fixed by the judge, the said judge shall impose penalties and order the procedures for execution of the judgment as are set forth in the *Code de procédure pénale*, R.S.Q. c. C-25.1.

The fines and fees charged by the Pound for the shelter and/or care of the Dog shall be paid to the Pound in accordance with their posted fee schedule.

If the infraction continues, the offender shall be liable to the fine and penalty above-mentioned for each day until the infraction ceases.

**CHAPTER 8
EFFECT**

Article 8.1 – Replacement

By-Law number 267 and all amendments related thereto are hereby replaced.

Article 8.2 – Coming into Force

This By-Law comes into force according to the law.

MITCHELL BROWNSTEIN
MAYOR

FRÉDÉRIQUE BACAL
ASSISTANT CITY CLERK

**SCHEDULE A
FEES**

Licensing Fee

For a Dog that has been spayed or neutered:

\$20.00 per Reference Year

For a Dog that has not been spayed or neutered:

\$30.00 per Reference Year

For a service Dog:

\$0.00 per Reference Year

For a replacement License:

\$10.00 per License