



**BYLAW 2018-002 TO REPLACE BYLAW 2015-001  
NUISANCES CAUSED BY DOGS**

**WHEREAS** the Municipal Council wishes to ensure peace, order and tranquility for the residents within the territory of the Municipality of Grosse Ile;

**WHEREAS** the Municipality may conclude with any person or organization, an agreement to act as Municipal Officer, authorizing them to apply the bylaw concerning these animals;

**WHEREAS** the law regarding abuse harmful to agriculture (L.R.Q., c. A-2), obligates all municipalities to properly control and monitor all stray dogs;

**WHEREAS** a notice of motion was given at the sitting held July 9, 2018 and a draft bylaw was presented at the sitting held August 13, 2018;

**WHEREAS** a copy of the present bylaw was given to the members of council two (2) days prior to the sitting;

**WHEREAS** the members of council declare having read the bylaw;

**WHEREAS** the Director General, during the sitting, briefed the members of council on the content and purpose of the bylaw;

**THEREFORE**

It is moved by Jessica Goodwin  
Seconded by Felicia Clarke  
And unanimously approved by the Councillors present

**THAT** Bylaw 2018-002, to replace Bylaw 2015-001, entitled Nuisances Caused by Dogs is hereby adopted and the following is ordered and decreed by the said bylaw:

**CHAPTER 1 INTERPRETATION AND ADMINISTRATION**

**Article 1 Title of the Bylaw**

The title of Bylaw 2018-002 is **Nuisances caused by dogs** and will replace Bylaw 2015-001.

**Article 2 Purpose**

The purpose of the bylaw is to replace Bylaw 2015-001 in order to control certain nuisances caused by dogs and to decree certain dog breeds as harmful within the territory of the Municipality of Grosse Ile.

**Article 3 Definitions**

In the present bylaw, unless otherwise stated, the following definitions signify:

**Competent authority**

Any municipal inspector, park attendant or dog control agent designated by the Municipality as well as any individual, corporation or organization with which the Municipality has concluded an agreement to authorize the enforcement of this present bylaw, in whole or in part. Municipal representatives and employees as well as any member of the Sûreté du Québec are also permitted to enforce this bylaw.

**Kennel**

An area where several dogs are kept for breeding purposes or for any other commercial activity.

**Dog**

Includes all dogs, male or female, or their offspring, residing within the territory of the Municipality.

**Stray dog**

Any dog who is not on a leash, who is not accompanied by a person capable of controlling the animal or who is not on the property of his owner/guardian.

**Dangerous dog**

Signifies any dog, male or female, who, without provocation, tries to bite or attack, shows aggressiveness, commits an act likely to affect the safety of a person or an animal or acts in such a way as to suggest that he is suffering from rabies.

**Council**

Signifies the municipal council of the Municipality of Grosse Ile.

**Public area**

Any area or property, private or public, accessible to the general public.

**Expert**

A veterinarian doctor or a specialist in animal behaviour.

**Owner / Guardian**

Signifies all owners of a dog, or who possess, accompany, lodge or feed a dog or are acting as the owner of the dog. Is deemed guardian of a dog, the owner or occupant of the housing unit where he lives, as well as his father, mother,

guardian or if applicable, the caregiver where a minor resides who possesses, accompanies or looks after a dog.

### **Municipality**

Signifies the Municipality of Grosse Ile.

### **Licence**

Signifies the annual fee as well as a special identity tag assigned for each dog residing within the Municipality.

### **Housing Unit**

Signifies a single family dwelling or each unit within a dwelling that has more than one unit, excluding a building or several buildings used for agricultural purposes and their respective land.

## **Article 4 Powers of the competent authority**

The competent authority exercises the powers entrusted to him by this present bylaw and may include:

1. Issue any statement of offense for any violation of a provision of this present bylaw;
2. Upon presentation of a piece of identity, he/she may visit and examine any property for the purpose of enforcing this present bylaw;
3. Capture and euthanize any dog that is dangerous, dying or severely injured in accordance to the provisions of this present bylaw.

## **Article 5 Obstruction of work of the competent authority**

No person shall prevent the competent authority from carrying out his duties.

In particular, the following constitutes an obstruction to the competent authority in carrying out his duties:

1. Deceive or attempt to deceive by unwillingness or misrepresentation (false statements);
2. Refusal to allow the competent authority access to any property;
3. Refusal to provide any information or document required for the enforcement of this present bylaw;
4. Refusal to identify oneself with the competent authority or refuse to show him any certificate or document proving your identity.
5. Damage, remove or trigger any trap or system put in place by the competent authority in order to capture a dog;
6. Prevent, in any way, the capture of a dog by the competent authority.

## **CHAPTER 2 WELL-BEING OF DOGS**

**Article 1      Vital needs**

The owner/guardian must provide the dog with food, water, shelter and the necessary and appropriate care according to his breed and age.

**Article 2      Cleanliness**

The owner/guardian must keep the area where the dog is being kept clean and tidy.

**Article 3      Pain, suffering or injury**

No individual can deliberately cause or allow, unnecessarily, a dog to be in pain, to suffer or be injured.

**Article 4      Cruelty**

It is forbidden to be cruel to a dog, mistreat, molest, harass or provoke him.

**Article 5      Dog Fight**

It is forbidden to organize, participate or encourage a dog fight as well as allowing your dog to participate.

**Article 6      Injured or sick dog**

The owner/guardian of an injured dog or one who is suffering from an illness must take the necessary measures to care for him or to euthanize.

**Article 7      Abandonment**

The owner/guardian of a dog cannot abandon him just to get rid of him. He must entrust him to a new owner or give him to an organization which will put him up for adoption or will euthanize him.

Following a complaint that a dog has been abandoned by his owner/guardian, the competent authority will proceed with an investigation and, if necessary, will dispose of the dog in accordance to this present bylaw.

The fees associated with the abandonment of any dog are to be paid by the owner, including those regarding the adoption or euthanizing procedures, if necessary.

**Article 8      Dead dog**

The owner of a dead dog must, within the 24 hours following his death, take him to a veterinarian or bury him on his own property. It is strictly forbidden to dispose of him through the residential/commercial garbage services.

**Article 9      Poison or trap**

It is forbidden to use, outside a building, a type of poison or trap to capture a dog with the exception of live-capture cages.

Notwithstanding the previous paragraph, an organization or person specializing in this field may, at all times, use a trap for the purpose of controlling dogs that pose a risk to public health or safety and also for study or conservation purposes or in any other case deemed necessary or urgent.

**CHAPTER 3 CUSTODY AND CONTROL OF DOGS**

**Article 1      Number of dogs**

No individual is permitted to keep more than three (3) dogs per housing unit or on the same property. If an individual does have more than three (3) dogs in the same housing unit or on the same property, this constitutes a violation of this present bylaw.

The first paragraph does not apply to:

1. a person having a business to sell animals and who holds all the required permits and certificates provided for this purpose;
2. a person who operates a business to offer dog sitting services in accordance to the following requirements:
  - the dog sitting services may be authorized as a domestic and professional usage in accordance to the provisions of the zoning bylaw in effect under the condition that the number of dogs be limited to six (6) excluding the owner's dog and that the service be linked to a business;
  - in all cases, a business who offers this service must ensure that the presence of the animals does not create a disturbance within the neighbourhood and that the dogs have their tag for the current year if the owner is a resident of the Municipality;
3. any person working at a veterinarian clinic who has all the permits and certificates provided for this purpose;
4. a person who operates a kennel and who has all the required permits and certificates for this purpose;
5. Notwithstanding the first paragraph, puppies under the age of six (6) months may be kept with their mother without being accounted for within the total number of dogs.

**Article 2      Leash**

In public areas, all dogs must be kept on a leash by their owner.

### **Article 3      Physical capacity of the owner/guardian**

The owner/guardian must have, at all times, the physical capacity to restrain his dog and to control him so he does not escape.

### **Article 4      Maximum number in a public area**

An individual can walk a maximum of three (3) dogs in a public area with exception to employees of any business that sells or looks after animals or who work in a veterinary clinic.

### **Article 5      Attack towards a person or animal**

No individual shall order his dog to attack a person or an animal or simulate an attack towards a person or an animal.

### **Article 6      Stray dog**

The owner/guardian of a dog must not allow him to wander the streets or in public places nor on private property without the consent of the property owner.

### **Article 7      Keeping a dog on private property**

The land on which is located a building occupied by the owner or on any other private property where he is with the authorization from the owner of this property, all owners/guardians of a dog must keep him, as the case may be:

1. in a building where he cannot get out;
2. in a completely closed-in enclosure or on a fenced-in property on all sides, the fence being high enough according to the size of the animal so that he won't be able to escape. The area must also be clear of snow and any other material that would allow the dog to climb;
3. on a property that is not fenced-in on all sides, the dog must be tied to a pole with a chain or with a metal or synthetic fiber rope. The pole, chain or rope and the clip must be of sufficient size and strength to prevent the dog from getting loose;

the length of the chain or rope must not allow him to come within two (2) meters of the neighbouring property that is not separated by the adjacent property with a sufficient fence by taking into account the size of the animal so he is not able to escape from the property where he is being kept. If it is a property that is accessible by several occupants, the chain or the rope and the clip must not allow him to come within 2 meters of a driveway or public area.

4. on a property under the supervision of his owner/guardian and he must have constant control over the dog at all times.

### **Article 8      Transporting in a vehicle**

The person who takes a dog in a vehicle must ensure that he is not able to get out of the vehicle or attack a person passing close to the vehicle.

Moreover, a dog owner who decides to take him in the open box of a truck must place him in a cage or tie him so that all body parts of the dog are inside the truck box at all times.

#### **Article 9      Places where dogs are prohibited**

With exception to a guide or service dog, an individual cannot take a dog in a restaurant or in any other public place where food and drinks are being served. Dogs are not permitted in grocery stores, butcher shops, markets, convenience stores and other establishments.

### **CHAPTER 4 PERMITS AND LICENCES**

#### **Article 1      Mandatory licence**

It is prohibited for any person to keep one or more dogs within the territory of the Municipality of Grosse Ile without obtaining a licence in accordance to the provisions of this present bylaw.

The licence must be obtained within eight (8) days after acquiring a dog.

A licence is only given to those who pay the annual fees in virtue of the annual taxation bylaw.

The first paragraph does not apply for a dog who:

1. is for sale and is kept by a person having a business that sells animals;
2. is kept by a person working in a veterinarian clinic as part of this activity;
3. is kept by a person operating a kennel as part of this activity.

#### **Article 2      Identity tag or certificate**

Each year, an identity tag shall be given to the owner when he pays the annual dog fee.

#### **Article 3      Renewal and terms and conditions of the licence**

The licence is valid for the period from January 1<sup>st</sup> to December 31<sup>st</sup> of the current calendar year and the fee must be paid once the dog owner receives the annual invoice. The licence is indivisible, non-refundable and cannot be sold.

#### **Article 4      Change of address, death, given away or sold**

The owner of a dog for which an identity tag was issued must notify the competent authority of any change of address, if the animal has died or if he gave him to another person or sold him. This must be done within the thirty (30) days following the occurrence.

#### **Article 5      Amendment and alteration of the identity tag**

The identity tag cannot be modified, altered or be worn by another animal other than the one for which it was issued.

#### **Article 6      Lost or damaged identity tag**

The owner of a dog who lost or damaged his identity tag may get another one upon presentation of proof that his dog licence has been paid in virtue of this present bylaw and with the payment of the administration fees stipulated in the annual taxation bylaw.

### **CHAPTER 5 NUISANCES**

#### **Article 1      Nuisances**

The following facts, circumstances, actions and gestures constitute a nuisance and are prohibited. The dog owner who allows a nuisance as such or the dog is acting in a manner to create a nuisance is considered to be violating this present bylaw and is committing an offense:

1. a dog barking, yelping, howling or whimpering in a way that disturbs the peace and quiet;
2. a dog who bites or attempts to bite a person or another animal;
3. a dog who destroys, dirties or damages public or private property;
4. a dog who displaces or scavenges through garbage;
5. the owner/guardian who neglects to clean, on a regular basis, the feces on his property and who does not maintain the area adequately clean;
6. the owner/guardian who leaves his dog unsupervised or not appropriately cared for, for a period of more than twelve (12) hours;
7. the presence of an unsupervised dog on another person's property;
8. to keep a dog who is vicious, dangerous, cross or has rabies.

#### **Article 2      Removal of feces**

The owner/guardian of a dog must immediately remove any fecal matter that came from the dog in his care from any public or private property and dispose of it in his household garbage or in a garbage can for compost.

#### **Article 3      Required equipment**

The owner of a dog who is not on his own property must have, at all times, the required tools to remove and dispose of the fecal matter from his dog in a hygienic manner.

## **CHAPTER 6 CAPTURE AND LODGING**

### **Article 1 Capture and lodging**

The competent authority may take all necessary measures to capture and keep any dog that is injured, sick, mistreated, dangerous, stray, wild or constituting a nuisance and ensure the safety of people and other animals.

### **Article 2 Disposition of the animal**

After a period of three (3) working days following the capture of a dog and notifying the owner, if he is known, the competent authority may put the dog up for adoption or euthanize him.

Notwithstanding the first paragraph and with written notice from the veterinarian, a dying or severely injured dog can be euthanized immediately following his capture.

When the capture of a dog poses a danger to the safety of a human being or animal, all means deemed necessary by the competent authority may be used.

Likewise, these means may also be used for a dog with rabies or a contagious disease or if his state or behaviour is susceptible to jeopardize the health and safety of any person or animal.

### **Article 3 Evaluation of health and dangerousness**

The competent authority may capture a dangerous dog and have him examined by an expert in order to evaluate his state of health and dangerousness. The examination fees are the responsibility of the owner/guardian.

If necessary, the expert's report includes recommendations concerning the measures to be taken.

### **Article 4 Measures**

After reading the expert's recommendations, the competent authority may order the owner to comply with one or several of the following measures:

1. treatment of a disease, vaccination or sterilization;
2. to keep the dog constantly monitored by the owner, in a building or within the property limits until he is no longer a risk for the safety of people and animals;
3. muzzle the dog when he is outside of the owner's property limits;
4. euthanasia;
5. any other measure to reduce the risk posed by the dog to public health or security.

**Article 5      Animal recovery and fees**

The owner of a dog may regain possession, except in the case of a dangerous dog or if the competent authority has disposed of the dog or ordered that he be euthanized, by paying the competent authority the sum of \$50.00

associated with his capture as well as all applicable fees in relation to his lodging and, if necessary, all expenses that were paid by the competent authority to have the dog examined or cared for, and this, without prejudice to the rights of the Municipality to prosecute for any offense under this bylaw.

The owner of a dog for which no licence was issued in accordance to this bylaw must also, before regaining possession of the dog, obtain the required licence for the current year and pay any amount previously due in regards to the dog licence.

**Article 6      Implementation of the measures imposed by the competent authority**

The dog owner must carry out, at his expense, any measure imposed by the competent authority in virtue of this bylaw; failure to comply can result in the dog being re-captured and euthanized at the expense of the owner.

**Article 7      Responsibility**

Neither the Municipality nor the competent authority can be held responsible for the damages or injuries caused to a dog following his capture or care.

Neither the Municipality nor the competent authority can be held responsible for the disposition of a dog carried out in accordance to this bylaw.

**CHAPTER 7 FINAL PROVISIONS**

**Article 1      Penalties**

Any person who violates the provisions of this bylaw shall be considered as committing an offense and is liable to pay a fine, with or without fees; the amount being set as follows:

1. if it is an individual:
  - a) for a first offense, a minimum penalty of \$300.00 and a maximum of \$1 000.00;
  - b) for a recurrence within a one year period, a minimum penalty of \$500.00 and a maximum of \$2 000.00.
2. if it is a corporation:
  - a) for a first offense, a minimum penalty of \$600.00 and a maximum of \$2 000.00;

b) for a recurrence within a one year period, a minimum penalty of \$1 000.00 and a maximum of \$4 000.00.

A repeated violation to any of the provisions of this bylaw represents, day by day, a separate and distinct offense.

**Article 2      Violations**

When the competent authority determines that the provisions of this bylaw have been violated, he/she is authorized to issue a notice of offense and sends a copy to the offender.

**Article 3      Legal proceedings**

The Municipality may use the necessary legal proceedings against anyone who violates this bylaw.

**Article 4      Civil lawsuits**

Only the council has the power to authorize civil lawsuits.

**Article 5      Civil or criminal lawsuits**

In order to respect the provisions of this bylaw, the Municipality may cumulatively or alternatively carry out the legal proceedings specified in this bylaw as well as any other appropriate civil or criminal proceedings.

**Article 6      Coming into force**

The present bylaw comes into force in accordance to the provisions of the Law.

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Rose Elmonde Clarke  
Mayor

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Janice Turnbull  
Director General

NOTICE OF MOTION:      July 9, 2018  
ADOPTION:                September 10, 2018  
PUBLICATION:             September 17, 2018

