

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF WALTHAM

ANIMAL CONTROL
BY-LAW S.Q. 2011-07
ENFORCEABLE BY THE QUEBEC PROVINCIAL POLICE

WHEREAS under section 62 of the Municipal Powers Act (Q.R.S., chapter C-47, 1), any local municipality may adopt by-laws relating to animals;

WHEREAS the municipality has received a request from MRC of Pontiac to update animal control by-laws;

WHEREAS a notice was given at a regular meeting on December 6th 2011, for consideration of the present to be approved;

CONSEQUENTLY it is moved by Mona Marion and resolved that this by-law repeals and replaces all previous by-laws relating to animal control, as enforceable by the Quebec Provincial Police.

IT IS RESOLVED that the following by-law will be adopted:

SECTION 1 – DEFINITIONS

Unless the context indicates or specifies otherwise, the following expressions, terms and words have, in this by-law, the meaning and use stated in this article:

1.1 FARMER

Refers to persons involved in agricultural activities and recognized as such.

1.2 ANIMAL

Refers to animals of any species or origin.

1.3 FARM ANIMAL

Refers to animals raised on a farm, such as beef, pigs, goats, horses, etc.

1.4 FREE-RANGING ANIMAL

Refers to animals outside their guardian's building or property.

1.5 STRAY ANIMAL

Refers to lost or stray animals without owner or guardian.

1.6 DOG

Refers to all dogs, including bitches and puppies.

1.7 GUIDE DOG

Refers to a dog trained specifically to assist the visually impaired or any other type of physically handicapped persons.

1.8 MUNICIPALITY:

Refers to the Municipality of WALTHAM.

1.9 PERSON:

Refers to individuals and legal entities.

1.10 HANDICAPED PERSON

Refers to all persons recognized as handicapped by the Office des personnes handicapées du Québec or equivalent government entity.

1.11 PRIVATE PROPERTY

Refers to public or private land or building not accessible to the public.

1.12 AGRICULTURAL AREA

Refers to an area where agricultural operations are allowed by the municipality.

1.13 COMPETENT AUTHORITY

Refers to an organization or individual having entered into agreement with the Municipality to enforce the current by-law.

1.14 ROADWAYS

Refers to streets, alleys, public roads, private roads, parking areas or lots, sidewalks, etc.

1.15 GUARDIAN

A person who owns, possesses or cares for an animal.

1.16 PUBLIC AREA

Parks, streets, beaches, docks, public transportation, public use and public access areas or locations.

1.17 PARKS

Parks located on municipal territory and under municipal jurisdiction, including all public areas, planted with grass or not, accessible to the public for purposes of resting, relaxing, games, sports and similar activities.

1.18 STREETS

Streets, roads, lanes, bicycle path, sidewalks and other public and private areas designated for pedestrians or vehicles, located on municipal territory.

1.19 PUBLIC AREA

Parking lots under municipal care and common areas of businesses, public buildings or residential buildings.

1.20 PUBLIC ACCESS AREAS OR LOCATIONS

Areas or locations accessible to the public, such as churches, parish, cemetery, shopping centre, sports complex, cultural complex, tourist attractions, play areas and other public access areas.

SECTION 2 – FARM ANIMAL PROVISIONS

- 2.1 Persons who wish to raise one or more farm animal(s) within municipal limits must reside on farm land or in an area authorized and recognized as such by the Municipality.
- 2.2 Keepers of farm animals who wish to have their herd cross over public roads must ensure safe crossing.
- 2.3 Farm animals kept outside must be contained or secured by a device, for example, a leash, holding device or property fencing.

SECTION 3 - NUISANCE

3.1 The facts, circumstances, gestures and actions stated below are considered a nuisance or violation under this by-law and the guardian is liable to the penalties that apply:

3.1.1 The fact that a guardian does not immediately pick up and dispose of droppings left behind by an animal under his guard, in proper, hygienic fashion and by all available means, whether on public or private property. The guardian should have all the necessary material for this purpose. This provision does not apply for guide dogs.

3.1.2 The fact that a guardian brings an animal to a public place during a public celebration, event or gathering. This article does not apply for guide dogs or to events where municipal permission has been granted.

3.1.3 The fact that a guardian carries one or more dogs in a road vehicle, the animals must not be able to exit the vehicle or attack individuals passing by.

3.1.4 The fact that a guardian orders his dog to attack a person or animal, unless the guardian's physical integrity or safety, or that of his family or property, is compromised.

3.1.5 The fact that a dog barks or howls in such a way as to disturb the peace, tranquility and prove to be a nuisance to one or several persons.

3.1.6 The fact that a dog carries or shuffles through household garbage.

3.1.7 The fact that a dog is on private property without the consent of the land owner or occupant. This provision does not apply for guide dogs.

3.1.8 The fact that a dog damages a lawn, patio, garden, flowers, flower garden, shrubs or plants.

3.1.9 The fact that a guardian neglects to regularly pick up droppings on his property and keep that property in proper, clean condition.

3.1.10 The fact that a dog bites or attacks a person or an animal or attempt to bite or attack a person or an animal, otherwise displays aggression against a person or animal by growling, showing his teeth and fiercely barking or acting in any other manner that indicates that the animal could bite or attack a person or another animal.

3.1.11 The fact that a guardian does not hold or retain an animal kept outside by means of a holding device such as a leash or a fence to prevent it from leaving his property.

3.1.12 The fact that a guardian has no control over his animal, at all times.

- 3.1.13 The fact that a guardian leaves a dog unattached, outside of his dwelling, building or property, when the dog should be maintained on a leash.
- 3.1.14 The fact that a guardian leaves a dog unattached on a public place, when the dog should be kept on a leash. The dog should not be left alone at anytime, whether attached or not.
- 3.1.15 The fact that a guardian leaves a dog loose in a public area or on private property that he does not own.
- 3.1.16 The fact that a guardian brings a dog in a public area where signs indicate that dogs are forbidden. This provision does not apply for guide dogs.
- 3.1.17 The fact that a guardian omits to inform police or animal control services as soon as possible after his dog has bitten someone, within 24 hours of the incident.
- 3.1.18 "RIGHT OF INSPECTION "

Council authorises municipal and peace officers to examine, between 7:00 a.m. and 7:00 p.m. or after those hours, for reasonable motives, any real estate or movable property, as well as the inside and outside of a house or building, to determine whether rules are being followed; the owner, occupant or tenant of such buildings must cooperate and answer all questions related to the enforcement of the by-law.

SECTION 4 – CRIMINAL PROVISIONS

4. "APPLICATION"

Municipal officers or employees named by council are responsible for the application of the current by-law.

Council authorizes Sûreté du Québec peace officers to undertake criminal charges against offenders and to issue fines when a provision of the current by-law is violated.

4.1 A person who violates a provision of the current by-law is liable to:

- a) be charged with a minimal fine of \$200 and up to \$1,000;
- b) repeated offenders can be fined the same amount everyday for as long as they remain at fault.

SECTION 5 – REPEAL AND COMING INTO FORCE

5.1 The current by-law repeals all by-laws prior and shall prevail over any previous regulatory provision in contradiction with this current by-law.

The current by-law shall come into force following the legal formalities.

Adopted by Municipal Council on January 3rd 2012 and signed by the Mayor and Secretary-Treasurer.

Garry Marchand _____
Mayor

Fernand Roy _____
Secretary-Treasurer