

**BY-LAW 2555**

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**BY-LAW 2555 REPLACING BY-LAW 2508  
CONCERNING THE REGULATION OF DOGS**

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At the Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, May 11, 2020 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 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

M<sup>e</sup> Jonathan Shecter, Associate City Manager and City Clerk

M<sup>e</sup> Jason Prévost, Assistant City Clerk, acted as Secretary of the meeting

WHEREAS By-Law number 2508, entitled “By-Law to Regulate Dogs” was adopted by the Côte Saint-Luc City Council on June 11, 2018;

WHEREAS it is expedient to replace the aforementioned By-law in order to include new provisions to be consistent with provincial regulation;

WHEREAS a notice of motion was given for the present by-law at Regular Sitting of the City Council held on April 6, 2020;

THAT it be ordained and enacted as By-Law No. 2555 entitled “By-Law 2555 to replace By-law 2508 concerning the regulation of 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.
- “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 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.
- “Microchip”: An electronical 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.”

### **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, in any way, the exercise of the duties of the Designated Authority, deceives him by way of concealment or false statements or refuses to provide him with information he is entitled to obtain by virtue of the present by-law.

### **Article 1.5 – Exclusions**

The present by-law does not apply to the following dogs:

- 1) A guide or service dog;
- 2) A dog belonging to a dog-handling team within a police force;
- 3) A dog used for the activities of a holder of a permit issued by virtue of the Private Security Act (C.Q.L.R., chapter S-3.5);
- 4) A dog used for the activities of a wildlife protection officer.

In addition, the present by-law does not apply to a pet store, a commercial establishment where domesticated animals are kept and offered for sale to the public, a veterinary establishment, an educational establishment or an establishment which carries out research activities as well as a Pound, an animal service establishment, a refuge or any person or organization dedicated to the protection of animals holding a permit referred to in section 19 of the Animal Welfare and Safety Act (C.Q.L.R., chapter B-3.1).

## CHAPTER 2 DOG LICENSE

### **Article 2.1 – Obligation**

Every Guardian of a Dog must purchase an annual License issued by the City and provide the following information and documents:

- 1) His name and contact information;
- 2) The dog's breed, sex, color, year of birth, name, distinctive signs, the dog's origin and if its weight is 20kg or more; and
- 3) The veterinary records as stipulated below.

### **Article 2.2 – Costs of the License**

The annual cost of a License is set out in By-law 2539 entitled: "By-law 2539 to consolidate existing tariffs for the City of Côte Saint-Luc".

### **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 By-law 2539 entitled: "By-law 2539 to consolidate existing tariffs for the City of Côte Saint-Luc", 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.

All Dogs on the territory of Côte Saint-Luc must be microchipped and the Guardian of a Dog must provide proof to that effect.

### **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-ration 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 or the day after the Dog turns three (3) months old.

**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 By-law 2539 entitled: “By-law 2539 to consolidate existing tariffs for the City of Côte Saint-Luc”.

**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.

**Article 2.10 – False declaration**

A Guardian of a Dog who provides false or misleading information or information he should have known to be false or misleading relating to the present chapter constitutes an infraction under 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 property of another Person. The Leash must be held at all times in the control of a Person capable of restraining the Dog and have a maximum length of 1.85m, subject to article 4.9.4 of the present by-law. A Dog weighing 20kg or more must also be equipped with a halter or a harness attached to its Leash at all times.

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

**Article 4.1.1 – Private property**

It shall be unlawful for a Dog to be on a property belonging to anyone other than its Guardian, unless the presence of the Dog has been expressly authorized.

**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.

It shall be considered a nuisance for the Guardian to allow his Dog to lie down on the public domain in such a way that it obstructs the passage of people or frightens them.

**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.

**Articles 4.9 – Applicable norms for Dogs declared potentially dangerous**

**4.9.1.** A Dog declared potentially dangerous by virtue of Chapter 5 of the present by-law must at all times have his rabies vaccination status up to date, be spayed or neutered and be microchipped.

**4.9.2.** It shall be unlawful for a Dog declared potentially dangerous by virtue of Chapter 5 of the present by-law to be kept in the presence of a child of 10 years of age or younger, unless it is under constant supervision of a Person of 18 years of age or older.

**4.9.3.** A Dog declared potentially dangerous by virtue of Chapter 5 of the present by-law must be equipped with a device that prevents it from escaping the limits of a private property that is not fenced or whose fence does not allow the Dog to be contained within its limits.

In addition, a sign must also be placed in order to inform a Person who presents himself on the private property of the presence of a Dog declared potentially dangerous. This sign must be placed in manner that it is easily visible for any Person who has access to the residence or the private property.

**4.9.4.** A Dog declared potentially dangerous by virtue of Chapter 5 of the present by-law must wear a basket Muzzle at all times on the Public Domain. In addition, it must be held by a Leash with a maximum length of 1.25m, except in a Dog Run.

The Guardian walking on the Public Domain with a Dog declared potentially dangerous by virtue of chapter 5 of the present by-law may not have more than one (1) dog under his control.

**CHAPTER 5  
DANGEROUS DOGS OR POTENTIALLY DANGEROUS DOGS**

**Article 5.1 – Definition**

For the purpose of the application of the present By-law, a Dog can be declared dangerous or potentially 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 – Reporting of dog-inflicted injuries**

**5.2.1.** A veterinarian must notify the Designated Authority without delay when he has reasonable grounds to believe that a Dog that constitutes a risk for the health and safety of the public has inflicted an injury by biting a Person or a domesticated animal, by communicating the following information when it is known:

- 1) the name and contact information of the Guardian of the Dog;
- 2) any information, including the breed or type, allowing the Dog to be identified; and
- 3) the name and contact information of the injured Person or of the Guardian of the injured domesticated animal as well as the nature and gravity of the inflicted injury.

**5.2.2.** A doctor must notify the Designated Authority without delay when a Dog has inflicted an injury by biting a Person by communicating the nature and gravity of the injury, and, when it is known, he must also communicate the information described in paragraphs 1) and 2) of article 5.2.1 of the present by-law.

**Article 5.3 – Powers of the Designated Authority in order to declare a Dog dangerous or potentially dangerous**

**5.3.1.** When there are reasonable grounds to believe that a Dog constitutes a risk for the health and safety of the public, the Designated Authority may require that its Guardian have the Dog undergo an evaluation by the veterinarian of its choice in order to evaluate its condition and dangerousness, the whole at the expense of the Guardian.

**5.3.2.** When the identity of the Guardian of Dog is known, the Designated Authority advises him of the date, time and place where the Dog's evaluation must be conducted as well as the associated fees for said evaluation.

**5.3.3.** A Dog may be declared potentially dangerous by the Designated Authority when, after considering the veterinarian's report on the evaluation of its condition and

dangerousness, it is of the opinion that the Dog constitutes a risk for the health and security of the public.

**5.3.4.** The Designated Authority may order a Guardian of Dog to euthanize a Dog that bit or attacked a Person causing his death or inflicting serious injury. The Designated Authority may have the Dog euthanized if the Guardian is unknown or cannot be found.

Until the Dog is euthanized, a dog referred to in the first paragraph must be equipped with a basket muzzle at all times when it is outside the Guardian's residence.

For the purposes of the present article, any physical injury that could lead to death or result in serious physical consequences constitutes a serious injury.

**5.3.5.** Where circumstances justify it, the Designated Authority may order the Guardian of a Dog to comply with one or more of the following measures:

- 1) subjugate the Dog to one or more of the norms provided for in articles 4.9.1 to 4.9.5 of the present by-law or to any other measure intended to reduce the risk that the Dog constitutes a concern for the health and safety of the public;
- 2) have the Dog euthanized;
- 3) get rid of the Dog or any other Dog or prohibit the Guardian from owning, acquiring, keeping or breeding a Dog for a period it may determine.

**5.3.6.** Before declaring a Dog potentially dangerous by virtue of article 5.3.2 or rendering an order by virtue of articles 5.3.4 or 5.3.5, the Designated Authority will inform the Guardian of a Dog of its intention and the grounds of its decision and indicate the period within which the Guardian may present his observations and, when applicable, produce documents to complete the file.

**5.3.7.** Any decision rendered by the Designated Authority must be sent in writing to the Guardian of the Dog. When the Designated Authority declares a Dog potentially dangerous or renders an order by virtue of the present Chapter, the decision must be in writing, and must refer to any document or information that the Designated Authority has taken into consideration.

The declaration or order will be notified to the Guardian of the Dog and will indicate the delay in which the Guardian must comply therewith. Before the expiry of said delay, the Guardian of the Dog must, at the request of the Designated Authority, prove that he has complied with the order. Failing which, the Guardian is presumed not having complied

with the order and the municipality may give a formal notice to the Guardian to comply within a given period and indicate the consequences of his failure to comply.

**Article 5.4 – Designated Authority’s powers to inspect and seize**

**5.4.1.** For the purpose of ensuring the application of this by-law, when the Designated Authority has reasonable grounds to believe that a Dog is on a premises or in a vehicle, it may, to perform its inspection duties,

- 1) enter and inspect the premises at any reasonable time;
- 2) inspect the vehicle or order any such vehicle to be stopped for inspection;
- 3) examine the Dog;
- 4) take photographs and record;
- 5) require any Person to produce any books, accounts, registers, records or other documents or make copies or obtain extracts, if the Designated Authority has reasonable grounds to believe that they contain information pertinent to the application of the present by-law; and
- 6) require any Person to provide any information pertinent to the application of the present by-law;

**5.4.2.** When the Designated Authority has reasonable grounds to believe that a Dog is in a residence, it may require that the owner or occupant of the premises show them the Dog. The owner or occupant must comply immediately.

**5.4.3.** The Designated Authority may require that the owner or person responsible for a vehicle or for a premises that is being inspected, as well as any person in the vehicle or on the premises, to assist the Designated Authority in the performance of inspection duties.

**5.4.4.** The Designated Authority may seize a Dog to have it evaluated by veterinarian as per article 5.3.1 of the present by-law when it has reasonable grounds to believe that it constitutes a risk for the health and safety of the public.

**5.4.5.** The Designated Authority has custody of the Dog when it is seized and may keep the Dog or entrust it to a Person in a veterinary establishment or in a shelter, an animal service establishment, a pound or an organization dedicated to the protection of animals holding a permit referred to in section 19 of the Animal Welfare and Safety Act (chapter B-3.1).

**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 – City's or Designated Authority's liability**

Neither the City nor the Designated Authority can be held liable for causing damages or injuries to a Dog when applying the present chapter.

**CHAPTER 7  
PENALTIES AND INFRACTIONS**

**Article 7.1 – Penalty**

Subject to articles 7.2 to 7.9 of the present by-law, 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 TWO HUNDRED DOLLARS (\$200) for a first offence, or FOUR HUNDRED DOLLARS (\$400) 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.

**Article 7.2 – Penalties pertaining to articles 5.3.2, 5.3.4 and 5.3.5**

The Guardian of a Dog who contravenes article 5.3.2 or does not comply with an order rendered under articles 5.3.4 or 5.3.5 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 any other cases.

**Article 7.3 – Penalties pertaining to articles 2.1, 2.4, 2.5 and 2.6**

The Guardian of a Dog who contravenes any of articles 2.1, 2.4, 2.5 and 2.6 is liable to a fine of \$250 to \$750 in the case of a natural person, and from \$500 to \$1,500, in any other cases.

**Article 7.4 – Penalties pertaining to articles 4.1 and 4.1.1**

The Guardian of a Dog who contravenes any of articles 4.1 and 4.1.1 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 any other cases.

**Article 7.5 – Penalties pertaining to a Dog declared potentially dangerous**

The amounts of the minimum and maximum fines provided by articles 7.3 and 7.4 are doubled in the case of an infraction concerning a Dog declared potentially dangerous.

**Article 7.6 – Penalties pertaining to articles 4.9.1 to 4.9.5**

The Guardian of a Dog who contravenes any of articles 4.9.1 to 4.9.5 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 any other cases.

**Article 7.7 – Penalties pertaining to article 2.10**

The Guardian of a Dog who contravenes article 2.10 is liable to a fine of \$250 to \$750 in the case of a natural person, and from \$500 to \$1,500, in any other cases.

**Article 7.8 – Penalties pertaining to article 1.4**

Any Person who contravenes article 1.4 is liable to a fine of \$500 to \$5,000.

**Article 7.9 – Penalties in cases of a repeat offence**

In the event of a repeat offence, the minimum and maximum amounts of the fines provided by the present chapter are doubles.

**CHAPTER 8  
EFFECT**

**Article 8.1 – Replacement**

By-Law number 2508 and all amendments related thereto are hereby replaced.

**Article 8.2 – Coming into Force**

This By-Law comes into force in conformity with the law and will take effect on July 11, 2020 with the exception of par. 4 of article 2.3 of the present by-law which will take effect on April 6, 2021.

\_\_\_\_\_  
MITCHELL BROWNSTEIN  
MAYOR

\_\_\_\_\_  
JASON PRÉVOST  
ASSISTANT CITY CLERK

**BY-LAW No. 2555**

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**BY-LAW 2555 TO REPLACE BY-LAW 2508  
CONCERNING THE REGULATION OF DOGS**

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ADOPTED ON: \_\_\_\_\_

IN FORCE ON: \_\_\_\_\_

**ORIGINAL**