

MUNICIPALITY OF PONTIAC

MRC DES COLLINES-DE-L'OUTAOUAIS

BY-LAW NO. 13-RM-02

BY-LAW NO. 13-RM-02 TO ABROGATE AND REPLACE ALL PREVIOUS BY-LAWS PERTAINING TO ANIMALS WITHIN THE LIMITS OF THE MUNICIPALITY OF PONTIAC

WHEREAS at a regular Council meeting held on January 15, 2013, the Municipality of Pontiac adopted resolution no. 13-01-1410, in order to adopt by-law no. 12-RM-02 pertaining to animals within the limits of the Municipality of Pontiac;

WHEREAS Council deems is necessary and to be of public interest to regulate the presence of animals on its territory;

WHEREAS a notice of motion was given at a regular Council meeting on August 13, 2013 to the effect that the present by-law would be submitted for approval;

FOR THIS PURPOSE, it is ordered and decreed by the Municipality of Pontiac's municipal Council, by the present by-law, as follows:

Moved by: Inès Pontiroli
Seconded by: Brian Middlemiss

SECTION 1 – DEFINITIONS

Unless there is statement to the contrary, made expressly or resulting from the context of a clause, the following expressions, terms and words are defined as follows:

SECTION 1 – DEFINITIONS

- 1.1 **Farmer** :
Refers to an individual involved in agricultural activities, who is recognized as such.
- 1.2 **Animal** :
Refers to all species and origin of animals. Cats and other domestic animals.
- 1.3 **Farm animals** :
Refers to all animals kept for breeding or farming, such as sheep, cattle, pig farming, horses, wild boars, bison, etc., with the exception of dogs.
- 1.4 **Unconfined animal** :
Refers to all animals found outside of the premises or off its owner's property and that is not under his control nor on a leash.
- 1.5 **Stray animal** :
Refers to any animal found wandering at large or lost, its keeper or owner being unknown. A stray is interpreted as being an animal that is found outside of the premises or off its owner's property and that is not under his control, or if the owner is on a different property than where the animal is being kept.
- 1.6 **Exotic animal** :
Refers to any animal of species or subspecies that are not naturally found in Québec, with the exception of birds, fish and miniature turtles.
- 1.7 **Wild animal** :
Refers to any animal that typically lives in water, woods, deserts or forests that are not generally domesticated by humans.

- 1.8 Competent authority:
Refers to the « Animal protection services » staff and all members of the Public Security department of the MRC des Collines-de- l’Outaouais’
- 1.9 Building :
Refers to a building consisting of a roof supported by columns or walls and that is used to shelter human beings, animals or objects.
- 1.10 Kennel :
Refers to any area set up in such a way as to board, shelter or breed more than three dogs.
- 1.11 Dog :
Refers to all males, females or pups.
- 1.12 Guide dog :
Refers to a dog trained and recognized as a guide dog to assist the blind or any other physically handicapped person.
- 1.13 Watch dog :
Refers to a dog trained or used to guard against trespassers and will attack an intruder on sight or command.
- 1.14 Outbuilding :
Refers to a secondary building with a unit of occupancy or a property on which the said unit is located or adjoining to it, including attached garages.
- 1.15 Public building :
Refers to any public buildings, or private buildings to which people have access.
- 1.16 Breeder :
Refers to any individual who breeds cats or dogs, be it on a full or part-time basis, with or without remuneration, who has more than 4 cats or dogs and has a permit issued by the municipality to that effect.
- 1.17 Public area :
Refers to any public property, public road, public land and municipal park.
- 1.18 Foster family:
Refers to any individual or group of individuals authorized to have temporary guardianship of an animal
- 1.19 Pound :
Refers to the animal welfare shelter.
- 1.20 Owner :
Refers to an individual who owns or keeps a domestic animal or shelters, feeds or cares for a domestic animal, as well as the father, mother, or owner at whose home resides a minor who keeps, has the ownership or gives shelter, feeds or takes care of a domestic animal.
Also refers to the owner, the occupant or tenant of housing where the animal lives.
- 1.21 Municipality :
Refers to the Municipality of Pontiac.
- 1.22 Park :
Refers to parks located on the territory of the municipality and by the same token includes rest areas, parkways, recreational pathways, tourist routes and generally speaking all public areas, sodded or not, accessible to the public for rest or relaxation, games, sports or for any other similar purpose, but does not include streets, roads, alleys and sidewalks adjacent to streets nor any area designed for vehicle traffic.
- 1.23 Animal boarding :
Refers to any location used for boarding animals, with or without remuneration, for a specific period of time. The term “owner” associated with the terms “animal boarding” refers to a person who carries on this type of activity.
- 1.24 Individual :
Refers to an individual as well as a corporation.
- 1.25 Disabled person :
Refers to a person recognized as such by *l’Office des personnes handicapées du Québec* or any similar government authority.
- 1.26 Kennel owner :
Refers to an individual who is paid or not, be it part-time or full-time, to board, care for or breed more than 3 dogs.

- 1.27 Property :
Includes any privately owned property or building that is not accessible to the public.
- 1.28 Shelter:
Refers to a place where numbers of animals can be received. The place, its operation and living condition of the animals of the shelter must be recognized by the SPCA.
- 1.29 Regulations pertaining to animals in captivity:
Pursuant to the Act respecting the conservation and development of wildlife.
(L.R.Q., c. 61.1, r.0.0001)
- 1.30 Agricultural sector :
Refers to a sector designated for farming activities permitted by the municipality.
- 1.31 Animal protection services :
Refers to an organization which has made an agreement with the municipality regarding the collection of license fees and the enforcement of the present by-law.
- 1.32 Playground :
Refers to a public area designed primarily for sports or recreational activities.
- 1.33 Private property :
Refers to privately owned property which is not accessible to the public, save for the building on said property.
- 1.34 Housing unit :
Refers to one or several rooms in a building that are mainly used for residential, institutional, commercial or industrial purposes.
- 1.35 Traffic area :
Refers to a street, alley, public road, private road with public access, parking space or lot, sidewalks or others.

SECTION 2 – IMPLEMENTATION OF THIS BY-LAW

- 2.1 The municipality may enter into an agreement with any person or organization to authorize said person or organization to collect animal licence fees and to enforce part or all of this by-law.
- 2.2 For the purpose of this by-law, any person or organization entrusted with the authority to collect licence fees and enforce this by-law, in part or completely, is designated as the animal control department.
- 2.3 Notwithstanding the provisions given in articles 2.1 and 2.2 of this by-law, police officers of the MRC des Collines-de-l’Outaouais are also authorized to enforce this by-law.

SECTION 3 – RULES OF INTERPRETATION

- 3.1 Any article of this by-law which stipulates “does not apply to veterinarians” implies that the article does not apply to veterinarians who have a licence to practice within the limits of the municipality.
- 3.2 Any article of this by-law which stipulates “does not apply to pet shops” implies that the article does not apply to licensed pet shops within the limits of the municipality.

SECTION 4 – GENERAL PROVISIONS RELATED TO THE CARE OF ANIMALS

AUTHORIZED ANIMALS

- 4.1 It is prohibited for any person to keep other than the following within the limits of the Municipality, except for exhibit purposes and with the permission of Council:
- a) Dogs, cats, fish, small pet rodents (select mice and rats) pet rabbits as well as ferrets (mustela putorius furo)
 - b) The number and species of native amphibians and reptiles allowed to be kept according to the Règlement sur les animaux en captivité (Regulation on animals in captivity)
(R.R.Q., C-61.1, r.o. 0001)

c) The following exotic animals:

- i) All reptiles except for crocodilians, venomous lizards, venomous snakes, boas, pythons, anacondas as well snakes reaching 3 metres in length when full grown, sea turtles and red-eared green turtles and corn snakes;
- ii) All amphibians;
- iii) All of the following birds:
capitonidae (type of Barbet), columbidae (type of pigeon), emberizidae (type of sparrow), estrildidae (type of finch), irenidae (type of fairy-bluebird), myna bird, musophagidae (turacos and relatives), ploceidae (type of weaver), psittacidae (true parrots), pycnonotidae (type of bulbul), ramphastidae (toucan), timiliidae (type of leiothrix or babbler), turdidae (type of thrush or robin), les zosteropidae (silvereve or white-eyes);
- iv) All of the following mammals:
chinchillas, guinea pigs, degus, gerbils, jerboas, hamsters.

Standards and minimum conditions for keeping animals

- 4.2 No one may keep more than 3 dogs in a dwelling or on a property where such dwelling is located, or in any outbuilding located on the property, except a farmer.
- 4.3 In order to conform to this by-law, the owner of a dog that gives birth must dispose of the puppies within three months of their birth.
Article 4.2 does not apply prior to this time period.
- 4.4 The owner must provide the animal in his custody with food, water, shelter and any appropriate and required care according to the animal's breed and age.
- 4.5 The owner must maintain the area where the animal is kept in a sanitary condition.
- 4.6 The animal owner must provide an animal that is kept outside with a shelter appropriate for the breed and the weather. The shelter must meet the following minimum requirements:
 1. It must not be exposed to too much sun or wind, to snow or rain;
 2. It must be watertight and insulated from the ground, and be constructed of an insulated material.
- 4.7 A rope or leash used to tie up an animal outside must have a minimum length of three (3) metres.
- 4.8 It is prohibited for any person to transport an animal in the trunk of a vehicle or in an open vehicle, commonly called a pick-up truck.
At all times, the owner of the vehicle involved must ensure that the animal is sheltered from the sun, heat or poor weather conditions, and ensure that there is no danger of the animal falling out of the vehicle.
- 4.9 An owner who is aware that his animal is injured or ill and does not take proper measures to have it treated or euthanized is in violation of this section of the by-law.
- 4.10 An owner may not dispose of an animal by abandoning it. He must hand over the animal or animals to a competent authority that will have it or them put up for adoption or euthanized. In the event of euthanasia, the owner is responsible for costs incurred.
- 4.11 Following a complaint in which an animal or several animals were abandoned by their owner, the competent authority will proceed with an investigation and, if necessary, will dispose of the animal(s) through adoption or by euthanasia.
If the animal's owner is found, he will be held liable for the costs incurred and is subject to legal proceedings in accordance with this section.
- 4.12 Within 24 hours following an animal's death, the owner must deliver it to the Animal protection services or dispose of it in accordance with the standards of the MDDEFP (Quebec Ministry of Environment).

Nuisances

- 4.13 It is prohibited for anyone to organize, participate in, promote or attend animal fights.
- 4.14 It is prohibited for anyone to be cruel, to mistreat, molest, harass or to provoke an animal.
- 4.15 An owner must immediately clean up, in an appropriate manner, any public place or private property which has been soiled by the animal's faeces, and must dispose of said faeces in a sanitary manner. The owner must have all of the required material in his possession for these purposes. This provision does not apply to guide dogs.

- 4.16 Any person who finds a stray animal must report it or deliver it at once to the Animal protection services.
- 4.17 It is prohibited for anyone to use or to allow the use of poison or traps to capture animals, with the exception of a cage equipped with a trap door.
- 4.18 It is considered a nuisance the fact that someone feeds, keeps, or otherwise attracts pigeons, squirrels or any other animals living freely in the wild within the limits of the Municipality, in a manner as to be harmful to the health, safety or comfort of one or several people in the neighbourhood.
- 4.19 It is prohibited to take or destroy any birds' eggs or nests found in parks or other locations within the municipality.
- 4.20 It is prohibited to feed the ducks or gulls along the shores of rivers, lakes or ponds within the territory of the municipality.
- 4.21 Except for areas specifically intended for this purpose, it is prohibited to ride horses in municipal parks.
- 4.22 It is prohibited for anyone to bring an animal on public property or in a public park at all times. The present article does not apply to guide dogs or to any occasion where the presence of animals is authorized by the municipality.
- 4.23 It is prohibited to bring an animal swimming in public pools within the municipality.
- 4.24 It is permitted to bring an animal swimming in the lakes and rivers within the municipality, except in designated areas where signs are installed banning such activity.

Powers of the competent authority

- 4.25 The competent authority may, at any given time, carry out an investigation on an animal.

This investigation must be done exclusively for the purpose of evaluating the animal, following a behaviour and/or a situation that is contrary to the present by-law. Following the investigation, the competent authority may issue a notice to the animal's owner.

The animal's owner who has received a notice will have five (5) days from the said notice to conform to the by-law. In the event that the owner does not comply to the said notice, or if a second investigation has been deemed necessary for the same animal, and that this new investigation has concluded with the same recommendations as the first one, the owner will be ordered to dispose of his animal(s) within seven (7) days of the notice, without prejudice to the municipality's rights to sue for any offence to the present by-law.

Any animal owner who does not abide by the given recommendations and/or notice given by the competent authority, commits an offence.

- 4.26 At any given time and for reasonable cause, the competent authority may order the confinement or isolation of an animal for a determined period of time, and may impose standards of care, including neutering the animal, or euthanasia.

The animal owner who fails to comply with this order commits an offence.

- 4.27 An animal that is considered as a nuisance may immediately be destroyed if its capture constitutes a danger to someone's safety.

- 4.28 For the purpose of implementing the present by-law, any civil servant or officer authorized to implement the said by-law, may enter onto any private property.

Anyone who hinders to a civil servant or an officer authorized to implement this by-law, or who refuses them access to a property, commits an offence.

SECTION 5 – DOG LICENCES

- 5.1 No one may own or keep a dog within the limits of the municipality without having obtained a dog licence from the Animal protection services in accordance with this section.

- 5.2 A request for a licence must be filed within fifteen (15) days of taking possession of a dog or within fifteen (15) days of moving into the municipality.

A licence must be requested immediately upon the adoption of an animal from the Animal protection services.

- 5.3 The licence issued in accordance with this section is valid for a one year period, beginning January 1st and ending December 31st of each year.

- 5.4 When a dog licence is requested by a minor, who must be at least fourteen (14) years of age, the father, mother, owner or, if relevant, the person standing as guarantor for the minor, must consent to the request in writing and include it with the request.
- 5.5 It is prohibited for an owner to bring a dog within the limits of the municipality that usually lives outside the municipality's jurisdiction, unless being in possession of a licence issued in virtue of the present section, or that of a valid licence issued by the municipality in which the dog usually lives.
However, when the municipality where the dog normally lives does not require the necessity of having a dog licence, the dog must wear a tag on which are inscribed the owner's identification, address and telephone number where he can be reached.
Anyone who keeps a dog for a period of fifteen (15) days or more on the territory of the municipality that does not normally live here, without having obtained a dog licence for this animal, commits an offence in accordance with this section.
This article does not apply to an animal that participates in a show or a contest, for the duration of the event.
- 5.6 An animal owner who settles in the municipality must abide by all of the provisions within this section, even if he possesses a dog licence that has been issued by another municipality.
- 5.7 The owner of a dog living within the limits of the municipality must obtain a new dog licence for the said dog each year in January.
- 5.8 To obtain a licence, the owner must provide the following information:
- 1) His first and last name, his date of birth and his address;
 - 2) The type and color of the dog;
 - 3) The date the animal received the last vaccination against rabies;
 - 4) The number of animals in his care;
 - 5) Proof that the animal was spayed or neutered, if applicable;
 - 6) Proof of the animal's age, if needed;
 - 7) Any distinctive marks on the animal.
- 5.9 The cost of the licence is established in article 9.1 of the present by-law and applies for each dog. The cost of the licence is indivisible and non-refundable.
- 5.10 The Animal protection services gives a dog tag to the person applying for a licence and a certificate which includes the number of the tag and the information that was provided, in accordance with article 5.8 of the present section.
- 5.11 A tag that was issued for one dog cannot be transferred to another. Doing so constitutes an offence under the present by-law.
- 5.12 The owner must ensure that the dog wears at all times, the tag that corresponds to the said dog, failing to do so constitutes a violation of this by-law.
- 5.13 It is prohibited for anyone to modify, change or remove the tag from an animal so as to prevent it from being identified.
- 5.14 An owner must show the certificate received from the Animal protection services to any representative of said service or to the Police department upon its request.
- 5.15 A duplicate of any dog tag or certificate that has been lost or destroyed may be obtained at a cost of two dollars (\$2.00).
- 5.16 This section does not apply to pet shop owners.
- 5.17 The animal's owner must notify the Animal protection services in writing within sixty (60) days of reception of the licence renewal notice, of the death, disappearance, sale or disposal of the animal of which he was the owner. Proof of reception of the said notice is necessary in order to be in compliance with this article.
- 5.18 The animal protection services keeps a record of dog licences that have been issued.

SECTION 6 – PROVISIONS APPLICABLE TO FARM ANIMALS

- 6.1 Anyone who wishes to keep one or more farm animals within the limits of the municipality must be located in an agriculture zone or a designated area, notably where this use is recognized as such by the municipality.

- 6.2 An owner or person responsible for farm animals, who must have the animals cross a public road, must ensure that this is done in a safe manner.

SECTION 7 – SPECIFIC PROVISIONS APPLICABLE TO DOGS

Additional standards of ownership and control

- 7.1 It is prohibited to have a dog on the loose outside the boundaries of the building, dwelling or the property of its owner.

Beyond these boundaries, the dog's owner must have the dog on a leash or otherwise assume instant control and supervise the animal at all times. A dog that is not on a leash is not considered to be under his owner's control.

- 7.2 The leash used to control a dog in a public area must be a chain or a leash made of leather or a flat braided nylon, and must not exceed 1.85 metres or 6 feet, including the handle.

The dog collar must be made of leather or a flat braided nylon and equipped with a welded ring or a choker to which the leash is attached.

Subject to the other provisions in this by-law, the use of an extendable leash is prohibited in public areas; it is however authorized in parks or public areas where dogs are not restricted.

- 7.3 It is prohibited to have a dog in a public area unless it is kept on a leash by its owner. At no time may the dog be left unattended, whether it is tied up or not.

- 7.4 An owner may not allow his dog to lie down in a public area so as to impede on anyone's passage.

- 7.5 Any owner transporting a dog or dogs in a vehicle must ensure that the said dogs are not able to leave the vehicle or to attack any person passing by the vehicle.

- 7.6 For the control or restraint of a dog, any underage owner must have achieved a certain level of maturity and be able to keep a dog on a leash, without the dog being able to escape or control the owner;

- 7.7 Whichever the case may be, be it on the property where the owner is living or any other private property where the dog is being kept, with the approval of the owner or occupant of the said property, every dog must be kept:

- 1) In a building from which it cannot escape;
- 2) In an area that is completely fenced in, the fence must be high enough considering the animal's height, in order to prevent it from leaving the property where it is being kept.
- 3) On a property that is not completely fenced in, the owner or occupant of the said property must install a recognized electronic fence system surrounding all sides of the land on which is located the animal.

The dog must wear a receiver in good working condition on his neck when he is outside the building. A dog that is found outside the field equipped with such a system is presumed to be a stray dog and contravenes to article 7.1.

The dog may be tied to a metal post or its equivalent, by means of a chain or a metal or synthetic rope. The post, chain or rope and the clip must be large and strong enough to prevent the dog from escaping.

The length of the chain or rope must not allow the dog to come within one metre of the limits of an adjacent property that is not separated by a sufficiently high fence, taking into consideration the dog's height, in order to prevent it from leaving the property on which it is being kept.

- 4) In a dog pen consisting of an enclosure surrounded by galvanized wire mesh fencing, or an equivalent fine mesh, in order to prevent children or anyone from reaching in, that is 1.2 metres high, is finished in a Y-shape of at least 60 cm at the top towards the inside.

Furthermore, this enclosure must be surrounded by a fence buried at least 30 cm deep, and the ground must be covered with wire or any other material that will prevent the dog from digging. The pen must measure at least 4 square metres.

For the purpose of implementing this provision, when a dog is being kept, in accordance

with the stipulations given in paragraphs 2) or 4), the fence must be clear of any accumulation of snow or other elements in order to maintain the stipulated height.

7.8 The property on which is located the building occupied by the dog's owner or on any private property where the dog is found, with the owner's or occupant's authorization, any dog to which article 7.13 and 7.14 refers to, must be kept according to the following :

- 1) In a building from which it cannot escape;
- 2) In a dog pen, consisting of an enclosure locked with a key or padlock, of a minimum surface area of 4 square meters per dog and a minimum of 2 meters in height, is finished in a Y-shape at the top towards the inside, of at least 60 cm. and buried at least 30 cm underground.

This fence must consist of galvanized wire mesh or an equivalent fine mesh, in order to prevent anyone from reaching through, and the ground must be covered with wire or any other material that will prevent the dog from digging.

- 3) Kept on a leash no longer than 2 meters. The leash and clip must consist of a material that is resistant enough, considering the dog's size, in order to allow the owner to have complete control over the animal.

For the purpose of enforcing this provision, when a dog is kept, in accordance with the stipulations given in paragraph 2), the pen must be clear of any accumulation of snow or other elements in order to respect the stipulated dimensions.

7.9 When the owner walks a dog to which article 7.13 and 7.14 refers to, it is prohibited to walk more than one dog at once.

7.10 It is prohibited for any owner to order his dog to attack a person or an animal, unless his physical integrity was endangered, or his safety or that of his family, or his property has been threatened.

7.11 The owner of a guard dog, watchdog or an « attack dog », whose dog is on a private property, must inform anyone who wishes to enter onto his property, that they may be in the presence of such a dog, by posting a written notice where it can easily be seen from the public area, with one of the following mentions: « Caution – guard dog » or « Caution – dangerous dog », or by displaying a pictogram indicating the presence of said dog.

Nuisance caused by dogs

7.12 The facts, circumstances, and acts stated hereinafter constitute a nuisance or an offence and the owner is liable to the fines stipulated in the present by-law :

- 1) The fact that a dog barks or howls in such a way as to disturb the peace and quiet and bothers a person or persons;
- 2) The fact that a dog disturbs or rummages through household garbage;
- 3) The fact that a dog is on private property without the express consent of the owner or occupant of said property. This provision does not apply to a guide dog;
- 4) The fact that a dog causes damage to a lawn, patio, garden or flower bed, shrubs or other plants;
- 5) The fact that a dog bites or attempts to bite an animal that is behaving peacefully;
- 6) The fact that a dog bites or attempts to bite a person that is behaving peacefully;
- 7) The fact that a dog is in a public place where a sign indicates that dogs are not allowed. This provision does not apply to a guide dog;
- 8) The fact that the owner of a dog fails to pick up the excrement on his property on a regular basis and fails to maintain the area in an adequately sanitary state;
- 9) The fact that the owner of a dog who is in a public place with a dog, is unable to keep it under control at all times;
- 10) The fact that the owner leaves his dog alone or without appropriate care and unattended for more than 24 hours;

- 11) The owner's refusal to let anyone of competent authority inspect any area or building in order to verify the compliance with this by-law;
- 12) The fact that an owner does not put a muzzle on a dog, referred to in article 7.13, or a guard dog, when the said dog is not on the property where the owner resides;
- 13) The fact that the owner of a dog is at a playground with his dog. This provision does not apply to a guide dog;
- 14) The fact that the animal is a stray, within the municipality's territory;

Dangerous dog

7.13 Keeping any of the following breeds of dogs constitutes a nuisance and is prohibited at all times :

- a) Bull terrier, Staffordshire bull terrier, American pit bull, American Staffordshire terrier, Mastiff or Bull Mastiff breeds;
- b) Mixed breeds resulting from the cross-breeding of one of the breeds listed in paragraph a) of this article with another breed;
- c) A dog of mixed-breed that has significant characteristics of one of the breeds listed in paragraph a) of this article.
- d) A dog that is declared dangerous by the Animal protection services following an analysis of the animal's character and general state.

7.14 Any dog referred to in article 7.13 of this by-law may be kept in the Municipality of Pontiac if the following conditions are met :

- a) That the dog has been living within the limits of the MRC des Collines-de-l'Outaouais on December 31st, 2011;
- b) That a dog licence has been issued for the dog each year, previous to December 31st, 2011;
- c) That the dog owner has obtained a certificate from a veterinary to the effect that the dog has been neutered or spayed.
- d) That an insurance certificate be issued to the Municipality of Pontiac each year. That the insurance coverage is for a minimum \$250,000 (two hundred and fifty thousand dollars) civil liability; and that an endorsement to the insurance policy is established so that the insurance company notify the municipality if and when this policy ceases to be in force.
- e) That the dog owner provides a certificate to the municipality stating that his dog has followed an obedience course given by a school that is recognized by the SPCA.

7.15 Notwithstanding articles 7.13 and 7.14, the SPCA may :

- a) Authorize temporary guardianship of an animal with a foster family or a shelter, approved by the latter; the puppies will have to be sent to a foster family or a shelter until totally weaned;
- b) Authorize permanent guardianship in a shelter, if the animal's condition requires it, and this, following the recommendations from a veterinary appointed by the SPCA.
- c) To neutered any animal in its possession.

7.16 Any dangerous dog constitutes a nuisance. For the purpose of this by-law, a dog is considered dangerous when :

- 1) without malice or provocation, it has bitten or attacked a person who is behaving peacefully, or another animal, whose owner is in compliance with this by-law, causing an injury requiring medical attention, such as a wound, a fracture, internal injury or other injury;
- 2) Without malice or provocation, and being off the property where his owner lives, or outside his vehicle, it bites or attacks a person or another animal or is otherwise aggressive towards a person by growling, displaying aggression or behaving in any other way, indicating that the animal could bite or attack a person who is behaving peacefully;

A breed specified in article 7.13 and for which the owner has not obtained a dog licence as required in article 5.1, or no longer has the required insurance coverage, in accordance with article 7.14.

7.17 Anyone responsible for implementing the present by-law, may capture or euthanize a dog that represents a nuisance, or have it euthanized on-site, in accordance with articles 7.13 and 7.15 of this by-law;

7.18 The owner of a dog or anyone who keeps, owns or is in the possession of a dog considered as a nuisance, as defined in article 7.13 and 7.15, commits an offence.

When a person who is charged with contravening to paragraphs a), b) or c) of article 7.13, the mere fact of issuing a ticket is proof that there was an offence. It remains the defender's responsibility to prove that the dog in question is not one included in paragraphs a), b) or c) of article 7.13.

7.19 Paragraphs 1) and 2) of article 7.15 do not apply to a dog that causes injury to persons or animals while trespassing on the property owned, leased or occupied by the owner of the said dog.

7.20 The competent authority may, at any given time, and on reasonable grounds, order the detention or isolation of a dog for a specific period of time, require behavioral testing, impose standards of care, including spaying or neutering, impose the obligation of wearing a muzzle in public areas, to attend dog obedience courses, or to have the dog euthanized.

The owner of a dog who does not comply to this ruling, commits an offence.

SECTION 8 – DOG POUND

8.1 Anyone may have a domestic animal impounded if it's in violation of, or whose owner is in violation of any of the provisions of this by-law. In the case where a duly licensed dog has been brought to the dog pound, the Animal protection services must without delay inform the owner or the keeper of the said dog that it has been impounded.

8.2 A police officer or an official of the Animal protection services is authorized to use a tranquilizer or a net to capture a dog.

8.3 The Animal protection services official may enter any area where there is an injured, sick, or mistreated animal. He may capture the animal and place it in a pound, or bring it to a veterinarian until it has recovered or until the appropriate location for the well-being and care of the animal is available. Costs are payable by the owner.

8.4 The Animal protection services official may enter any area where an animal is believed to have a contagious disease. He may capture the animal and impound it. If the animal does have a contagious disease, it must be quarantined until it is completely cured and, if not cured of the disease, it must be euthanized. If the disease is not confirmed, the dog is returned to its owner. Costs are payable by the owner.

8.5 In a case where the municipal authorities have been notified of a rabies case, they may order, by public notice, that all dog owners in the municipality or of the area in question, lock up their animals so as to avoid contact with any other animal. This order will be effective for a period not exceeding 60 days, beginning on the date that the public notice is given and, is subject to an extension for another 60 days, for as long as there are cases or the risk of rabies. The owner of an animal who fails to comply with this order is liable to penalties under this by-law.

8.6 Any animal found in a public place or on public property following the publication of the notice mentioned in article 8.5 may be seized by the animal control officer and euthanized, at the expense of the animal's owner.

8.7 Any animal believed to be infected with rabies may be seized by the animal control officer and placed under observation by the competent authorities for a period of 15 days, at the expense of the animal's owner. If the animal cannot be cured, it may be euthanized at the expense of the animal's owner.

8.8 Any unclaimed and unidentified dog brought to be pound is kept for a minimum period of 5 days, unless its physical state warrants euthanizing it.

- 8.9 If a dog is wearing the required tag on its collar, in accordance with this by-law, or if a micro-chip is detected or any other item which will allow, with reasonable efforts, to contact its owner, the animal can be kept up to 5 days at the pound. If the owner has not claimed the animal within this time limit, the competent authority may dispose of it.
- 8.10 After the time limits prescribed in article 8.8 and 8.9, the dog may be euthanized or sold for adoption, all subject to the other provisions of this by-law.
- 8.11 The owner can retrieve his animal, unless he does not wish to do so, by paying to the competent authority the boarding costs which were established, pursuant to the contract between the competent authority and the Municipality, all without prejudice to the rights of the Municipality to sue for the breach of any provisions of the present by-law, if needed.
- 8.12 In accordance with this by-law, if no licence was issued for the dog in question, for the current year, in order to retrieve his dog, the owner must obtain the said licence, all without prejudice to the rights of the Municipality to sue for the breach of any provisions of the present by-law, if needed.
- 8.13 Anyone who wishes to have a dog euthanized may personally ask a veterinarian of his choice or the competent authority to do so, in which case he must pay the competent authority the amount determined in the present by-law.
- 8.14 The competent authority may immediately dispose of an animal that has died at the pound or has been euthanized in accordance with this by-law.
- 8.15 The competent authority that, in accordance with this by-law, has euthanized a dog, cannot be held liable for taking such action.
- 8.16 Any animal which is the cause of a breach of this by-law may be impounded or confined in any other area designated by the competent authority and, its owner must be notified of this as soon as possible.
- 8.17 The owner must claim the animal within 5 days; all transportation and boarding fees are payable by the owner, failing which, the competent authority may dispose of the animal by putting it up for adoption or by euthanizing it.
- 8.18 The owner of an animal that has been impounded must pay the fees for transportation, boarding, euthanasia and other fees, even if he does not retrieve his animal.
- 8.19 Neither the Municipality nor the Animal protection services can be held liable for damages or injuries to a dog, due to its capture and being placed in a pound.

SECTION 9 – RATES

9.1 The costs for dog licences are as follows:

- | | |
|--------------|---------|
| 1) dog | \$20.00 |
| 2) guide dog | free |
| 3) farm dog | free |

9.2 Fees for boarding a dog are \$ 12 per day.

Fees for transporting an animal are \$20 during the Animal protection services business hours and \$40 after hours.

9.3 Fees for euthanizing an animal are those pertaining to the rates in effect at the time of the offence.

9.4 Veterinarian fees if necessary, are payable by the owner.

9.5 Fees for the good « Canine citizen test » are those pertaining to the rates in effect at the time of the offence.

SECTION 10 – KENNELS AND OTHERS

10.1 Anyone who wishes to operate a kennel, pet shop or veterinarian clinic must have a permit to do so within the zones where such activities are permitted. The cost of the said permit is determined according to the current municipal by-law.

10.2 Any owner of a kennel must operate his business in such a way as to avoid noise and foul odors and, ensure that sanitary conditions meet the requirements of municipal authorities.

SECTION 11 – LEGAL PROVISIONS

11. Anyone who contravenes to any of the provisions of this by-law commits an offence and is liable to:
- a) a minimum fine of \$ 200 and a maximum fine of \$ 1000;
 - b) if this is a continued offence, each day it is considered as a separate and distinct offence, and the offender is liable to a fine each day, and that is for the duration of the offence.

SECTION 12 – INTERPRETATION

- 12.1 Nothing in this by-law must be interpreted as restraining in any way, the rights and powers of the Council of the Municipality to collect by all means provided by the law, the cost of the licence payable, or the expense of care costs, in accordance with the present by-law.
- 12.2 The masculine and the singular have been used indiscriminately in this by-law and include both the feminine and the plural, in order to reduce the text.
- 12.3 The preamble herein is an integral part of this by-law.
- 12.4 In case of divergence, the French version of the text shall prevail for the purposes of implementing this by-law.

SECTION 13 – CRIMINAL PROSECUTION

In general, the council authorizes the animal control officer as well as peace officers and other persons designated in section 2, to initiate criminal proceedings against any offender with respect to any provisions of this by-law, and consequently generally authorizes the animal control officer to issue the citations for such purpose.

SECTION 14 – REPEAL AND ENTRY INTO FORCE

- 14.1 This by-law repeals for legal purposes, by-laws under number 02-RM-02 pertaining to animals within the limits of the Municipality of Pontiac and all previous by-laws to the contrary.
- 14.2 This by-law will come into force according to the Law.

Carried

Adopted at the meeting of :September 10, 2013

By resolution no :13-09-1692

**EDWARD J. MC CANN
MAYOR**

**SYLVAIN BERTRAND
DIRECTOR GENERAL**