



PROVINCE DE QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : GEN-2020-54

BY-LAW RELATING TO ANIMALS

ADOPTION PROCEDURE

Notice of motion :	March 2, 2020
Filing of draft by-law :	March 2, 2020
Adoption of by-law :	June 9, 2020
Publication :	June 15, 2020
Coming into effect :	June 15, 2020

- WHEREAS in accordance with section 63 of the *Municipal Powers Act* (CQLR, c. C-47.1), the Town of Kirkland may impound, sell for profit, eliminate a stray or dangerous animal and eliminate, or isolate until cured, an animal suffering from a contagious disease;
- WHEREAS the Town of Kirkland must ensure concordance between its municipal by-laws and the *Regulation respecting the application of An Act to promote the protection of persons by establishing a framework with regard to dogs* (CQLR, c. P-38.002, r. 1);
- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was filed at the regular sitting of the Municipal Council held on March 2, 2020;
- WHEREAS copy of this by-law was made available to the public;
- WHEREAS the Preamble forms an integral part of this by-law;

MUNICIPAL COUNCIL DECREES THE FOLLOWING:

CHAPTER I – DEFINITIONS

- For the purposes of the present by-law, unless the context indicates otherwise, the following words and expressions have the meanings included in the present section:

- “basket muzzle”:** rigid cage that covers a dog’s snout and mouth and which, without making it suffer, keeps it from biting;
- “dog park”:** public area established by the Town and reserved for dogs and where they can freely run off leash;
- “domestic animal”:** any animal that generally lives with a person or that is kept by a person, notably a dog, a cat, an aquarium fish, a small mammal, a small non-venomous, non-dangerous reptile or a bird, unless it is a banned species;
- “inspector”:** any physical or legal person designated by the Municipal Council to ensure the application of the present by-law;
- “kennel”:** location where the owner or custodian keeps more than two (2) dogs or cats;
- “pound”:** location designated by an inspector where animals are brought and kept in accordance with the present by-law;
- “service dog”:** any dog trained to help increase the autonomy of a person affected by a visual, auditory, psychological or physical handicap or whose mobility is otherwise reduced;
- “stray cat”:** any cat that is roaming freely while not on the property of its owner or custodian;
- “stray dog”:** any dog that is roaming freely while not on the property of its owner or custodian, unless it is in a dog park;
- “Town”:** the Town of Kirkland.
- “wild animal”:** any animal which in its natural state lives in the woods, deserts or in the forests and notably animals described in Annex A.

CHAPTER II – EXEMPT DOGS

2. This by-law does not apply to the following dogs:
 - a) 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;
 - b) a dog in a police force dog team;
 - c) a dog used in the course of the activities of the holder of a licence issued under the *Private Security Act* (CQLR, c. S-3.5);
 - d) a dog used in the course of a wildlife protection officer's activities.

Notwithstanding the first paragraph, such dogs shall be registered as provided for in Chapter IV, but the registration shall be free of charge.

CHAPTER III – CARE OF DOMESTIC ANIMALS

3. No owner or occupant of a building or part of a building may keep more than two (2) animals of each species in their building or part of building. The owner or custodian of a female dog or cat which gives birth may, however, keep the resulting litter of puppies or kittens until they reach the age of three (3) months.
4. No one may keep wild, farm or exotic animals within the territory of the Town.
5. The owner or custodian of an animal shall provide it with food, shelter and necessary elementary care.
6. The owner or custodian of an animal may not abandon it within the limits of the Town.
7. No one shall unnecessarily cause, nor permit to be caused, pain, suffering or injury to an animal.

CHAPTER IV – REGISTRATION OF DOGS

8. Any owner or custodian of a dog residing in the Town shall register the dog within thirty (30) days of the acquisition of the dog, the establishment of his principal residence in the Town or the day the dog reaches the age of three (3) months.

He must provide the Town with the following information and documents regarding the dog:

- a) its name and contact information;
- b) the breed or type, sex, colour, year of birth, name, distinctive features, the dog's origin and if its weight is twenty (20) kilograms or more;
- c) where applicable, proof that the rabies vaccination status of the dog is up to date, that it is spayed or neutered, or microchipped and the number of the microchip, or a notice written by a veterinary surgeon indicating that the vaccination, spay or neuter, or microchipping is contraindicated for the dog;
- d) where applicable, the name of the municipalities where the dog has already been registered and any decision with regard to the dog or with its regard rendered by a local municipality under this by-law or a municipal by-law concerning dogs.

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

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

9. The registration of a dog in the Town is valid for the life span of the dog. However, the owner or custodian of a dog must inform the Town of any change in the information provided pursuant to section 8 within fifteen (15) days of this change.
10. Upon registration, any owner or custodian of a dog must pay to the Town, the registration fee of fifty dollars (\$50).

However, the registration of the dogs listed in section 2 shall be free of charge.

11. A reimbursement of 50% of the registration fee can be given if a dog dies or if a guardian moves away from the Town within the first twelve (12) months of registration, upon presentation of a document attesting the death or a document providing the new address.
12. Any owner or custodian of a dog must attach to the dog's neck, at all times, the identification tag provided upon registration.

In the event of the loss or destruction of the identification tag, a replacement tag may be obtained at a cost of five dollars (\$5).

CHAPTER V – REPORTING OF DOG-INFLICTED INJURIES

13. A veterinary surgeon must report without delay to the Town the fact that a dog that the veterinary surgeon believes on reasonable grounds constitutes a risk for public health and safety has inflicted a bite injury to a person or domestic animal by communicating, if known, the following information:
 - a) the name and contact information of the owner or custodian of the dog;
 - b) any information, including the breed or type, allowing the dog to be identified;
 - c) the name and contact information of the injured person or of the owner or custodian of the injured domestic animal and the nature and seriousness of the injury that was inflicted.

The obligation provided for in the first paragraph is only applicable if the owner or custodian of the dog resides on the territory of the Town or if the event takes place on the territory of the Town.

14. A physician must report without delay to the Town dog bite injuries to a person, if the owner or custodian of the dog resides on the territory of the Town or if the event takes place on the territory of the Town, by communicating the nature and seriousness of the injury and, if known, the information provided for in subparagraphs a) and b) of the first paragraph of section 13.

CHAPTER VI – DECLARATIONS OF DOGS POTENTIALLY DANGEROUS AND ORDERS

15. Where there are reasonable grounds to believe that a dog constitutes a risk for public health and safety, the Town may require that its owner or custodian have the dog undergo an examination by a veterinary surgeon that it chooses so that its condition and dangerousness are evaluated.
16. The Town notifies the owner or custodian of the dog, where known, of the date, time and place to appear for the dog's examination and of the fees to be paid for the examination.
17. The veterinary surgeon sends the report to the Town 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 owner or custodian.

18. A dog may be declared potentially dangerous by the Town if it is of the opinion that, after considering the report of the veterinary surgeon having examined the dog and evaluated its condition and dangerousness, it constitutes a risk for public health and safety.

19. 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 Town.
20. The Town orders the owner or custodian of a dog that bit or attacked a person and that caused the person's death or inflicted a serious injury to the person to have the dog euthanized. It must also have such a dog euthanized where the owner or custodian is unknown or cannot be found.

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

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

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

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

22. The Town must, before declaring a dog potentially dangerous under section 18 or 19 or rendering an order under section 20 or 21, inform the owner or custodian of the dog of its intention and of the grounds on which it is founded and indicate the period within which the owner or custodian may present observations and, where applicable, produce documents to complete the file.
23. Every decision of the Town is sent in writing to the owner or custodian of the dog. Where the municipality 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 local municipality has taken into consideration.

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

CHAPTER VII – CONTROL OF DOMESTIC ANIMALS

24. No owner or custodian of an animal may allow a dog or cat under its care to:
 - a) cause damage to another person's property;
 - b) threaten the security of another person;
 - c) howl, bark or meow such as to disturb the peace or bother the neighbourhood;
 - d) move garbage;
 - e) leave its property and stray within the limits of the Town ;
 - f) be found without supervision at the entrance of a public building or on the public domain;
 - g) be found on a private property without the consent of the property owner;
 - h) be found in a park, other than to cross it, a playground or a public place, with the exception of the multifunctional recreation path located on the Hydro-Québec servitude, as long as they are kept on a leash.

A. Standards applicable to all dogs

25. The owner or custodian of a dog must, at all times, keep the dog on a leash while it is being walked in public. Said owner or custodian must have sufficient physical strength to master the dog in order to prevent it from running off.

A leash must not exceed a length of 1.5 metres, including the handle, and must be attached to the dog by way of a collar made of leather or flat woven nylon with a welded ring or a choker.

Also, a dog of twenty (20) kilograms or more must also wear, at all times, a halter or a harness attached to its leash.

26. The owner or custodian of a dog may allow it to move about off leash within the confines of a dog park or when it participates in dog activities, in particular, hunting, dog shows, competitions or training courses, if it does not constitute a menace to any other dogs or people that may be there.
27. No dog from outside the territory of the Town may be brought onto the territory unless it is wearing the identification tag issued by the municipality or borough where it generally lives, where required.
28. The owner or custodian of a dog shall clean up, using appropriate means, any public or private space soiled by the dog's excrement.
29. Any person walking a dog shall, at all times, carry a bag, container, shovel or other tool that may be used to pick up the dog's excrement.
30. When on the property occupied by its owner or custodian's building or on any other private property where it is found with the consent of the property owner or occupant, a dog shall be kept under the following conditions:
- a) inside a building from which it may not get out by itself ;
 - b) in a fenced enclosure from which it may not get out, the fencing must be cleared of any accumulation of snow or other material which would allow the dog to escape;
 - c) on a leash; or
 - d) attached to a post by means of a chain or a metallic or synthetic fibre cord, such items must be sufficiently resistant to keep the dog from freeing itself or come within two (2) metres of the property limit, the walkway or a common area.

B. Standards applicable to dogs declared potentially dangerous

31. The owner or custodian of a dog declared potentially dangerous must take all appropriate measures to ensure that the dog does not bite, chase after or attack a person or animal.
32. A dog declared potentially dangerous must have a rabies vaccination status up to date at all times, be spayed or neutered and microchipped, unless there is a contraindication for the dog established by a veterinary surgeon.
33. A dog declared potentially dangerous may not be kept in the presence of a child ten (10) years of age or under unless it is under the constant supervision of a person eighteen (18) years of age or over.
34. 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.
35. 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 metres.

CHAPTER VIII – RESPONSIBILITIES OF THE PUBLIC

36. Any person who injures a domestic animal shall stop and take any required measures to provide care to the injured animal. If the owner or custodian of the animal may not be identified and found, said person shall inform the Town or the police.
37. No one may spread poison, nor install any traps of any kind, on their property or elsewhere, in order to ward off stray dogs or cats.
38. Any stray dog or cat caught by a person shall be turned over to the Town or the police.
39. It is forbidden to feed or to allow food to be offered to pigeons, gulls, seagulls, squirrels, stray animals, ducks or any other wild animal.

However, it is allowed to feed wild birds, with the exception of the species outlined in the first paragraph, using a bird feeder and without causing nuisance to the neighbourhood.

40. It is forbidden to hunt or trap animals, unless required by the Town for the common good.

CHAPTER IX – INSPECTION AND SEIZURE

41. An inspector is authorized to detain any dog that is not wearing its identification tag, any stray animal or any animal which, by its conduct, constitutes a risk for public health and safety. Said inspector may bring such an animal to the pound and keep it there for five (5) whole days, during which the animal's owner or custodian may recover it upon payment to the Town of any applicable registration fees established in Chapter IV, and payment of capture and boarding fees for each day of detention of said dog.

If the animal is not claimed after the five (5) days of board, the animal may be left to the entire responsibility of the pound, in accordance with section 51.

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

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

43. An inspector 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 inspector 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 inspector asserting that the inspector has reasonable grounds to believe that a dog that constitutes a risk for public health and safety is in the dwelling house, authorizing, on the conditions the judge indicates, the inspector to enter the dwelling house, seize the dog and dispose of it in accordance with this Chapter. The warrant may be obtained in accordance with the procedure provided for in the *Code of Penal Procedure* (CQLR, c. 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.

44. The inspector may require that the owner, custodian or person responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, assist the inspector in the performance of inspection duties.
45. An inspector may seize a dog for the following purposes:
- a) have the dog undergo an examination by a veterinary surgeon in accordance with section 15 where the inspector has reasonable grounds to believe that the dog constitutes a risk for public health and safety;
 - b) have the dog undergo the examination required by the Town where its owner or custodian fails to attend the examination in accordance with the notification under section 16;
 - c) execute an order rendered by the Town under section 20 or 21 where the period provided for in the second paragraph of section 23 to comply with it has expired.
46. The inspector has custody of the seized dog and may keep the dog or entrust it to a person in a veterinary establishment or in a shelter, an animal service, a pound or premises kept by a person or an organization dedicated to the protection of animals holding a permit referred to in section 19 of the *Animal Welfare and Safety Act* (CQLR, c. B-3.1).
47. Custody of the dog is maintained until the dog has been returned to its owner or custodian.

Except if the dog has been seized to execute an order rendered under the first paragraph of section 20 or subparagraph b) or c) of the first paragraph of section 21, or if the Town renders an order under one of its provisions, the dog is returned to its owner or custodian:

- a) if, as soon as the dog has been examined, the veterinary surgeon is of the opinion that the dog does not constitute a risk for public health and safety, or as soon as the order has been executed; and
 - b) if ninety (90) days have elapsed since the date of the seizure without the dog having been declared potentially dangerous or, before that time limit expires, if the inspector has been notified that there is no reason to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.
48. Animal care expenses incurred as a result of a seizure are borne by the owner or custodian of the dog, including the costs incurred to provide veterinary care, treatment, surgical procedures and medication required during the seizure and examination by a veterinary surgeon, and to transport, euthanize or dispose of the dog.

CHAPTER X – POUND

49. Unless another rule of the present by-law states otherwise, a domestic animal which has been caught and brought to the pound may be kept for five (5) business days during which its owner or custodian may claim it upon payment of capture and boarding fees and, when applicable, after having registered the animal.
50. The obligations and responsibilities of the pound are the following:
- a) to observe all terms and conditions of the contract entered into with the Town;
 - b) to provide sufficient food and clean water, adequate shelter and a safe and sanitary environment for every domestic animal impounded;
 - c) where a veterinarian certifies that an impounded domestic animal is so seriously injured or sick that it would be inhumane to allow it to live, to cause the domestic animal to be euthanized forthwith;
 - d) to keep a record of every domestic animal impounded, which record shall include the following minimum information:
 - i. a description in reasonable detail of the domestic animal including, the approximate weight, height and color of the animal, as well as the sex and breed of the animal;
 - ii. the number on the domestic animal's identification tag, if applicable;
 - iii. the day and hour of its impoundment;
 - iv. the day, hour and details of its redemption, sale, disposition or euthanasia;

- v. the name and address of the person to whom the domestic animal was sold or released;
 - vi. the amount and particulars of all fees, fines and other charges invoiced and received and the name and address of the payor; and
 - vii. any other particulars the Town may request from time to time.
51. If the owner or custodian does not claim the domestic animal within the minimum period of impoundment, the inspector may leave the animal to the entire responsibility of the pound. The pound may then do one of the following:
- a) sell or transfer ownership of the impounded domestic animal to any person for an amount not less than the applicable pound and registration fees accrued in respect of the impounded animal, unless such fees are otherwise waived by the Town;
 - b) transfer the domestic animal to a reputable shelter or rescue for the possibility of adoption;
 - c) for medical reasons and on the advice of a veterinarian, have euthanized a domestic animal which has been caught and kept in the pound while sick, injured, incurable or suffering;
 - d) keep at their costs and expenses the domestic animal for longer than the minimum hold period.
52. Fees for the capture and boarding of a domestic animal and its veterinary bills for an animal kept in the pound in accordance with the present chapter are charged to the owner or custodian who must pay them before the animal is returned by the inspector.

CHAPTER XI – PENAL PROVISIONS

53. The owner or custodian of a dog who contravenes section 16 or does not comply with an order rendered under section 20 or 21 is liable to a fine of ONE THOUSAND DOLLARS (\$1,000) to TEN THOUSAND DOLLARS (\$10,000) in the case of a physical person and TWO THOUSAND DOLLARS (\$2,000) to TWENTY THOUSAND DOLLARS (\$20,000) in other cases.
54. The owner or custodian of a dog who contravenes any of sections 8 to 12 is liable to a fine of TWO HUNDRED FIFTY DOLLARS (\$250) to SEVEN HUNDRED FIFTY DOLLARS (\$750) in the case of a physical person and FIVE HUNDRED DOLLARS (\$500) to ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) in other cases.
55. The owner or custodian of a dog who contravenes any of sections 24 subparagraph g) of the first paragraph and 25 is liable to a fine of FIVE HUNDRED DOLLARS (\$500) to ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) in the case of a physical person and ONE THOUSAND DOLLARS (\$1,000) to THREE THOUSAND DOLLARS (\$3,000) in other cases.
56. The minimum and maximum fines provided for in sections 54 and 55 are doubled where the offence concerns a dog declared potentially dangerous.
57. The owner or custodian of a dog who contravenes any of sections 31 to 35 is liable to a fine of ONE THOUSAND DOLLARS (\$1,000) to TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) in the case of a physical person and TWO THOUSAND DOLLARS (\$2,000) to FIVE THOUSAND DOLLARS (\$5,000) in other cases.
58. The owner or custodian of a dog who provides false or misleading information or information that the owner or custodian should have known to be false or misleading relating to the registration of a dog is liable to a fine of TWO HUNDRED FIFTY DOLLARS (\$250) to SEVEN HUNDRED FIFTY DOLLARS (\$750) in the case of a physical person and FIVE HUNDRED DOLLARS (\$500) to ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) in other cases.
59. Every person who in any way hinders any person responsible for the application of the law in the performance in the person's duties, deceives the person by concealment or misrepresentation or refuses to provide information that the person is entitled to obtain under this by-law is liable to a fine of FIVE HUNDRED DOLLARS (\$500) to FIVE THOUSAND DOLLARS (\$5,000).

- 60. Any person who violates any other section of the present by-law, tolerates or permits such a violation, commits an infraction and is liable to a fine of ONE HUNDRED DOLLARS (\$100) to ONE THOUSAND DOLLARS (\$1,000) in the case of a physical person and ONE HUNDRED DOLLARS (\$100) to TWO THOUSAND DOLLARS (\$2,000) in other cases.
- 61. The minimum and maximum fines prescribed in this Chapter are doubled for a subsequent offence.
- 62. For any animal detained in accordance with the present by-law, the Town may charge the following fees: ONE HUNDRED DOLLARS (\$100) for the capture of an animal and FORTY DOLLARS (\$40) per day of board in the pound.

CHAPTER XII – REPEALING AND FINAL PROVISIONS

- 63. By-law 2013-56 and its amendments are repealed.
- 64. The present by-law comes into effect in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk

ANNEX AWild Animals

- All marsupials (example: kangaroo, koala)
- All simians and lemurs (example: chimpanzee)
- All venomous arthropods (example: tarantula, scorpion)
- All raptors (example: falcon)
- All edentate mammals (example: armadillo)
- All bat species
- All ratites (example: ostrich)

Carnivores

- All *Canidae* with the exception of domestic dogs (example: wolf)
- All *Felidae* with the exception of domestic cats (example: lynx)
- All *Mustelidae* with the exception of domestic ferrets (example: skunk)
- All *Ursidae* (example: bear)
- All *Hyaenidae* (example: hyena)
- All *Pinnipedia* (example: seal)
- All *Procyonidae* (example: raccoon)

Ungulates

- All *Perissodactyla* with the exception of domestic horses (example: rhinoceros)
- All *Artiodactyla* with the exception of goats, sheep, pigs and cattle (example: buffalo, antelope)
- All *Proboscidea* (example: elephant)

Reptiles

- All *Lacertilia* (example: iguana)
- All *Ophidia* (example: python regius, garter snake)
- All *Crocodylia* (example: alligator).