



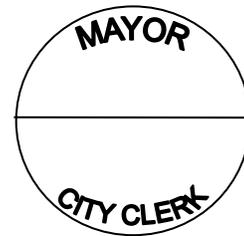
PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-099
ANIMAL WELFARE BY-LAW

Warning: This consolidated version of the by-law was prepared for convenience of the reader and has no official value. No warranty is given as to the accuracy of the text. For all legal purposes, the reader should consult the official version of the by-law and each of its amendments.

2016-10-26 (BEAC-099-1)
2018-05-22 (BEAC-099-2)
2020-06-22 (BEAC-099-3)
2020-09-21 (BEAC-099-4)
2021-04-19 (BEAC-099-5)

Adopted at the regular Council meeting
held on Monday, December 21, 2015



PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-099

ANIMAL WELFARE BY-LAW

At the regular meeting of the City of Beaconsfield's Council, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, December 21, 2015, at 8:00 p.m.;

WERE PRESENT: His Honour the Mayor Georges Bourelle and Councillors David Pelletier, Karen Messier, Wade Staddon, Pierre Demers, Roger Moss and Peggy Alexopoulos

WHEREAS the Quebec National Assembly has introduced Bill no. 54 entitled *An Act to improve the legal situation of animals*;

WHEREAS this Bill amends the *Civil Code of Quebec* to explicitly provide that animals are sentient beings and not property;

WHEREAS the City of Beaconsfield recognizes that animals are sentient beings and deserve protection;

WHEREAS current Beaconsfield By-law BEAC-008 entitled "By-law to license and regulate the keeping of dogs, cats and other animals" must consequently be revised;

On motion given by Councillor K. Messier, seconded by Councillor W. Staddon and UNANIMOUSLY RESOLVED:

THE COUNCIL OF THE CITY OF BEACONSFIELD DECREES AS FOLLOWS:

CHAPTER I – DEFINITIONS

Adoption – Adoption

The word "adoption" means the process of taking guardianship of and responsibility for a pet that a previous guardian has abandoned or surrendered to an animal shelter or rescue group.

Attack Dog – Chien d'attaque

The expression "attack dog" means a dog trained or used for guarding and that attacks, on sight or on command, an intruder.

Basket muzzle – Muselière-panier

The expression "basket muzzle" means a device for securing or restraining the muzzle of the dog humanely but with sufficient force to prevent it from biting;
(BEAC-099-3, sec. 3)

City – Ville

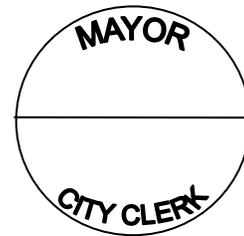
The word "City" means the City of Beaconsfield.

Competent Authority – Autorité compétente

The expression "competent authority" means any person or legal entity appointed by City Council resolution to apply, in whole or in part, the present by-law.

Council – Conseil

The word "Council" means the City Council.



Dog Park – Parc canin

The expression "dog Park" means an enclosed space, provided by the City, exclusively for dogs and their guardians.
(BEAC-099-3, sec. 1; BEAC-099-5, sec. 1)

Guard Dog – *Chien de protection*

The expression "guard dog" means a dog that will attack when the guardian is assaulted whether he/she is trained for that purpose or not.

Guardian – *Gardien*

The word "guardian" means a person who is the recognized owner, who has the guardianship of a pet or is giving shelter, feeds or cares for a pet, the person in charge of the premises in or on which the pet is given shelter, as well as the father, mother, 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 a pet.

Microchip – *Micropuce*

The expression "microchip" means an electronic device encoded and inserted under the skin of the animal by a veterinary surgeon and which makes it possible to link the code to a central database, to identify and index the domestic animals of the territory.
(BEAC-099-3, sec. 2)

Pet – *Animal de compagnie*

The word "pet" means an animal whose species has been domesticated who lives amongst humans for help or distraction. Without limitation the following are considered pets, dogs, cats, aquarium fish, small mammals, small reptiles that are neither venomous nor dangerous and birds, except live fowl, excluding species forbidden by the Government of Quebec's *Regulation respecting animals in captivity*, CQLR c C-61.1, r 5 and all amendments and replacements thereto or any other animal considered as a pet.
(By-law BEAC-099-2, sec.1)

Playground – *Aire de jeux*

The word "playground" means part of a land area, accessible to the public, occupied by equipment destined for the amusement of children, such as a swing, slide, trapeze, sand box, pool or wading pool.

Person – *Personne*

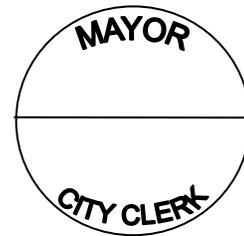
The word "person" means an individual, partnership, company, association, firm, corporation or any grouping of any nature whatsoever.

Pound – *Fourrière*

The word "pound" means such premises identified and approved by Council resolution where animals are brought, kept and otherwise dealt with by the competent authority or any other person authorized to do so. These premises should be able to receive, feed and monitor a sufficient number of animals for the size of the territory that the competent authority has control of. Each of these animals must be kept in an individual pen whose size is 1.2 meters by 1.2 meters. Water must be provided on a permanent basis and all animals must be fed food corresponding to the breed.

Public Place – *Place publique*

The expression "public place" means any road, street, alley, passageway, sidewalk, stair, garden, park, trail, dock, stage for public use or other places in the City including a public building, or places the public has access to whether expressly or tacitly.



Puppy or Kitten Mill – *Usine à chiots ou chatons*

The expression "puppy or kitten mill" means a high-volume, sub-standard dog or cat breeding operation, which sells purebred or mixed breed dogs or cats, directly or indirectly. Characteristics common to puppy or kitten mills are:

- sub-standard health or environmental conditions;
- sub-standard animal care, treatment or socialization;
- sub-standard breeding practices which lead to genetic defects or hereditary disorders;
- erroneous or falsified certificates of registration, pedigrees or genetic backgrounds.

Service Dog – *Chien de service*

The expression "service dog" means a dog used to assist a visual handicap or any other physical handicap.

Shelter – *Refuge*

The word "shelter" means a registered non-for-profit establishment, duly accredited by the City of Beaconsfield, which welcomes abandoned animals, provides animal welfare and has as its sole vocation the adoption of pets.

CHAPTER II – GENERAL PROVISIONS

2.1

The guardian has the obligation to supply the animal under their care with appropriate and adequate food, water and the necessary care which is appropriate for breed and age of the animal.

2.2

The guardian must keep the area where the animal is kept in a good sanitary condition.

2.3

It is forbidden for anyone to be cruel, mistreat, molest, harass or provoke an animal.

2.4

A guardian may not abandon an animal in order to be rid of the latter.

2.5

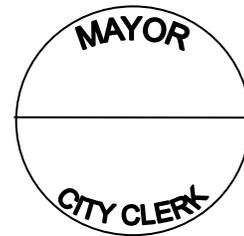
Following a complaint of one or many abandoned animals by the guardian, the appropriate authority will conduct an investigation and, if needed, will deal with the animal(s) either by adoption or euthanasia. If the presumed guardian of the animal is located, he will be invoiced with all costs and will be liable to a statement of offence being issued.

2.6

It is forbidden for anyone to organize, allow or assist in the event(s) of dog or animal fights, either to make bets or as a simple spectator.

2.7

It is forbidden to use traps or poisons outside a building for the capture or to eliminate animals including a cage trap as prohibited in the City's by-law on nuisances.



2.8

It is forbidden to remove or destroy eggs or bird nests in the parks or other areas within the City.

2.9

The competent authority is authorized to visit any residential, commercial or institutional building, as well as the interior of any other premises, including dependencies, to ensure compliance with the present by-law.

2.10

For the purpose of the application of the present by-law, any owner, tenant or occupant of these premises or dependencies must allow the competent authority to enter the premises.

2.11

It is forbidden to obstruct, prevent or give false information to the competent authority in the execution of his duties.

2.12

This by-law does not apply to the following dogs, with the exception of the sections provided for in "Section A - License" with regard to the service dog:

- (1) 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;
- (2) a dog in a police force dog team;
- (3) a dog used in the course of the activities of the holder of a licence issued under *the Private Security Act* (C.Q.L.R., chapter S-3.5);
- (4) a dog used in the course of a wildlife protection officer's activities.
(BEAC-099-3, sec. 4)

CHAPTER III – DOGS

Section A – License

3.1

No guardian may keep a dog within the boundaries of the City without having obtained beforehand a license in conformity with the provisions of the present by-law, such a license must be obtained within thirty (30) days following acquisition or the day after the dogs reaches the age of three (3) months, the longest delay being applicable. The requirement of registering a dog does not apply to 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* (C.Q.L.R., chapter B-3.1).
(BEAC-099-3, sec. 5)

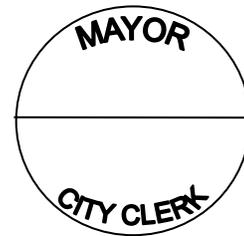
3.2

A tag issued for a dog cannot be worn by another dog.

3.3

No guardian of a dog may bring within the boundaries of the City, a dog usually living outside the territory of the City unless being in possession of:

- a. A licence provided for in the present by-law; or
- b. A license issued by the municipality where the dog usually lives if the dog is brought in the City for a period not exceeding thirty (30) days, failing which the guardian must obtain a license according to the present by-law.



3.4

A guardian who establishes his permanent residence in the City must conform to all the provisions of the present by-law, and this, despite the fact the dog has a license issued by any other municipality.

3.5

Within the boundaries of the City, a guardian of a dog must, at the date specified in 3.8, obtain a new license for the dog, with the exception of service dogs.

3.6

To obtain a license, the application must contain the name, surname, address and telephone number of the applicant and of the dog's guardian, if the latter is a distinct person, and indicate the breed or type, sex, colour, year of birth, name, distinctive features, the dog's origin and if its weight is 20 kg or more in order to complete the City registry.
(BEAC-099-3, sec. 6)

3.7

At the time of a dog license application, the guardian must provide, at the competent authorities' request, a certificate attesting that the dog in question has been examined and is adequately immunized against rabies or any other disease that can be transmitted to humans as determined by the competent authorities. The certificate must be issued by a duly licensed veterinarian.

3.7.1

In the case of a dog declared potentially dangerous, in application with sections 3.37 and 3.38, the guardian must provide the 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 contra-indicated for the dog.
(BEAC-099-3, sec. 7)

3.7.2

The guardian must inform the City of Beaconsfield of any decision rendered by a local municipality regarding the dog or the guardian, in virtue of the *Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs* or a municipal by-law concerning dogs.
(BEAC-099-3, sec. 8)

3.7.3

The guardian must inform the City of Beaconsfield of any change to the information provided under sections 3.6 to 3.7.2.
(BEAC-099-3, sec. 9)

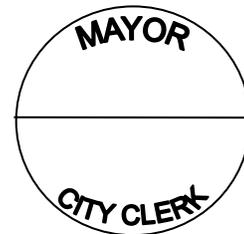
3.8

The license is issued for a period of two (2) years under the present by-law, for the period from July 1 to June 30 according to the cost provided in the City's by-law on tariffs. With proof of sterilization, the cost of the licence is reduced by 50%. The licence is non-transferrable and non-refundable.

3.8.1

Notwithstanding section 3.8, a reimbursement of 50% of the cost of the licence can be given to a guardian in the following cases:

- a. If a guardian's dog dies within the first twelve (12) months of obtaining a licence, upon presentation of a document attesting the death;



- b. If a guardian moves away from the City of Beaconsfield within the first twelve (12) months of obtaining a licence, upon presentation of a document providing the new address.
(By-law BEAC-099-1, sec. 2)

3.9

Upon presentation of a medical certificate confirming their disability, dog licenses are issued free of charge for service dogs.

3.10

Upon payment as set out in the present by-law, the guardian will receive a license indicating an identification number and a receipt for payment which shall serve as animal's identification. The receipt will provide all the information in order to identify the dog as provided for by article 3.6.

3.11

The guardian must ensure that the tag that was issued to the dog is worn in a public place around the neck at all times, otherwise he commits an infraction.

3.12

The competent authority shall keep a register of dog licences issued. Should the license be lost, the guardian of the animal must obtain a duplicate of said license from the competent authority. The cost for this replacement is provided in the City's by-law on tariffs.

Section B – Number of animals

3.13

No household shall harbour more than three (3) dogs, or more than three (3) cats or more than three (3) of said animals combined. No licence tag shall be issued to a city resident for any dog beyond the restricted number fixed for each household.

3.14

The guardian of a female animal which gives birth must, in the following 120 days following the birth (4 months), place the babies up for adoption in order to comply with the present by-law.

Section C – Control

3.15

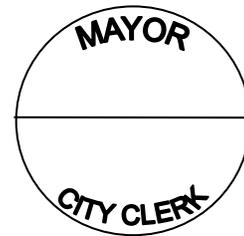
The leash used to control a dog in a public area must not exceed one meter eighty-five (1.85 meters) or six (6) feet, including the handle. The collar must be made of leather, or flat braided nylon with soldered ring, or a halter on which to attach the leash. A dog of 20 kg and more must also wear, at all times, a halter or a harness attached to its leash.
(BEAC-099, sec. 10)

3.16

No animal shall be left unattended in a vehicle for more than 15 minutes if the outside temperature is higher than 18 degrees Celsius or lower than 0 degrees Celsius.

3.17

Any guardian who is a minor in age must, for the control or restraining a dog, have attained the maturity and the physical capability to be able to keep a dog on a leash, without the dog being to escape from him.



3.18

On the land of a building occupied by the guardian or on any private property where the dog is located with the owner's consent or the occupants of that properties' consent, all dogs must be kept, as the case may be:

- a. In a building from which the animal cannot escape;
- b. On a property fenced on all sides, the fence must be sufficient height and conform to municipal by-laws, bearing in mind the size of the animal, to prevent it from escaping from the property where it is located;
- c. On a property under direct control of his guardian. Said guardian must have constant control of the animal to prevent said animal from leaving the property where the latter is located;
- d. Repealed.
(BEAC-099-3, sec. 11)

3.19

On the land on which is located a building occupied by a dog's guardian or any private property where the dog is located with the owner's consent or of the occupier of that land's consent, any attack dog or guard dog must be kept, as the case may be:

- a. In a building from which the animal cannot escape;
- b. In an enclosure, locked or padlocked, of a minimum area of four (4) square meters per dog and a minimum height of two (2) meters, finished at the top, inwards, in the shape of a Y of at least sixty (60) centimeters and buried to a depth of at least thirty (30) centimeters in the ground. This fence must be made of galvanized latticework or its equivalent and made of mesh sufficiently tightened to prevent children or any person from putting their hand through the fence, the base of this enclosure must be mesh wire or any clean materiel to prevent the dog from digging beneath it;
- c. Held by a leash of no more than two (2) meters. This leash and its fastening must be of a material sufficiently resistant, taking into account the size of the dog, to ensure that the guardian has constant control over the animal.

For purposes of the application of this provision, when a dog is kept in accordance the prescriptions of paragraph b, the enclosure must be cleared of any snow accumulation or of any other substance in order to maintain that the prescribed dimensions for the enclosure by respected.

3.20

A guardian must not allow his dog to lie down in a public area in a manner to impede the passage of people.

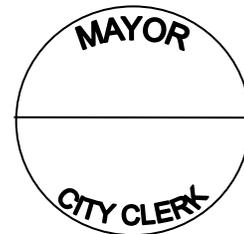
3.21

Any guardian of a guard dog or of a dog who could be aggressive, whose dog is located on that private property, must indicate to every person wanting to enter on the property, that they may be in the presence of such a dog by displaying a written notice to this effect that can be easily seen in the public space.

Section D – Nuisances

3.22

The facts, circumstances, gestures and act indicated below constitute nuisances or infractions and are thus prohibited:

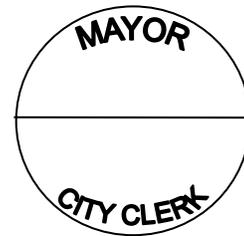


- a. A dog barking or howling so as to disturb the peace, tranquility, and being an annoyance for one or more persons;
- b. A dog disturbing household garbage;
- c. A dog being in a public place without being under the constant control of a guardian;
- d. A dog being on property belonging to a person other than its guardian without the express consent of the owner or occupier of that land;
(BEAC-099-3, sec. 12)
- e. A dog causing damage to a private or public property;
- f. A dog biting an animal whose guardian is conforming in all respects to the present by-law; (BEAC-099-3, sec. 13)
- g. A dog biting a person without having been provoked in a malicious or harassed way; (BEAC-099-3, sec, 14)
- h. A dog attempting to bite an animal whose guardian is conforming in all respects to the present by-law; (BEAC-099-3, sec. 16)
- i. A dog attempting to bite a person without having been provoked in a malicious or harassed way; (BEAC-099-3, sec. 17)
- j. A dog to be outside the limit of the land on which is found the building or part of the building occupied by the guardian, or to wander on streets and public places without being accompanied and on a leash by a person able to control or master the animal;
- k. A dog being in a public place where a sign indicates that the presence of dogs is forbidden. This provision does not apply to service dogs;
- l. The guardian not immediately cleaning up fecal matter left by the animal and disposing of it in a hygienic way. To this end, the guardian accompanied by the animal must, while outside the limits of his property or dwelling, have in his possession the necessary material to remove the animal's excrements and to dispose of them in a hygienic way;
- m. Neglecting cleaning up on a regular basis the excrements on their own property and not maintaining thereon adequate cleanliness;
- n. A guardian leaving his dog alone without the presence of another guardian or under appropriate care for a period of more than 24 hours;
- o. Permitting any animal to run at large within the confines of the City;
- p. Notwithstanding the provision of section o) of this by-law, dogs accompanied by their guardians may, throughout the year run at large in the City parks in those areas which are designated as dog runs by official signs of the City.
(BEAC-099-3, sec.18)

Section E – Capture – Surrender – Pound

3.23

The competent authority must, if the dogs bears a license and is impounded, contact the guardian of said dog, without delay, and advise him that his dog has been impounded. He must also inform the guardian of the provisions of said by-law.



3.24

Sections 3.25 to 3.31 apply, subject to the specific provisions applicable to the seizure and inspection of Section F herein.
(BEAC-099-3, sec. 19)

3.25

The competent authority may enter any place where it is suspected that there is an animal suspected of having an infectious disease. He may capture the animal and impound the latter. If the animal is affected with an infectious disease, said animal must be quarantined up until the animal is completely healed and, if such healing fails to be successful, and then be euthanized. Costs are borne by the dog's guardian.

3.26

Any dog placed in the pound that has not been identified and claimed shall be kept for a minimum period of 72 hours.

3.27

The guardian can regain possession of his dog, unless it has already been surrendered to a shelter, by paying to the competent authority the boarding costs that are provided for in the City's by-law on tariffs, all without prejudice to any of the rights of the City to pursue any other infraction under the present by-law, if applicable.

3.28

If no license was issued for this dog for the current year in accordance with the present by-law, the guardian must also, to regain possession of his dog, obtain the license required for the current year and, if required by the competent authority, have his dog vaccinated against rabies, unless the guardian already has the necessary valid certificate attesting to the dog's vaccination, the whole without prejudice to the City's right to take legal action for any infraction under the present by-law, if applicable.

A dog found without a license tag shall be deemed to be running at large and the competent authority must impound such animal.

3.29

Any dog that is the cause of an infraction contrary to any articles of the present by-law may be detained in the pound or in any other place designated by the competent authority and the dog's guardian must be notified as soon as possible.

3.30

The guardian must claim the dog within 72 hours; all costs incurred are borne by the guardian, failing which, the competent authority may surrender the dog to a shelter as provided for in the present by-law.

3.31

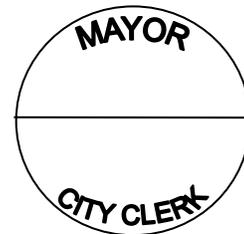
Neither the City nor the competent authority can be held responsible for injury caused to a dog following its capture and impounding.

Section F – Dog-inflicted injuries – Declarations of potentially dangerous dogs – Standards applicable to potentially dangerous dogs – Inspection and seizure
(BEAC-099-3, sec. 20)

Section F.I – Dog-inflicted injuries

3.32

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:

- (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;
- (3) the name and contact information of the injured person or of the guardian of the injured domestic animal and the nature and seriousness of the injury that was inflicted.

3.33

A physician must report without delay to the City dog bite injuries to a person by communicating the nature and seriousness of the injury to the City and, if known, the information provided for in subparagraphs 1 and 2 of the first paragraph of section 3.32.

Section F.2 – Declaration of potentially dangerous dogs and orders with regard to guardians

3.34

Where there are reasonable grounds to believe that a dog constitutes a risk for public health and safety, a City may require that its guardian have the dog undergo an examination by a veterinary surgeon that it chooses so that its condition and dangerousness are evaluated.

3.35

The competent authority notifies the guardian 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.

3.36

The veterinary surgeon sends the report to the competent authority 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 guardian.

3.37

A dog may be declared potentially dangerous by the competent authority that 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.

3.38

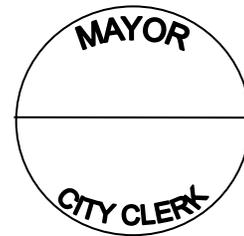
A dog that bit or attacked a person or a domestic animal and injured the person or animal may also be declared potentially dangerous by the competent authority.

3.39

The competent authority orders the guardian 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 guardian 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 guardian.

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.



3.40

The competent authority may, where circumstances justify it, order the guardian of a dog to comply with one or more of the following measures:

- (1) submit the dog to one or more of the standards provided for in sections 3.43 to 3.46 or to any other measure intended to reduce the risk that the dog constitutes for public health and safety;
- (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 determines .

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

3.41

The competent authority must, before declaring a dog potentially dangerous under section 3.37 or 3.38 or rendering an order under section 3.39 or 3.40, inform the guardian of the dog of its intention and of the grounds on which it is founded and indicate the period within which the guardian may present observations and, where applicable, produce documents to complete the file.

3.42

Every decision of the competent authority is sent in writing to the guardian of the dog. Where the competent authority 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 competent authority has taken into consideration.

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

Section F.3 – Standards applicable to dogs declared potentially dangerous

3.43

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 contra-indication for the dog established by a veterinary surgeon.

3.44

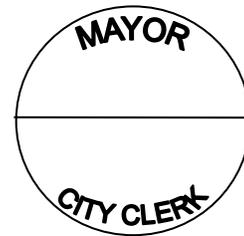
A dog declared potentially dangerous may not be kept in the presence of a child 10 years of age or under unless it is under the constant supervision of a person 18 years of age or over.

3.45

A dog declared potentially dangerous must be kept using a device that prevents the dog from going beyond the boundaries 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.

3.46

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.



Section F.4 – Inspection and seizure

3.47

For the purpose of ensuring the application of this Regulation, a competent authority who has reasonable grounds to believe that a dog is on premises or in a vehicle may, in the performance of 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 make recordings;
- (5) require any person to produce any books, accounts, registers, records or other documents for examination or for the purpose of making copies or obtaining extracts, if the competent authority has reasonable grounds to believe that they contain information relating to the application of this Regulation;
- (6) require any person to provide any information relating to the application of this Regulation.

If the premises or vehicle are unoccupied, the competent authority r leaves a notice indicating his or her name, the time of the inspection, as well as the reasons for the inspection.

3.48

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

The competent authority may enter the dwelling house 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 competent authority asserting that the competent authority has reasonable grounds to believe that a dog that constitutes a risk for public health and safety is in the dwelling house, authorizing, on the conditions the judge indicates, the competent authority to enter the dwelling house, seize the dog and dispose of it in accordance with this Division. 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.

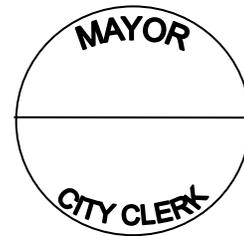
3.49

The competent authority may require that the owner, guardian or perso responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, assist the competent authority in the performance of inspection duties.

3.50

The competent authority may seize a dog for the following purposes:

- (1) have the dog undergo an examination by a veterinary surgeon in accordance with section 3.34 where the competent authority has reasonable grounds to believe that the dog constitutes a risk for public health and safety;
- (2) have the dog undergo the examination required by the City where its guardian fails to attend the examination in accordance with the notification under section 3.35;
- (3) execute an order rendered by the competent authority under section 3.39 or 3.40 where the period provided for in the second paragraph of section 3.42 to comply with it has expired.



3.51

The competent authority 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).

3.52

Custody of the dog is maintained until the dog has been returned to its guardian.

Except if the dog has been seized to execute an order rendered under the first paragraph of section 3.39 or subparagraph 2 or 3 of the first paragraph of section 3.40, or if the competent authority renders an order under one of its provisions, the dog is returned to its guardian:

- (1) 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;
- (2) 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 competent authority has been notified that there is no reason to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.

3.53

Animal care expenses incurred as a result of a seizure are borne by the guardian 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.

(BEAC-099-3, sec. 21)

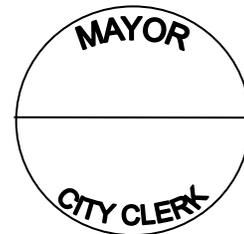
Section G – User Guidelines – Dog Parks

3.54

(BEAC-099-3, sec. 22)

The following rules apply within all official City dog Parks:

- a. All dogs must have a valid licence for the current year and wear their tag, as provided in sections 3.1, 3.3, 3.5 and 3.11;
- b. Guardians may have a maximum of three (3) dogs under their responsibility when using the dog Park;
- c. Guardians must be capable of handling their dogs;
- d. Guardians must be present in the dog Park at the same time as their dog;
- e. Children under the age of fourteen (14) must be accompanied by an adult;
- f. Guardians must close the dog Park gates after entering and ensure that they remain closed;
- g. Dogs must be vaccinated and must not carry diseases;
- h. Dangerous, attack, guard or aggressive dogs as well as dogs in heat are prohibited in the dog Park;
- i. Guardians must use appropriate measures to keep their dog from barking or howling. If required, the dog must wear a muzzle;
- j. Guardians must have bags in their possession in order to pick up their dog's excrements and to dispose of them in a hygienic manner in the designated litter bins;



- k. Guardians must prevent their dog from digging holes or causing any other damages to the dog Park. As the case may be, they must backfill any hole dug by their dog;
- l. Bikes, strollers and other similar objects are not allowed in the dog Park;
- m. The consumption of alcoholic beverages or food is prohibited;
- n. It is prohibited to feed dogs in the dog Park.

(By-law BEAC-099-1, sec. 1.1)

- o) Dogs declared potentially dangerous under sections 3.37 or 3.38 are not allowed in the dog Park.
(BEAC-099-3, sec.23)
- p) Dog toys and other similar items are prohibited in the dog park;
(BEAC-099-5, sec.3)

3.54.1

Any person or dog who does not respect the user guidelines listed in section 3.54 will have their access to the official dog Park removed.

(BEAC-099-3, sec. 24)

CHAPTER IV – CATS

Section A - Nuisances

4.1

The facts, circumstances, gestures and acts indicated below constitute infractions to the present by-law:

- a. A cat causing damage to public or private property;
- b. The guardian omitting to clean up immediately, by any appropriate manner, any public or private property soiled by fecal matter left by his cat for which he is the guardian and to dispose of it in a hygienic manner;
- c. The guardian omitting to clean up his private property soiled by fecal or urinary matter left by his cat in a manner as to hinder one or many neighbours;
- d. A cat disturbing or searching amongst household garbage;
- e. A cat being a nuisance to the quality of life of one or more neighbours by excessive vocalisation, repetitiously and at inappropriate hours, by urination and marking of territory by persistent and pronounced odour.

CHAPTER V – PUPPY OR KITTEN MILLS

5.1

Puppy or kitten mills are prohibited in the City.

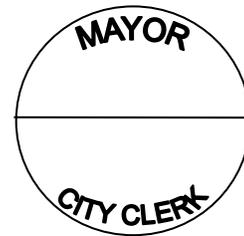
5.2

All animals found on a property sheltering a puppy or kitten mill will be seized and surrendered to the SPCA or any other rescue center accredited by the City, the whole at the property owner's cost.

CHAPTER VI – ANIMAL CRUELTY

6.1

It is strictly forbidden to:



- a. Voluntarily cause or permit to be caused to an animal pain, suffering or injury, in the absence of necessity;
- b. Encourage the combat or harassment of animals or to provide help or assistance therefor;
- c. Voluntarily, without reasonable excuse, administer a drug or allow a poisonous or dangerous drug or substance to be given to an animal or to voluntarily permit that such a poisonous or dangerous drug or substance be administered;
- d. Organize, prepare, direct, facilitate any meeting, competition, exhibition, recreation, exercise, demonstration or event during which birds in captivity are released manually or through a trap, a device or any other method for the purpose of shooting them at the time of their release, or to participate therein or receive money in this regard;
- e. Whether being the owner or occupant or the person in charge of a locale, allow that this locale be used wholly or in part for the activity mentioned in paragraph d;
- f. Maintain or keep an arena for cockfighting or dog fight on the premises they possess or occupy, or to permit that such an arena be built, made, maintained or kept on these premises;
- g. Hold a circus in which animals perform;
- h. Neglect or omit to furnish an animal under one's care with appropriate and adequate food, water, shelter and the necessary and appropriate care for the breed and its age;
- i. Keep the area in which an animal is kept in an unsanitary condition;
- j. Abandon an injured animal in order to be rid of said animal;
- k. Fail to take the means to care for or fail to submit one's animal to euthanasia if the latter is wounded or sick;
- l. Organize, participate, encourage or assist in the showing of an animal fight in any way whatsoever;
- m. Be cruel, mistreat, molest, harass or provoke an animal.
- n. Tie a dog outside for a period surpassing three (3) consecutive hours.
(BEAC-099-3, sec. 25)

Should a complaint be lodged to the competent authority, an enquiry will be undertaken. If the complaint proves true and justified, the competent authority will seized the animal having suffered this mistreatment and surrender it to the SPCA or any City certified rescue for rehabilitation and adoption, the whole without prejudice and according to the City's right to pursue recourses for infraction to this by-law.

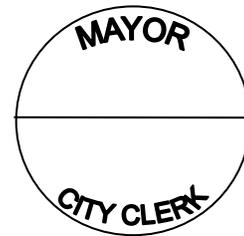
CHAPTER VII – OFFENCE AND PENALTIES

7.1

Whoever contravenes any provision of the present by-law commits an infraction and is liable to a fine with costs.

7.2

The competent authority may undertake any legal proceedings that are applicable against anyone who violates any provision of the present by-law and is therefore authorized, as a consequence, to issue statements of offence.



7.3

In order to uphold the provisions of the present by-law, the City can alternatively or cumulatively exercise the recourses provided for by the present by-law, as well as any appropriate civil or penal law recourse.

7.4

Whoever contravenes the present by-law with regard to the obligation to obtain a dog license as provided in article 3.3 is subject to a \$100 fine as well as the fees for the appropriate license.

(BEAC-099-3, sec. 26)

7.5

Anyone who contravenes the provisions of Chapters II, III and IV of the present by-law commits an infraction which is liable to, upon a declaration of guilt:

- a. For a first infraction, a fine of \$100 plus costs;
- b. For a second infraction, a fine of \$200 plus costs;
- c. For any subsequent infraction, a fine of \$400 plus costs.

7.6

Whoever contravenes the provisions of Chapters V and VI of the present by-law commits an infraction which is liable to, upon a declaration of guilt:

- a. For a first offence, a fine of \$2,500 plus costs;
- b. For a second offence to the same provision within twelve months, a minimum fine of \$5,000 plus costs;
- c. For a third offence to the same provision within twelve months, a minimum fine of \$7,500 plus costs.

As well as any other penalty (civil or criminal) or applicable penalties as prescribed by the *Animal Health Protection Act*, CQLR c P-42 and all amendments and replacements thereto and the *Criminal Code*, RSC 1985, c C-46 and all amendments and replacements thereto and prescribed in any other law adopted by the Government of Quebec or Canada which applies to animal welfare.

7.7

The guardian of a dog who contravenes section 3.35 or does not comply with an order rendered under section 3.39 or 3.40 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.

(BEAC-099-3, sec. 27)

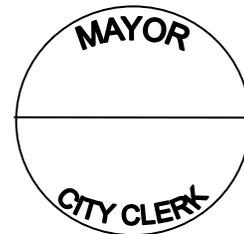
7.8

The guardian of a dog who contravenes any of sections 3.1, 3.7.3 and 3.11 of this by-law commits an offence and is liable to a fine on summary conviction:

- a. In the case of a natural person, a fine of \$250 to \$750
 - b. In other cases, a fine of \$500 to \$1,500 in other cases
- (BEAC-099-3, sec. 28; BEAC-099-4, sec. 1)

7.9

The guardian of a dog who contravenes any of sections 3.15, 3.22 c), d), j) and o) of this by-law commits an offence and is liable to a fine on summary conviction:



- a. In the case of a natural person, a fine of \$500 to \$1,500
 - b. In other cases, a fine of \$1,000 to \$3,000.
- (BEAC-099-3, sec. 29; BEAC-099-4, sec. 2)

7.10

The minimum and maximum fines provided for in sections 7.8 and 7.9 are doubled where the offence concerns a dog declared potentially dangerous.
(BEAC-099-3, sec. 30)

7.11

The guardian of a dog who contravenes any of sections 3.43 to 3.46 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.
(BEAC-099-3, sec. 31)

7.12

The guardian of a dog who provides false or misleading information or information that the guardian 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.
(BEAC-099-3, sec. 32)

7.13

Every person who in any way hinders any person responsible for the application of the Act 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 herein is liable to a fine of \$500 to \$5,000.
(BEAC-099-3, sec. 33)

7.14

The minimum and maximum fines prescribed in sections 7.7 to 7.13 are doubled for a subsequent offence
(BEAC-099-3, sec. 34)

CHAPTER VIII – REPLACEMENT

8.1

The present by-law replaces all previous by-laws that pertain to the same object.

CHAPTER IX – COMING INTO FORCE

9.1

The present by-law will come into force in accordance with the law.

MAYOR

CITY CLERK