

Consultation version

In case of discrepancy, the French version shall prevail



**PROVINCE OF QUEBEC
BROME-MISSISQUOI MRC
TOWN OF BROME LAKE**

**BY-LAW 2018-04 (RM-410)
BY-LAW CONCERNING ANIMAL CONTROL**

BY-LAW 410

BY-LAW CONCERNING ANIMAL CONTROL

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BY-LAW CONCERNING ANIMAL CONTROL

- WHEREAS the powers conferred by sections 4 and 59 of the *Municipal Powers Act*, the *Municipal Code* and the *Cities and Towns Act*;
- WHEREAS Council wishes to adopt a by-law concerning animal control;
- WHEREAS the Sûreté du Québec, within the framework of its management policy, will provide assistance to the Representative designated by Council with respect to its mission to maintain peace, order and public safety;
- WHEREAS the notice of motion and draft of this by-law, given and presented at the Council meeting of February 5, 2018;

CONSEQUENTLY, THE COUNCIL DECREES AS FOLLOWS:

CHAPTER 1 **GENERAL PROVISIONS**

1.1. PREAMBLE

The preamble forms an integral part of the present by-law.

1.2. PURPOSE

The purpose of this by-law is to regulate the possession, control and keeping of animals on the territory of Town of Brome Lake.

1.3. DEFINITIONS

For the purpose of interpreting this by-law, the following words and expressions shall have the meaning assigned to them in this article. Where a word or expression is not defined herein, it shall be understood in its common meaning.

Agent de la Paix – Peace Officer. Refers to a police officer responsible for enforcing the present by-law.

Animal Dangereux - Dangerous animal: A *dangerous animal* is an animal that:

- Is designated as such in the Act in force in Quebec.
- Is the result of a cross with a *wild* or *exotic animal*
- Bites, attempts to bite or attacks anyone or any animal causing injury, harm or damage.
- (this line is intentionally left blank)
- Either does not obey the repeated commands of its guardian and behaves aggressively or is in such an offensive or defensive mode that it is ready to attack anyone or any animal.
- Or, by its behavior or nature, endangers the life of anyone.

Animal Sauvage ou Exotique - Wild or Exotic Animal: An animal whose species has not normally been tamed by man and which usually lives in woods, deserts or forests, as well as any animal considered rare, exotic or endangered and which requires, for its keeping, a permit or certificate under provincial or federal law.

Animal de Ferme - Farm Animal: An animal usually found on a farm and kept especially for breeding or feeding purposes.

Animal Domestique - Domestic animal: An animal that usually lives with man.

Autorité Compétente - Competent Authority: A *Peace Officer, Designated Representative* or any other person appointed by the *Council* who sees to the application of the present by-law.

Chien d'Assistance - Assistance dog: A trained dog, with or without a specialized carriage, to guide or assist anyone with a visual or physical disability.

Conseil - Council: Town Council of Town of Brome Lake.

Gardien - Keeper: Refers to the animal's owner or the person who has custody of it, who is responsible for any offence committed by this animal.

The person who gives shelter to an animal, feeds it or accompanies it, who acts as if he or she were its master, or the adult towards whom the animal instinctively moves, without necessarily making a sign or uttering a word, is presumed to be the animal's *guardian*.

The owner, occupant or tenant of the *Occupancy Unit* where the animal usually lives is also deemed to be the *Keeper*.

Place Publique - Public Place: Land owned by the *Town* or any government body, including a park, bicycle path, street, road or other non-private thoroughfare, sidewalk, sports or recreational facility, parking lot maintained by the *Town* and public buildings.

Représentant Désigné - Designated Representative: Anyone, natural or legal, designated by resolution of the *Council* or any organization with which the *Town* has entered into an agreement for the application of the present by-law.

Unité d'Occupation - Unit of Occupancy: A private lot or building including its accessory buildings as well as all rooms located in a building and used for residential, commercial, industrial and public purposes of which the keeper of the animal is the owner, tenant or occupant.

Ville - Town: Town of Brome Lake.

CHAPTER 2

PUBLIC SAFETY AND INTERVENTION

2.1. PHYSICAL CONTROL OF THE ANIMAL

Any animal found outside the boundaries of its *Caretaker's Occupancy Unit* must be held or restrained by means of a device (tether, leash, enclosure, etc.) by a reasonable person with the physical ability to restrain it and prevent it from wandering alone.

2.2. WANDERING

It is forbidden to allow an animal to wander in a *Public Place* or on private property other than the animal *keepers Occupancy Unit*, without the consent of the owner or occupant of the premises.

Any animal found on such private property without its *keeper* is presumed to be there without the consent of the owner or occupier.

2.3. PHYSICAL CONTACT

The *Keeper* must take the necessary measures to prevent the animal from having physical contact with anyone or aggressive contact with another animal.

The obligation imposed on the *Keeper* is one of result, throughout *Town* territory.

2.4. PUBLIC BUILDINGS

No one may be in a public building with an animal. For the purposes of this article, a public building is any building owned by the Town or the State, including its mandataries.

This article does not apply to *Assistance Dogs*.

2.5. NO ENTRY SIGN

The *Keeper* accompanied by his animal may not be on or in a *Public Place* identified by a sign prohibiting access to it. The *Council* specifies the places where such a prohibition exists.

This provision does not apply to *Assistance Dogs*.

2.6. TRANSPORT IN A VEHICLE

The *Keeper* who transports an animal in a vehicle must ensure that the animal cannot leave the vehicle or come into contact with anyone passing near it.

2.7. CAGE TRANSPORT

Any *keeper* transporting an animal in the rear box of an unenclosed road vehicle must place it in a cage designed to respect the animal's physiognomy.

2.8. NUISANCES

The following facts, circumstances, gestures and acts, concerning an animal or committed by an animal or its *Keeper*, constitute an offence of absolute liability and are nuisances:

- a) strangling, biting or attempting to bite anyone or any other animal;

- b) the fact that an animal presents any danger to others or to another animal;
- c) for a *Keeper* to allow his or her animal to bark, meow, howl, sing or make noise in such a way that a reasonable person would be inconvenienced or the peace and quiet disturbed;
- d) cause damage to the property of others;
- e) moving or destroying garbage bags.

2.9. DANGEROUS ANIMAL

A *Dangerous Animal* must be tethered at all times when outside the building, but within the boundaries of the *Keeper's Occupancy Unit*.

2.10. DANGEROUS STRAY

Dangerous Animal wandering on *Town* territory may be caught and taken into custody for assessment.

2.11. DANGEROUS ANIMALS IN PUBLIC PLACES

The *keeper* of a *Dangerous Animal* may not be in any way with it in a *Public Place*, unless:

- a) the animal is restrained by anyone over 16 years of age using a leash no longer than one (1) meter in length;

AND

- b) he wears a basket muzzle at all times;

2.12. IMMEDIATE DANGER

Any *Dangerous Animal* presenting an immediate danger must be reported immediately to the Sûreté du Québec and to an inspector or investigator appointed or designated to enforce the Animal Welfare and Safety Act and its regulations.

CHAPTER 3 **ANIMAL CARE, NUISANCE AND CONTROL**

SECTION 1 GUARD

3.1. NUMBER OF ANIMALS ALLOWED

It is forbidden to possess or keep more than five (5) animals, not prohibited by another provision of the present by-law, in an *Occupancy Unit* including its outbuildings, excluding fish. The maximum number of animals may not exceed two (2) dogs and three (3) cats.

The preceding paragraph does not apply to kennels, pet shops, animal hospitals, veterinary clinics and establishments run by an animal welfare organization, operated in compliance with municipal by-laws.

Notwithstanding the first paragraph, if an animal gives birth, the young may be kept for a period not exceeding three (3) months from birth.

3.2. STERILIZATION OF DOGS AND CATS

This article is intentionally left blank.

3.3. FARM ANIMAL

The keeping of farm animals is authorized only in municipal agricultural zones or in sectors that explicitly permit it by municipal by-law.

3.4. WILD OR EXOTIC ANIMAL

The keeping of any wild or exotic animal deemed dangerous to humans is prohibited.

3.5. DANGEROUS ANIMALS

When an animal is considered dangerous, its *Keeper* must comply with the measures imposed by the *Designated Official*, including but not limited to the following:

- a) have your pet sterilized;
- b) vaccinate your pet against rabies;
- c) have your pet identified with a microchip or tattoo;
- d) liability insurance with a minimum coverage of one million dollars (\$1,000,000) for injuries or damages that may be caused by the animal;
- e) outside its *Occupancy Unit*, the animal must be led by anyone 18 years of age or older on a leash not exceeding one (1) meter in length, and must wear a "basket" muzzle at all times;
- f) successfully complete a basic water body training and obedience course with your pet, given by a certified authority;
- g) register your pet with the *Town's* dangerous animal registry;
- h) display prominently on its *Occupancy Unit* a notice bearing the words "Caution! Dangerous animal";
- i) provide the *Competent Authority* with proof that all the conditions imposed under this article have been complied with.

If the *Keeper* fails to comply with the measures imposed by the *Designated Official*, the animal will be euthanized without further notice or delay.

3.6. OUTDOOR SHED

Any *Keeper* of a *Domestic Animal* kept outdoors must provide it with shelter appropriate to its species and temperature.

The shelter must provide shade, be waterproof, insulated from the ground and made of insulating material.

3.7. ABANDON AN ANIMAL

No one may abandon or deposit an animal or animals, in any place, for the purpose of disposing of them. The *Keeper*, failing to give or sell the animal(s), must surrender the animal(s) to the *Designated Representative*, who will dispose of the animal(s) by adoption or euthanasia.

3.8. DEATH OF AN ANIMAL

It is forbidden to dispose of the carcass of a dead animal in any bin intended for residual materials (garbage, compost) and recyclables.

The *Keeper* who delivers the carcass of his animal to the Designated Representative assumes the costs.

3.9. HEALTH

It is forbidden to keep, allow or tolerate the keeping of animals in a dwelling or building where people or animals live, in such a way as to render the dwelling unsanitary.

Every *Keeper* must keep the premises where he/she keeps his/her animal(s) in a clean and sanitary condition, free from excrement.

3.10. ABUSE AND CRUELTY

The *Designated Representative* or anyone else who becomes aware of a violation of the Animal Welfare and Safety Act, in particular who has reasonable grounds to believe that the welfare or safety of an animal in a vehicle or in any other enclosed area is compromised, must immediately notify an inspector designated under the same Act.

3.11. DISEASES

It is an offence under the present by-law for a *Keeper*, knowing that his animal is suffering from a contagious disease, to fail to take the necessary measures to prevent contagion, to neglect to have his animal treated or to submit it to euthanasia.

3.12. BITE

An animal that bites anyone or any other animal must be isolated and placed in quarantine by the *Keeper* or *Designated Representative*, whether or not the animal has been vaccinated against rabies.

3.13. QUARANTINE

The *Keeper* of an animal that has bitten a person or another animal must isolate the animal from any other animal or person for a period of ten (10) days.

He must also allow any person mandated by the *Town*, in particular a veterinarian, or any agent or representative of any provincial or federal department, to see and examine the animal in order to ascertain whether it is kept in such a way as to ensure the safety of the people in the house and the neighbourhood.

The *Keeper* must comply with any guidelines given by anyone of the persons mentioned in the second paragraph.

When the person mandated by the *Town* or a representative of any provincial or federal ministry, after examining the animal, comes to the conclusion that it has rabies or represents a danger to people, the *Keeper* must euthanize it. The animal must immediately be sent to an animal shelter or veterinarian, at the *Keeper's* choice or *Designated Representative*.

The *Designated Representative* shall seize an animal that bites a person or another animal and place it in quarantine in an animal shelter when the *Keeper* refuses or neglects to comply with the provisions of this article.

3.14. TAKING AN ANIMAL INTO CUSTODY

When an animal is taken into custody in accordance with a provision of the present by-law, it is brought to an animal shelter, a veterinarian or another place designated for this purpose by the *Council*.

3.15. ON-CALL TIME

An animal taken into custody is kept for a period of five (5) calendar days.

At the end of this period, the animal may be disposed of free of charge or for a consideration, or euthanized, at the option of the *Designated Representative*.

3.16. FEES

All costs arising from the present chapter shall be borne by the *Keeper* of the animal in question, in particular, costs related to:

- a) the provision of care;
- b) to the guard;
- c) quarantine;
- d) abandoned;
- e) euthanasia
- f) at the body's disposal

SECTION 2 NOISE

3.17. NUISANCES

Notwithstanding article 2.8 of the present by-law, the following facts, circumstances, gestures and acts, concerning an animal or committed by an animal or its *Guardian*, constitute an offence of absolute liability and are nuisances:

- a) the fact that a *Wild or Exotic Animal* is found on the property of another, on premises rented by another or in a space occupied by another occupant.
- b) to feed, keep or otherwise attract pigeons, gulls, squirrels, geese or any other animal living at large within the *Town* limits in a manner that is detrimental to the health, safety or comfort of the neighbourhood. Feeders used and designed to feed small birds are not covered by the present article.
- c) destroying, damaging or soiling, by depositing fecal or urinary matter on parks, public roads and property other than that of the *Custodian*. In such cases, the *Custodian* must remove the material and clean up the area.

3.18. EXCRETA DISPOSAL

Any *Keeper* of an animal outside his or her *Occupancy Unit* must immediately remove any excrement produced by his or her animal and dispose of it hygienically.

Every *keeper* must carry a bag designed for this purpose.

The *Keeper* of an animal who refuses or neglects to do so is in violation of the present by-law.

This article does not apply to the *Caretaker* of an *Assistance Dog*.

SECTION 3 DOG AND CAT CONTROL

3.19. COMPULSORY LICENSE FOR DOGS AND CATS

No person shall keep a dog or cat ordinarily living within the *Town* unless he has first obtained a permit in accordance with the present by-law.

This obligation does not apply to puppies and kittens under three (3) months of age, nor to dogs and cats kept in a kennel, cattery, pet shop, animal hospital, veterinary clinic or establishment run by an animal welfare organization.

In no case shall a permit obtained under the present by-law constitute a right to keep an animal the keeping of which is prohibited.

3.20. VISITING DOG PERMIT

The requirement to obtain a permit also applies to dogs that do not usually live within the boundaries of *Town* but are brought there for a period of more than thirty (30) consecutive days.

3.21. PERMIT APPLICATION

To obtain the said permit, the *Keeper* must complete the form provided and provide the designated person with his or her name, address, date of birth and telephone number, as well as the breed, age, sex, name and color of the dog, the date of its most recent vaccination and any other useful information to establish the animal's identity.

When an application is made by a minor, the minor's parent or guardian must consent to the application in writing.

3.22. COST OF PERMIT

The amount to be paid for each dog and cat license is set annually in the *By-law decreeing fees for the financing of certain Town goods and services*.

This amount is neither divisible nor refundable and cannot be transferred from one dog or cat to another.

The permit is free of charge if requested for an *Assistance Dog*, on presentation of a document attesting to the handicap of the *Guardian*, or an attestation of assistance dog training issued by a recognized organization or training school.

3.23. VALIDITY

This permit is payable annually and is valid for a period of twelve (12) months. It is non-transferable and non-refundable.

A *Service Dog* license is valid for the life of the dog and does not need to be renewed.

A *Keeper* may not be issued more permits than the number of animals authorized, unless he can demonstrate that he has disposed of one or more animals for which previous permits were issued.

3.24. DELEGATION

The *Town* may designate any agent or enter into agreements with any legal entity or organization to authorize it to collect the cost of permits and perform any other task related to the management of animal control under the present by-law.

3.25. MEDAL

In return for payment of the license fee, the designated person gives the *Keeper* the tag showing the year of validity and the dog's or cat's registration number.

3.26. WEARING THE MEDAL

The *Guardian* must ensure that the dog or cat wears this tag at all times.

3.27. REGISTER

The designated person keeps a register in which the name, surname, date of birth, address and telephone number of the *Guardian* are recorded, as well as the license number of the dog or cat for which a medal is issued, and all information relating to the dog or cat, as the case may be.

3.28. REPLACING THE MEDAL

In the event of loss or destruction of the medal, the *keeper* of a dog or cat to whom it has been issued may obtain a new one upon payment of the amount set by the *By-law decreeing the fees for the financing of certain Town goods and services*.

3.29. CATCHING DOGS AND CATS WITHOUT TAGS

A dog or cat not wearing the tag provided for in the present by-law shall be captured by the *Designated Representative* and taken into custody. A fee will be charged to the *keeper* for repossessing the dog or cat.

CHAPITRE 4

APPLICATION AND STAKEHOLDER POWERS

4.1. RESUMPTION OF PROVISIONS

The provisions contained in chapter 2 of these regulations shall be applied in chapter 3 as if they were reproduced therein and shall be enforceable by the *Designated Representative*.

4.2. APPLICATION OF THESE REGULATIONS

Unless otherwise stipulated, the present by-law applies to all animals on *Town* territory.

The present by-law does not apply to pet shops, kennels or breeding farms whose activities are carried out in accordance with the laws and regulations in force.

4.3. DESIGNATED REPRESENTATIVE APPOINTED BY THE COUNCIL

The *Council* may appoint any person or legal entity necessary for the application of the present by-law or enter into an agreement with any organization for the application, in whole or in part, of the present by-law.

The person or organization designated by resolution of the *Council* or with which the *Town* has entered into an agreement is authorized to apply any provision of this by-law.

The *Town* shall forward the name of the *Designated Representative* to the head of the police department having jurisdiction over the *Town's* territory.

4.4. POWERS

The Competent Authority shall exercise the powers conferred upon it by these regulations and in particular:

- 1. It may visit and examine, at any reasonable time, any immovable or movable property, as well as the interior and exterior of any house, building or edifice whatsoever to ensure compliance with the present by-law, and any owner, tenant or occupant of the place examined is required to allow the Competent Authority to enter, upon presentation of identification for this purpose.
- 2. When it has reasonable grounds to believe that an animal on private property is in distress or is being mistreated, it may enter said property at any time and take the necessary corrective measures or seize the animal and entrust it to an animal shelter or veterinarian, at the Keeper's expense. A notice to this effect is left with the Keeper, or in his absence, the notice is left in the mailbox or under the door.
- 3. It may, at any time and on reasonable grounds, order the detention or isolation of an animal for a specified period or the imposition of measures provided for in this by-law. Any Keeper who fails to comply with such an order commits an offence under the present by-law.
- 4. It can ask a veterinarian to inject a sedative to subdue or put to sleep an animal on Town territory and take it into custody.
- 5. The Competent Authority may serve a notice on the Keeper of a Dangerous Animal requiring the Keeper to dispose of the animal within forty-eight (48) hours. Should the Keeper of a Dangerous Animal fail to comply with the notice given by the Competent Authority, the Town may take the necessary steps to have the dangerous animal eliminated. A judge of the superior court, at the Town's request, may order the Keeper of the animal to dispose of it within the time limit set by the judge, failing which the Competent Authority may seize the Dangerous Animal and take it to the designated place for immediate disposal.
- 6. It can immediately capture a nuisance animal.
- 7. Order the muzzling, detention or isolation of any animal for a specified period. Any Keeper who fails to comply with this order commits an offence under the present by-law.

4.5. REGULATORY APPLICATION GRID

Chapters 1, 2, 4, 5 and 6 of the present by-law apply equally to a Peace Officer and to the Designated Representative.

The Appointed Representative is empowered to apply Chapter 3.

CHAPTER	Peace officer Sûreté du Québec	Representative Appointed by the council
1	X	X
2	X	X
3		X
4	X	X
5	X	X
6	X	X

CHAPITRE 5 **PENAL PROVISIONS**

5.1. CUSTODIAN'S LIABILITY

The *Keeper* of an animal must comply with the obligations set out in the present by-law and is responsible for any offence committed against any of the provisions relating to the animal in his or her care.

Where the *Guardian* is a minor, the minor's father, mother or guardian is liable for the infraction committed by the *Guardian*.

5.2. OBSTRUCTION

It is forbidden to harm, hinder, prevent work or give false information to the *Competent Authority* in the performance of its duties.

5.3. CRIMINAL PROCEEDINGS

The *Competent Authority* is authorized to institute criminal proceedings against anyone contravening any provision of this by-law and authorizes anyone to issue a statement of offence indicating the nature of the alleged offence and the amount of the fine. Follow-up and enforcement procedures for an infraction following the issuance of a statement of offence for contravention of the present by-law are governed by the *Code of Penal Procedure of Quebec* (LRQ, c. C-25.1).

5.4. STAKEHOLDER LIABILITY

The *Town*, the *Competent Authority* and their employees cannot be held responsible for any damage or injury caused to an animal as a result of its capture and taking into custody.

The *Designated Representative* shall maintain liability insurance in the minimum amount of one million dollars (\$1,000,000) and shall provide a copy of such insurance to the *Town*.

5.5. OFFENCES AND PENALTIES

Any person who contravenes any of the provisions of this by-law commits an offence and is liable on conviction:

1. For a first offence, a minimum fine of \$200 and a maximum fine of \$1,000 plus costs for an individual, and a minimum fine of \$400 and a maximum fine of \$2,000 plus costs for a legal entity.
2. For a second offence under any of the above articles, to a fine of not less than \$400 and not more than \$2,000 plus costs for an individual, and to a fine of not less than \$800 and not more than \$4,000 plus costs for a legal entity.

In all cases, prosecution costs are extra. These fees are established in accordance with the tariffs adopted under the *Code of Penal Procedure of Quebec* (LRQ, chapter C-25.1).

If an offence lasts more than one (1) day, the offence committed on each day constitutes a separate offence and the penalties enacted for each offence may be imposed for each day that the offence lasts, in accordance with this article.

CHAPITRE 6
FINAL PROVISIONS

6.1. CANCELLATION AND REPLACEMENT OF PREVIOUS REGULATIONS

This by-law cancels and replaces *By-law 614 concerning animal control*.

The replacement of the former provisions by the present regulation does not affect proceedings instituted under the authority of the replaced regulation, nor infringements for which proceedings have not yet been instituted, which will continue under the authority of the replaced regulation until final judgment and execution.

6.2. COMING INTO FORCE

This by-law shall come into force in accordance with the law.

Richard Burcombe
Mayor

M^e Edwin John Sullivan, B Sc., LL. B
Clerk

Notice of motion: February 5, 2018
Project presentation : February 5, 2018
Adoption of regulations : March 5, 2018
Public Notice: March 12, 2018
Publication: March 12, 13, 2018
COMING INTO FORCE: March 13, 2018