

## OFFICE CONSOLIDATION

PROVINCE OF QUEBEC  
CITY OF POINTE-CLAIRE

BY-LAW NUMBER 2568

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BY-LAW CONCERNING DOGS

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*In force on April 19<sup>th</sup>, 1994*

AT THE ADJOURNED MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON MONDAY, APRIL 18, 1994 AT 7:30 P.M., BEING AN ADJOURNMENT OF THE REGULAR MONTHLY MEETING HELD ON APRIL 5, 1994.

PRESENT: His Worship the Mayor M.C. Knox and Councillors J.R. Birnie, L. Cocolicchio, M.G. Legault, J.F. Mahaffey, W.F. McMurchie, Mrs. M.F. Patterson, S. Quilliam and J. Robinson, being all members of Council

AMONGST OTHER BUISINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

**BY-LAW NUMBER: 2568**

PROPOSED BY COUNCILLOR QUILLIAM

SECONDED BY COUNCILLOR LEGAULT

AND RESOLVED:

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**ARTICLE 1. DEFINITIONS**

The term “assistance dog”: a dog trained to help a handicapped person, to act within a police department canine unit or within the Detector Dog Service of the Canada Border Services Agency, a dog of any other public body or a dog of a private security firm acting on a mandate of a public body or of an immovable owner.

The word “dog” where it appears in this by-law, means any male dog, bitch or pup.

The term “Dog run”: means a fenced-in area marked by signs affixed by the City indicating that it is an area where dogs may run free without a leash;

The term “dangerous dog” means any individual dog that has caused an injury to a person or to a domestic animal by a bite.

The word “custodian” where it appears in this by-law, means anyone who is the owner of a dog or who keeps it, or feeds it or accompanies it or who acts as its master or the representative of that person.

The word “City” where it appears in this by-law means the City of Pointe-Claire.

The word “dwelling” whenever it is used in this by-law, means building or part of a building in which one or more persons live together or which is used for a commercial, industrial or other purpose.

The term “public place”: designates, in particular, a street, lane, bicycle and/or pedestrian path, park, sidewalk, public playground, public swimming pool, school yard, median, splash pad, green space, public garden;

PC-2568-2, a. 1, PC-2568-5, a. 1

**ARTICLE 2.**

Every owner, possessor or custodian of a dog who keeps a dog in the City, shall cause it to be registered, numbered and licensed in accordance with the present by-law and shall pay to the City, when so doing, the fees hereinafter provided and shall cause it to wear a collar or harness to which shall be attached a tag provided by the City and bearing the figures indicating the year for which the license has been paid and a number corresponding with that under which the dog is registered in the City office.

**ARTICLE 3.**

No dog kept in a municipality other than the City shall be allowed within the limits of the City, unless it is licensed and carries a tag supplied by the City or one supplied by the municipality in which it is kept.

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**ARTICLE 4.**

The license application shall be filed with the Treasury department of the City and shall set forth the name, surname, domicile and telephone number of the custodian, as well as information identifying the dog to be licensed; type or breed, size, color and sex. If available, the tattoo number and the Canadian Kennel Club registration number will also be specified.

**ARTICLE 5.**

The license is issued annually, for the period starting May 1<sup>st</sup> and ending April 30<sup>th</sup>, is non-transferable and its cost provided by the By-law on tariffs, is due and payable on May 1<sup>st</sup> and non-reimbursable.

Whoever becomes owner, possessor or custodian of a dog after May 1<sup>st</sup> of each year, must, within the ten (10) days following its acquisition, obtain this annual license for each dog.

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PC-2568-3, a. 1

**ARTICLE 6.**

When the license application has been duly completed and the fees paid, the authorities of the Treasury department of the City issue to the custodian a license and a tag bearing the figures indicating the year for which the license has been paid and a number corresponding with that under which the dog is registered in the City office.

If the tag or the license is lost or destroyed, the person to whom it was issued may obtain another upon payment of a fee provided by the By-law on tariffs.

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PC-2568-3, a. 2

**ARTICLE 6.1**

Council is authorized to enter into agreements with any person or body to authorize such person or body to receive the permit application contemplated by article 4, to collect the annual cost of the permit mentioned in article 5 and to issue the permit and the official tag mentioned in article 6.

The person or body with whom or which the Council enters into such an agreement and his or its employees are deemed to be municipal officers or employees of the City for the purposes of articles 4,5 and 6.

**ARTICLE 7.**

The following constitute a nuisance under the present by-law and are prohibited:

7.1 The fact that a dog barks or howls so as to disturb the peace or to be an annoyance to the residents of the neighborhood.

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- 7.2 The presence of a dog, not carried by its custodian or held by him on a leash of a maximum length of six (6) feet, except in a building or on a lot fenced in such a manner as to restrain the dog.
- 7.3 The omission by a custodian to clean, by any appropriate means and within a reasonable delay, any defecation left by his dog on a property including that of the custodian.
- 7.4 The omission by a custodian to repair in a reasonable delay the damages caused to lawns, flowers, trees, etc. by his dog.
- 7.5 The omission by a custodian to confine or muzzle his dog when the notice described in article 8 is in force.
- 7.6 The fact that a dog bites or attempts to bite any person or animal or to damage public or private property.
- 7.7 Keeping more than three (3) dogs per dwelling; however this prohibition does not apply to dogs of less than six (6) months of age and which were born from a dog living in the same dwelling.
- 7.8.1 For a dog, to be in a public place or inside of a municipal building where a sign, similar to the sketch shown at figure 1 of the appendix "A", indicates that the presence of a dog is prohibited, except in the case of an assistance dog.
- 7.8.2 Letting a dog drink or bathe in a fountain or basin located in a public place, except in a dog run
- 7.9 Failure to conform to the requirements of paragraphs 7.2 and 7.3 in a park, or in a section of a park, where it is permitted to take a dog by a sign similar to that shown in illustration 2 of appendix "A", as far as the requirement of paragraph 7.3 or by a sign similar to that shown in illustration number 3 of appendix "A" as far as the requirements of paragraph 7.2.
- 7.10 The fact, for the custodian of a dog, to leave this dog tied to a fixed object in an area to which the public has access.
- 7.11 For a dog, to be in a private building or in a part of a private building or on a private or public property without the occupant's or owner's consent;

Whenever a sign, prohibiting the presence of a dog, is installed at the entrance of a building or of part of a building or of any private or public site, the occupant or the owner of such building, part of building, private or public site, is deemed to not having given his consent to the presence of a dog at such location.

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**ARTICLE 8.**

The custodian of a dangerous dog shall notably ensure that:

- a) at all times when off the owner's property, the dog shall be muzzled;
- b) at all times when off the owner's property, the dog shall be on a leash not longer than one metre and under the control of a responsible person over the age of eighteen;
- c) when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.

Is deemed to be a dangerous dog, a dog that has caused an injury to a person or to a domestic animal by a bite.

If the owner of a dangerous dog is unwilling or unable to comply with the requirements of the present by-law, said dog shall then be humanely euthanized by an animal shelter, animal control agency or licensed veterinarian, after a seven day holding period. No dangerous dog may be offered for adoption.

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PC-2568-2, a. 2

**ARTICLE 9.**

Any police officer or any person designated for this purpose by the City Council may seize and keep, in a public area or in any place designated by Council, any dog found wandering, any dog suffering from rabies or any dangerous dog.

Any dangerous dog for which the owner does not consent or conform to the requirements of the present by-law will be put to death as per paragraph 3 of article 8 of the present by-law.

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PC-2568-2, a. 3

**ARTICLE 10.**

Where a dog is seized and kept as provided in article 9, the person operating the boarding kennel shall, as soon as possible, notify the custodian of any identifiable dog, as identified from the information provided under article 4.

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If any identifiable dog is not claimed by its custodian within seventy-two (72) hours of notification (not including Saturdays, Sundays and legal holidays), said dog shall be sold by auction or sent to the C.S.P.C.A (Canadian Society for the Prevention of Cruelty to animals).

If any unidentifiable dog is not claimed within seventy-two (72) hours of seizure (not including Saturdays, Sundays and legal holidays) said dog shall be sold by auction or sent to the C.S.P.C.A.

Any custodian claiming his dog must first pay the applicable daily boarding fee, and, if the dog is unlicensed, the license fee provided for in article 5.

The boarding fee is to be established by annual contract between the City and the boarding kennel used for the purpose of impoundment at a rate, posted in plain view in that kennel, not exceeding that generally charged by boarding kennels in the Great Montreal area. The contract should specify that the boarding kennel must obtain and file receipts for all dogs sent to the C.S.P.C.A.

If a dog is suspected of suffering from rabies, he shall be kept for as long as necessary to carry out the proper examination. If he is found to have this disease, he shall be forthwith humanely put to death.

**ARTICLE 10.1**

Any police officer or any person designated by the City Council to apply the present by-law is authorized to visit and examine, on any given reasonable hour, any moveable or immovable property as well as the interior and exterior of any house, construction or building to ensure the respect of this by-law and to enforce it's application and, any owner, occupant, tenant, of these houses, construction or buildings must allow them to enter.

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PC-2568-2, a. 4

**ARTICLE 11.**

Any offence under any provision of the present by-law, with exception of the provisions contemplated under sections 8, 9 or 10.1 shall be sanctioned, in addition to costs, by a fine:

- 1° Of \$100 minimum, up to a maximum of \$300 if the offender is a natural person; or
- 2° Of \$200 minimum, up to a maximum of \$600, if the offender is a legal person.

In the case of a second or subsequent conviction, the amounts of the fines, in addition to costs, shall be established as follows:

- 1° \$200 minimum, up to a maximum of \$800, if the offender is a natural person.

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2° \$400 minimum, up to a maximum of \$1,600, if the offender is a legal person.

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2610, a. 4 ; 2568-1, a. 1; 2568-4, a. 1

**ARTICLE 11.1**

Any offence under any provision of the present by-law, with exception of the provisions contemplated under sections 8, 9 or 10.1 shall be sanctioned, in addition to costs, by a fine:

- 1° Of \$100 minimum, up to a maximum of \$300 if the offender is a natural person; or
- 2° Of \$200 minimum, up to a maximum of \$600, if the offender is a legal person.

In the case of a second or subsequent conviction, the amounts of the fines, in addition to costs, shall be established as follows:

- 1° \$200 minimum, up to a maximum of \$800, if the offender is a natural person;
- 2° \$400 minimum, up to a maximum of \$1,600, if the offender is a legal person.

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PC-2568-4, a.1

**ARTICLE 12.**

By-law number 2021 and its amendments are repealed.

**ARTICLE 13.**

The present by-law shall come into force according to law.

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Malcolm C. Knox, Mayor

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Monique Trudeau, City Clerk

OFFICE CONSOLIDATION

PROVINCE OF QUEBEC  
CITY OF POINTE-CLAIRE

BY-LAW NO: 2568  
APPENDIX »A«

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Illustration #1

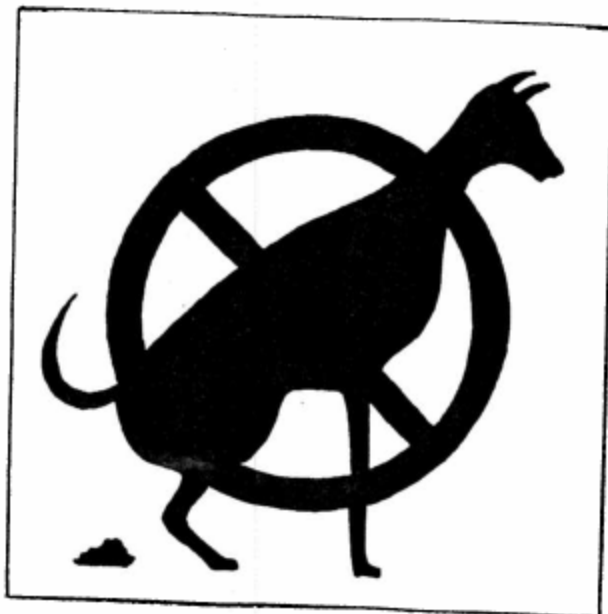


Illustration #2

VILLE DE POINTE-CLAIRE

MAIRE

GREFFIER