

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUÉBEC, ON TUESDAY, MAY 3, 2022, AT 7:00 P.M.

PRESENT: Councillors C. Homan, T. Stainforth, E. Tedford, P. Bissonnette, B. Cowan, E. Stork and B. Tremblay forming quorum under the chairmanship of Mayor Tim Thomas.

ABSENT: Councillor K. Thorstad-Cullen

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2947

RESOLUTION NUMBER: 2022-268

PROPOSED BY COUNCILLOR COWAN

SECONDED BY COUNCILLOR TREMBLAY

AND RESOLVED:

WHEREAS the powers conferred on municipalities by the Cities and Towns Act (chapter C-19) and the Municipal Powers Act (chapter C-47.1);

WHEREAS the powers granted to municipalities by the Act to promote the protection of persons by establishing a framework with regards to dogs (chapter P-38.002);

WHEREAS the City of Pointe-Claire must ensure concordance between its municipal by-laws and the Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regards to dogs (chapter P-38.002, r.1);

WHEREAS a notice of motion was given and a draft of this by-law was filed on April 5, 2022;

CONSEQUENTLY, THE MUNICIPAL COUNCIL ENACTS AS FOLLOWS:

CHAPTER 1 **DEFINITIONS**

1. In this by-law, the masculine includes the feminine and unless the context indicates otherwise :

“service or guide dog” : means a dog 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 dog training organization;

“custodian”: means anyone who is the owner of a dog or gives it refuge, who accompanies it or who acts as its custodian or the representative of a custodian ;

“inspector”: means the director or assistant director of the Inspection / Public Security Department, all inspectors or managers under their supervision, SPVM police officers, as well as any person or legal entity appointed by City Council resolution to apply, in whole or in part, the present by-law;

“dwelling”: means a building or part of a building used for residential purposes ;

“dog park or dog exercise area”: means an area marked by signs affixed by the City indicating an area where it is possible for dogs to run freely without a leash;

“dog declared potentially dangerous”: a dog declared potentially dangerous by an officer responsible, under Section 21, for the exercise of the powers provided for in Division 1 of Chapter 6 of the present by-law;

“public place”: means any street, alley, bike path, passageway, public swimming pool, park, splash pad, green space, public garden, schoolyard, median as well as any other public space open to the public, including but not limited to, any private land subject to a use agreement with the City and a shopping center parking lot.

CHAPTER 2 **APPLICATION**

2. The following by-law applies to the whole territory of the City.
3. Subject to Section 21, the inspector is responsible for applying and ensuring compliance with the present by-law.
4. The City may enter into an agreement with any person or legal entity to authorize it to receive applications for registration, collect the annual registration fees, issue tags and apply all or part of the present by-law, subject to the provisions which cannot be delegated.
5. This by-law does not apply to the following dogs :
 - a) a service or dog guide;
 - b) a dog in a police force dog team;
 - c) a dog used in the course of the activities of the holder of a license issued under the Private Security Act (chapter S-3.5);
 - d) a dog used in the course of a wildlife protection officer's activities.

Notwithstanding the first paragraph, a service or guide dog must be registered in accordance with Chapter 4, without cost.

CHAPTER 3 **REPORTING OF DOG-INFLICTED INJURIES**

6. A veterinary surgeon must report without delay to the City the fact that a dog that the veterinary surgeon believes on reasonable grounds constitutes a risk for public health and safety has inflicted a bite injury to a person or domestic animal by communicating, if known, the following information:
 - a) the name and contact information of the custodian of the dog;
 - b) any information, including the breed or type, allowing the dog to be identified;
 - c) the name and contact information of the injured person or of the custodian of the injured domestic animal and the nature and seriousness of the injury that was inflicted.
7. A physician must report without delay to the City dog bite injuries to a person by communicating the nature and seriousness of the injury and, if known, the information provided for in Subparagraphs a) and b) of Section 6.
8. The obligations provided for in Sections 6 and 7 are applicable only for dogs whose custodian resides on the territory of the City or, if that information is unknown, if the event took place on the territory of the City.

CHAPTER 4 **REGISTRATION**

9. The custodian of a dog must register it with the City within 30 days of the acquisition of the dog, of establishing a principal residence in the City or of the day when the dog reaches the age of 3 months.

Despite the first paragraph, the obligation to register a dog :

- a) applies from the day on which the dog reaches the age of 6 months where a dog breeder is the custodian of the dog;
- b) does not apply to a pet shop, namely, a business where companion animals are kept and offered for sale to the public, a veterinary establishment, an educational institution or an establishment that carries out research activities, a pound, an animal service, a shelter, or any person or organization dedicated to the protection of animals that holds a permit referred to in Section 19 of the Animal Welfare and Safety Act (chapter B-3.1).

In addition, the custodian of a dog must pay the annual registration fees provided for in the City's by-law on tariffs in force. Payment of the annual registration fees is non-refundable and non-transferable.

10. The custodian of a dog must provide, for it to be registered, the following information and documents:
- a) their name and contact information;
 - b) the breed or type, gender, color, year of birth, name, distinctive features, the dog's origin and if its weight is 20 kg or more;
 - c) where applicable, proof that the rabies vaccination status of the dog is up to date, that it is spayed or neutered, or microchipped and the number of the microchip, or a notice written by a veterinary surgeon indicating that the vaccination, spay or neuter, or microchipping is contraindicated for the dog;
 - d) where applicable, the name of the municipalities where the dog has already been registered and any decision with regard to the dog or its custodian rendered by a local municipality under the Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regards to dogs (chapter P-38.002, r.1) or a municipal by-law concerning dogs;
 - e) any other information or document concerning the dog that may be deemed relevant by the City.

11. The registration of a dog in the City subsists for as long as the dog and its custodian remain the same.

The custodian of a dog must inform the City of any change in the information provided pursuant to Section 10.

12. Only a person 18 years of age or older can register a dog.

13. The City gives the custodian of a registered dog a tag with the dog's registration number.

The tag given by the City is valid for the duration of the dog's life and must be worn by the dog in order to be identifiable at all times.

Different colored tags will be given for dogs subject to one or more orders, where applicable, or declared potentially dangerous.

14. If a tag is lost or destroyed, the person to whom it was issued must obtain a replacement tag upon payment of a fee provided for in the City's by-law on tariffs in force.
15. A dog registered and usually living in another local municipality must wear the tag issued by said local municipality at all times when on City territory.

CHAPTER 5

PROVISIONS PERTAINING TO DOG SUPERVISION AND POSSESSION

DIVISION 1 – STANDARDS APPLICABLE TO ALL DOGS

16. Dogs are allowed in public places other than municipal buildings and unless otherwise indicated by means of a sign.
17. In a public place, a dog must at all times be under the control of a person capable of controlling it.

Except in a dog park or dog exercise area or when it participates in dog activities, in particular, hunting, dog shows, competitions or training courses, a dog must also be on a leash whose maximum length is 1.85 m, including the handle. A dog of 20 kg and more must also wear, at all times, a halter or a harness attached to its leash.

18. A dog may not be on property belonging to a person other than its custodian, unless the presence of the dog has been expressly authorized.
19. When on property occupied by its custodian or on any other private property where its presence is expressly authorized, a dog must be kept under one of the following conditions:
- a) inside a building from which it may not escape;
 - b) in a fenced enclosure from which it may not escape. Said enclosure must be clear of any snow accumulation or material which would allow the dog to escape;
 - c) when the property is not fenced, kept on a leash or by means of a device, other than an invisible fence, which prevents the dog from leaving or coming within 1 m of the property line.

DIVISION 2 – NUISANCES

20. The following constitute a nuisance under the present by-law and are prohibited:
- a) the fact that a dog injures a person or a domestic animal, or damages, soils or defiles public or private property;

- b) the fact that a dog barks or howls in such a way as to disturb the peace or to be an annoyance to the neighbourhood;
- c) allowing a dog to defecate or urinate on a property belonging to a person other than its custodian without the prior consent of the owner or occupant of the premises;
- d) the omission by a custodian of a dog to clean, by any appropriate means and within a reasonable delay, any defecation left by their dog on any property including that of the custodian;
- e) the omission of a custodian of a dog to repair within a reasonable timeframe the damage caused by their dog;
- f) keeping, per dwelling, more than 3 dogs over the age of 6 months;
- g) the fact of spreading poison or setting a trap of any kind, on any property, to capture, detain or eliminate a dog;
- h) allowing a dog to drink or bathe in a water fountain located in a public place;
- i) the fact, for the custodian of a dog, to leave their dog attached to a fixed object in a public place.

CHAPTER 6

POTENTIALLY DANGEROUS DOGS

DIVISION 1 DECLARATIONS OF DOGS POTENTIALLY DANGEROUS AND ORDERS WITH REGARD TO CUSTODIANS OF DOGS

A. Powers of the City

- 21. The City designates the director or the assistant director of the Inspection and Public Security Department, as well as the managers under their supervision, as the officers responsible for the exercise of the powers provided for in this division.
- 22. Where there are reasonable grounds to believe that a dog constitutes a risk for public health and safety, the City may require that its custodian have the dog undergo an examination by a veterinary surgeon that it chooses so that its condition and dangerousness are evaluated.
- 23. The City notifies the custodian of the dog, where known, of the date, time and place to appear for the dog's examination and of the fees to be paid for the examination.
- 24. The veterinary surgeon sends the report to the City as soon as possible. It must contain the veterinary surgeon'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 or its custodian.

- 25. From the moment a custodian of a dog receives the notice provided for in Section 23, and until a final decision is made concerning the dog, a custodian:
 - a) must not allow their dog to access a dog park or dog exercise area;
 - b) must not allow their dog to access parks and playgrounds;
 - c) must have their dog wear a basket muzzle at all times in a public place.

26. A dog may be declared potentially dangerous by the City if it is of the opinion that, after considering the report of the veterinary surgeon having examined the dog and evaluated its condition and dangerousness, it constitutes a risk for public health and safety.
27. A dog that bit or attacked a person or a domestic animal and injured the person or animal may also be declared potentially dangerous by the City.
28. For the purposes of applying the present by-law, and without limiting the generality of the foregoing, a dog may be declared potentially dangerous in particular if the dog in question:
 - a) has a propensity, potential or disposition to attack, bite, threaten, pursue or injure, with or without provocation, people, property or other domestic animals;
 - b) with or without provocation or physical injury, attacks, bites, threatens, chases or injures a person or other domestic animal;
 - c) has been trained as a fighting dog or to attack on demand.
29. The City orders the custodian of a dog that bit or attacked a person and that caused the person's death or inflicted a serious injury to the person to have the dog euthanized. It must also have such a dog euthanized where the custodian is unknown or cannot be found.

Until the dog is euthanized, a dog referred to in the first paragraph must be muzzled at all times with a basket muzzle where it is outside the residence of its custodian.

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

30. The City may, where circumstances justify it, order the custodian of a dog to comply with one or more of the following measures:
 - a) submit the dog to one or more of the standards provided for in Division 2 of the present Chapter or to any other measure intended to reduce the risk that the dog constitutes for public health and safety;
 - b) have the dog euthanized;
 - c) get rid of the dog or any other dog or prohibit the custodian from owning, acquiring, keeping or breeding a dog for a period it determines.

The order must be proportionate to the risk that the dog or custodian constitutes for public health and safety.

B. Terms governing the exercise of powers by the City

31. The City must, before declaring a dog potentially dangerous under Sections 26 to 28 or rendering an order under Sections 29 or 30, inform the custodian of the dog of its intention and of the grounds on which it is founded and indicate the period within which the custodian may present observations and, where applicable, produce documents to complete the file.
32. Every decision of the City is sent in writing to the custodian of the dog. Where the City declares a dog potentially dangerous or renders an order, the decision must be in writing, with reasons, and must refer to any document or information that the City has taken into consideration.

The declaration or order is notified to the custodian of the dog and indicates the period the custodian has to comply therewith. Before the expiry of that period, the custodian of the dog must, at the request of the City, show that the custodian has complied with the order. Failing that, the custodian is presumed not having complied with the order. In that case, the City gives a formal notice to the custodian to comply within a given period and indicates to the custodian the consequences of the failure.

DIVISION 2 STANDARDS APPLICABLE TO DOGS DECLARED POTENTIALLY DANGEROUS

33. A dog declared potentially dangerous must be kept using a device, other than an invisible fence, that prevents the dog from going beyond the boundaries or come within 1 m from the property line of a private property that is not fenced or whose fence cannot contain it. In addition, a sign must be posted at a place announcing to a person coming on the property the presence of a dog declared potentially dangerous.
34. In a public place, a dog declared potentially dangerous must wear, at all times, a basket muzzle. In addition, it must be on a leash whose maximum length is 1.25 m, including the handle.
35. A dog declared potentially dangerous must have a rabies vaccination status up to date at all times, be spayed or neutered and microchipped, unless there is a contraindication for the dog established by a veterinary surgeon.
36. A dog declared potentially dangerous may not be kept in the presence of a child 10 years of age or under unless it is under the constant supervision of a person 18 years of age or over.
37. The custodian of a dog declared potentially dangerous must report to the City any injury caused by their dog to a person or a domestic animal.

CHAPTER 7 INSPECTION AND SEIZURE

38. For the purpose of ensuring the application of this by-law, an inspector who has reasonable grounds to believe that a dog is on premises or in a vehicle may, in the performance of inspection duties:
 - a) enter and inspect the premises at any reasonable time;
 - b) inspect the vehicle or order any such vehicle to be stopped for inspection;
 - c) examine the dog;
 - d) take photographs and make recordings;
 - e) require any person to produce any books, accounts, registers, records or other documents for examination or for the purpose of making copies or obtaining excerpts, if the inspector has reasonable grounds to believe that they contain information relating to the application of this by-law;
 - f) require any person to provide any information relating to the application of this by-law.

If the premises or vehicle are unoccupied, the inspector leaves a notice indicating their name, the time of the inspection, as well as the reasons for the inspection.

39. An inspector who has reasonable grounds to believe that a dog is in a dwelling may require that the owner or occupant of the premises show them the dog. The owner or occupant must comply immediately.

The inspector may enter the dwelling only with the occupant's authorization or else with a search warrant issued by a judge, on the basis of a sworn statement by the inspector asserting that the inspector has reasonable grounds to believe that a dog that constitutes a risk for public health and safety is in the dwelling, authorizing, on the conditions the judge indicates, the inspector to enter the dwelling, seize the dog and dispose of it in accordance with the present Chapter. The warrant may be obtained in accordance with the procedure provided for in the Code of Penal Procedure (chapter C-25.1), with the necessary modifications.

Every judge of the Court of Québec or of a municipal court or every presiding justice of the peace has jurisdiction to issue a search warrant under the second paragraph.

40. The inspector may require that the custodian or person responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, assist the inspector in the performance of inspection duties.
41. An inspector may seize a dog for the following purposes:
- a) have the dog undergo an examination by a veterinary surgeon in accordance with Section 22 where the inspector has reasonable grounds to believe that the dog constitutes a risk for public health and safety;
 - b) have the dog undergo the examination required by the City where its custodian fails to attend the examination in accordance with the notification under Section 23;
 - c) execute an order rendered by the local municipality under Section 29 or 30 where the period provided for in the second paragraph of Section 32 to comply with it has expired.
42. The inspector has custody of the seized dog and may keep the dog or entrust it to a person in a veterinary establishment or in a shelter, an animal service, a pound or premises kept by a person 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).
43. Custody of the dog is maintained until the dog has been returned to its custodian.

Except if the dog has been seized to execute an order rendered under the first paragraph of Section 29 or Subparagraphs b) or c) of the first paragraph of Section 30, or if the City renders an order under one of its provisions, the dog is returned to its custodian:

- a) if, as soon as the dog has been examined, the veterinary surgeon is of the opinion that the dog does not constitute a risk for public health and safety, or as soon as the order has been executed;
 - b) if 90 days have elapsed since the date of the seizure without the dog having been declared potentially dangerous or, before that time limit expires, if the inspector has been notified that there is no reason to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.
44. An inspector may also capture and seize a dog found stray or constituting a nuisance.

Notwithstanding any provision to the contrary, a dog seized in the circumstances described in the first paragraph may be euthanized, sold for adoption or entrusted to an organization dedicated to the protection of animals.

Notwithstanding the foregoing, if the dog found is wearing a tag required by the present by-law, or when the custodian of the dog is known, a notice shall be sent to the custodian and a period of 3 days will be given to regain possession of the dog, failing which, the inspector may dispose of the dog as provided for in the second paragraph.

The custodian may regain possession of his dog unless it has already been disposed of. If the dog has not been registered in accordance with the present by-law, the custodian must, in order to regain possession of their dog, proceed with the registration in accordance with Chapter 4.

45. Animal care expenses incurred as a result of a seizure are borne by the custodian of the dog, including the costs incurred to provide veterinary care, treatment, surgical procedures and medication required during the seizure and examination by a veterinary surgeon, and to transport, euthanize or dispose of the dog.

CHAPTER 8

DOG PARKS OR DOG EXERCISE AREAS

46. Dog parks or dog exercise areas shall be open to the public daily from 7:00 a.m. until 10:00 p.m. Any access to these dog parks or dog exercise areas shall be forbidden outside of these opening hours.
47. The custodian of a dog, when using a dog park or dog exercise area:
- a) must constantly keep an eye on their dog;
 - b) must master their dog whenever it becomes necessary to do so in order to comply with the provisions of this by-law;
 - c) must close the barrier after coming in or out the dog park or dog exercise area;
 - d) must prevent their dog from digging holes or causing any other damages;
 - e) must immediately remove any defecation from their dog and place it within any of the garbage containers installed for this purpose.
48. In a dog park or dog exercise area, it shall be prohibited to:
- a) throw cigarette butts or any other type of waste on the ground;
 - b) drink any alcoholic beverage;
 - c) play any game or sport with a ball or any other object than those used to safely play with a dog;
 - d) leave the dog park or dog exercise area without their dog;
 - e) drive a bicycle or any other vehicle;
 - f) bring more than 2 dogs at the same time;
 - g) be less than 14 years old and bring a dog, without being accompanied by another person aged 18 years or older.

49. The custodian acting aggressively towards a person or any other dog must immediately put their dog on a leash and leave the dog park or dog exercise area with their dog.
50. Access to a dog park or dog exercise area shall be prohibited for:
 - a) any sick dog;
 - b) any dog not having been inoculated against rabies;
 - c) any dog behaving aggressively towards any person or any other dog;
 - d) any dog declared potentially dangerous;
 - e) any female dog in heat;
 - f) any dog aged less than 3 months old;
 - g) a stray dog;
 - h) any animal other than a dog.

CHAPTER 9 **OFFENCES**

51. The custodian of a dog who contravenes any of Sections 9, 11 and 13 is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.
52. The custodian of a dog who contravenes any of Sections 17 and 18 is liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,000 to \$3,000 in other cases.
53. The minimum and maximum fines provided for in Sections 51 and 52 are doubled where the offence concerns a dog declared potentially dangerous.
54. The custodian of a dog who contravenes Section 23 or does not comply with an order rendered under Sections 29 or 30 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$2,000 to \$20,000 in other cases.
55. The custodian of a dog who contravenes any of Sections 33 to 36 is liable to a fine of \$1,000 to \$2,500 in the case of a natural person and \$2,000 to \$5,000 in other cases.
56. The custodian of a dog who provides false or misleading information or information that the custodian should have known to be false or misleading relating to the registration of a dog is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.
57. Anyone who in any way hinders any person responsible for the application of the Act to promote the protection of persons by establishing a framework with regards to dogs (chapter P-38.002, s.1) in the performance in the person's duties, deceives the person by concealment or misrepresentation or refuses to provide information that the person is entitled to obtain under this by-law is liable to a fine of \$500 to \$5,000.
58. Anyone contravening any other provision of the present by-law, tolerating or permitting such a contravention, commits an infraction and is liable to a fine of \$200 to \$600 in the case of a natural person and \$400 to \$1,200 in other cases.
59. The minimum and maximum fines prescribed in this Chapter are doubled for a subsequent offence.

CHAPTER 10
FINAL PROVISIONS

60. The present by-law repeals By-law PC-2568, By-law PC-2921 and Sections 6.5 and 6.6 of By-law 1613.
61. This by-law shall come into force in accordance with the law.

Tim Thomas, Mayor

Danielle Gutierrez, Assistant City Clerk