

**CANADA
PROVINCE OF QUEBEC
REGIONAL COUNTY OF ARGENTEUIL
MUNICIPALITY OF THE TOWNSHIP OF WENTWORTH**

**PUBLIC SAFETY BY-LAW
NUMBER 410-2019
CONCERNING DOG CONTROL**

WHEREAS the agreement regarding the provision of police services within the territory of the MRC of Argenteuil authorizes the Sûreté du Québec to enforce, in all or in part, municipal By-Laws;

WHEREAS the Council wishes to regulate the control of dogs on the territory of the Municipality;

WHEREAS the Council wishes to prohibit stray dogs, harmful or vicious dogs or dogs without guardians, and to authorize if necessary, to place them in an enclosure or to proceed with the sale or elimination of such dogs;

WHEREAS a Notice of motion of the present By-Law was previously given by Councillor Maurice Pilon at the regular meeting of June 3rd, 2019;

WHEREAS a copy of the Draft By-Law was presented and made available to the public and to the members of Council on June 3rd, 2019 in accordance with article 445 of the Quebec Municipal Code(C-27.1).

THEREFORE, it is proposed by Councillor Jay Brothers and
RESOLVED

THAT the By-Law be adopted as follows:

ARTICLE 1

The preamble is an integral part of the present By-Law.

ARTICLE 2

The present By-Law repeals and replaces By-Law number RM 410 and its amendments.

ARTICLE 3

The Municipal Council declares that it has adopted this By-Law, section by section, article by article, paragraph by paragraph, so that if any one of these sections should be declared null by a competent court of law, the other sections of the By-Law continue to apply.

ARTICLE 4 – Definitions

For the purposes of the present By-Law, the following words and expressions mean:

Competent Authority:

A peace officer, controller, Sûreté du Québec representative or all other persons named by the Council.

Guide dog:

A dog trained to aid the visually handicapped or all other physically handicapped persons.

Controller:

The person(s), entities, companies or organizations that the Council has mandated to apply part or all of this By-Law.

Outbuildings:

An accessory building to a residence or land which is located on the unit of occupation or which is contiguous.

Guardian:

The guardian is deemed the owner of a dog or is a person who gives shelter to an animal, feeds it, accompanies it or who acts as if he were the master or is a person applying for a licence.

Also deemed as guardian, the owner, the occupant or the tenant of the residence where the animal lives.

Park:

Parks situated on the territory of the municipality and under its jurisdiction also includes all public areas, whether there is grass or not, accessible to the public for rest or relaxation, sports or play for any other similar purpose.

Person:

Refers to all persons or legal entities.

Playground:

The portion of land, accessible to the public, occupied by equipment for the amusement of children, such as a swing, slide, trapeze, sandbox, swimming pool, wading pool or skating rink.

Unit of occupation:

One or more rooms within a building used primarily for residential, commercial or industrial use.

ARTICLE 5 – Restraining Area

A dog must be carried or led by his keeper using a leash whose length does not exceed two (2) metres, except when the dog is in the residence of its owner or its outbuildings.

Access to the main entrance of a building cannot, at any time, be obstructed by the presence of a dog.

It is forbidden, at all times, to leave an animal wandering through a street, alley, public place or on private property other than the residence and outbuildings of its guardian or pet owner.

ARTICLE 6 – Care

- a) The guardian is obligated to provide the animal in its custody with food, water, shelter and care necessary and appropriate to their species and age and must not, in any case, leave the animal in distress.
- b) The guardian must keep the area where an animal is kept in good sanitary condition.
- c) It is forbidden for any person to be cruel, to mistreat, to molest, to harass or to provoke an animal.
- d) It is prohibited to organize or attend one or several fights between dogs or other animals or to participate as a gamble or spectator.

ARTICLE 7 - Nuisance caused by dogs

The following activities, circumstances, actions and gestures are nuisances and, as such, are prohibited. Any person who is responsible for such acts or is responsible for an animal committing such acts that constitute a nuisance and contravenes this By-Law;

- a) An animal barking, howling, shouting, singing or making another sounds in a manner that disturbs the peace is a nuisance to the neighbourhood;
- b) An animal injuring and/or attempting to injure a person or another animal, of damaging, dirtying or soiling public or private property;
- c) An unaccompanied animal outside the property boundaries of its guardian;
- d) An animal off-leash in the presence of its guardian outside the boundaries of his property;
- e) The failure of a dog's guardian, except a guide dog's guardian, to immediately remove and clean up the feces of his animal on public or private property.
- f) The presence of an animal, except a guide dog, in a restaurant or in another place where meals or drinks are served to the public, including establishments where food and drink are sold.
- g) The presence of a dog is in a public place where a sign indicates that the presence of dogs is prohibited. This provision does not apply to guide dogs.
- h) The fact that an owner leaves a pet alone without appropriate care or supervision for a period of 24 hours or more.

ARTICLE 8 - Dangerous Animal

It is forbidden to keep a dog that endangers the safety of citizens, whether it be a rabid dog or otherwise dangerous.

When it appears to the competent authority that the safety of citizens is, or may be, endangered by the presence of a rabid or otherwise dangerous animal with in the municipality, this authority may give a notice requiring any person who is responsible for the animal, to confine or muzzle it so it is unable to bite and this, for the period specified in the notice.

If a dog bites or attempts to bite a person or another animal or shows signs of being vicious or dangerous, the competent authority may either order the guardian to confine or muzzle the animal within a specified time limit or order the guardian to provide, within five (5) days, a written certificate signed by a veterinarian attesting to the good health of the dog.

ARTICLE 9 - Capture and disposal

The competent authority may take possession of any animal not muzzled, who is wandering, dangerous or considered dangerous or considered a nuisance and keep it in a pen or other public place, or entrust it to a designated person;

It is forbidden to use or permit the use of traps or poisons outside a building in order to capture or eliminate an animal with the exception of a cage trap.

In an emergency, the competent authority is authorized by law, to immediately shoot or to have shot down a stray, vicious or dangerous dog, regardless of what is stipulated in the preceding paragraphs.

Neither the municipality nor the animal control service nor the competent authority can be held responsible for damage or injury caused to a dog following his capture and impoundment.

The competent authority who, under this By-Law, eliminates a dog cannot be held liable for such an act.

PENAL PROVISIONS

ARTICLE 10

The Council authorizes police and/or the municipal inspector or any other person designated by the Council to apply the present By-Law and to issue statements of offence (offence notices, tickets or other) and to undertake the following penal procedures:

- Any person who contravenes to one or any provisions of the present By-Law commits an infraction and is liable to a fine with or without costs;
- For a first infraction, the amount of the fine is set at minimum of two-hundred and fifty dollars (\$ 250) and a maximum of one thousand dollars (\$ 1 000) if the person who contravenes is a physical person and at double that amount if the offender is a moral person;
- For a repeat offence, the amount of the fine is double that set for a first infraction.
- If the infraction continues, this continuity constitutes, day by day, a separate offence and the offender is liable to the fine, with or without costs, for each day during which the infraction continues.
- In all cases, the costs of any legal proceedings are extra
- The time limits for the payment of fines and fees imposed under this section, and the consequences of failure to pay such fines and costs within the prescribed time, are established in accordance with the Quebec Code of Penal Procedure (L.R.Q., c.C-25.1).

The competent authority may use all legal, penal and/or civil resources, applicable against any person who contravenes this By-Law, alternatively or cumulatively if necessary.

ARTICLE 7 – Effective date

The present By-Law comes into effect in accordance with the Law.

Jason Morrison
Mayor

Natalie Black
General Manager and
Secretary-Treasurer

Notice of Motion:
Presentation of the Draft By-Law:
Adoption of By-Law:
Notice of coming into effect:

June 3rd, 2019
June 3rd, 2019
July 8th, 2019
July 16th, 2019