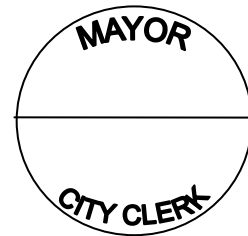


PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-099
ANIMAL WELFARE BY-LAW

Adopted at the regular Council meeting
held on Monday, December 21, 2015



PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-099

ANIMAL WELFARE BY-LAW

At the regular meeting of the City of Beaconsfield's Council, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, December 21, 2015, at 8:00 p.m.;

WERE PRESENT: His Honour the Mayor Georges Bourelle and Councillors David Pelletier, Karen Messier, Wade Staddon, Pierre Demers, Roger Moss and Peggy Alexopoulos

WHEREAS the Quebec National Assembly has introduced Bill no. 54 entitled *An Act to improve the legal situation of animals*;

WHEREAS this Bill amends the *Civil Code of Quebec* to explicitly provide that animals are sentient beings and not property;

WHEREAS the City of Beaconsfield recognizes that animals are sentient beings and deserve protection;

WHEREAS current Beaconsfield By-law BEAC-008 entitled "By-law to license and regulate the keeping of dogs, cats and other animals" must consequently be revised;

On motion given by Councillor K. Messier, seconded by Councillor W. Staddon and UNANIMOUSLY RESOLVED:

THE COUNCIL OF THE CITY OF BEACONSFIELD DECREES AS FOLLOWS:

CHAPTER I – DEFINITIONS

Adoption – Adoption

The word "adoption" means the process of taking guardianship of and responsibility for a pet that a previous guardian has abandoned or surrendered to an animal shelter or rescue group.

Attack Dog – Chien d'attaque

The expression "attack dog" means a dog trained or used for guarding and that attacks, on sight or on command, an intruder.

City – Ville

The word "City" means the City of Beaconsfield.

Competent Authority – Autorité compétente

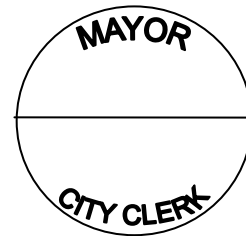
The expression "competent authority" means any person or legal entity appointed by City Council resolution to apply, in whole or in part, the present by-law.

Council – Conseil

The word "Council" means the City Council.

Guard Dog – Chien de protection

The expression "guard dog" means a dog that will attack when the guardian is assaulted whether he/she is trained for that purpose or not.



Guardian – Gardien

The word "guardian" means a person who is the recognized owner, who has the guardianship of a pet or is giving shelter, feeds or cares for a pet, the person in charge of the premises in or on which the pet is given shelter, as well as the father, mother, tutor or the responsible person where a minor resides therewith who is the owner, has the guardianship or gives shelter, feeds or takes care of a pet.

Pet – Animal de compagnie

The word "pet" means an animal whose species has been domesticated who lives amongst humans for help or distraction. Without limitation the following are considered pets, dogs, cats, aquarium fish, small mammals, small reptiles that are neither venomous nor dangerous and birds excluding species forbidden by the Government of Quebec's *Regulation respecting animals in captivity*, CQLR c C-61.1, r 5 and all amendments and replacements thereto or any other animal considered as a pet.

Playground – Aire de jeux

The word "playground" means part of a land area, accessible to the public, occupied by equipment destined for the amusement of children, such as a swing, slide, trapeze, sand box, pool or wading pool.

Person – Personne

The word "person" means an individual, partnership, company, association, firm, corporation or any grouping of any nature whatsoever.

Pound – Fourrière

The word "pound" means such premises identified and approved by Council resolution where animals are brought, kept and otherwise dealt with by the competent authority or any other person authorized to do so. These premises should be able to receive, feed and monitor a sufficient number of animals for the size of the territory that the competent authority has control of. Each of these animals must be kept in an individual pen whose size is 1.2 meters by 1.2 meters. Water must be provided on a permanent basis and all animals must be fed food corresponding to the breed.

Public Place – Place publique

The expression "public place" means any road, street, alley, passageway, sidewalk, stair, garden, park, trail, dock, stage for public use or other places in the City including a public building, or places the public has access to whether expressly or tacitly.

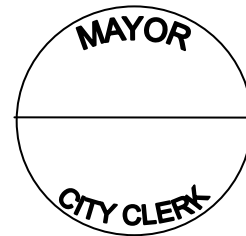
Puppy or Kitten Mill – Usine à chiots ou chatons

The expression "puppy or kitten mill" means a high-volume, sub-standard dog or cat breeding operation, which sells purebred or mixed breed dogs or cats, directly or indirectly. Characteristics common to puppy or kitten mills are:

- sub-standard health or environmental conditions;
- sub-standard animal care, treatment or socialization;
- sub-standard breeding practices which lead to genetic defects or hereditary disorders;
- erroneous or falsified certificates of registration, pedigrees or genetic backgrounds.

Service Dog – Chien de service

The expression "service dog" means a dog used to assist a visual handicap or any other physical handicap.



Shelter – Refuge

The word "shelter" means a registered non-for-profit establishment, duly accredited by the City of Beaconsfield, which welcomes abandoned animals, provides animal welfare and has as its sole vocation the adoption of pets.

CHAPTER II – GENERAL PROVISIONS

2.1

The guardian has the obligation to supply the animal under their care with appropriate and adequate food, water and the necessary care which is appropriate for breed and age of the animal.

2.2

The guardian must keep the area where the animal is kept in a good sanitary condition.

2.3

It is forbidden for anyone to be cruel, mistreat, molest, harass or provoke an animal.

2.4

A guardian may not abandon an animal in order to be rid of the latter.

2.5

Following a complaint of one or many abandoned animals by the guardian, the appropriate authority will conduct an investigation and, if needed, will deal with the animal(s) either by adoption or euthanasia. If the presumed guardian of the animal is located, he will be invoiced with all costs and will be liable to a statement of offence being issued.

2.6

It is forbidden for anyone to organize, allow or assist in the event(s) of dog or animal fights, either to make bets or as a simple spectator.

2.7

It is forbidden to use traps or poisons outside a building for the capture or to eliminate animals including a cage trap as prohibited in the City's by-law on nuisances.

2.8

It is forbidden to remove or destroy eggs or bird nests in the parks or other areas within the City.

2.9

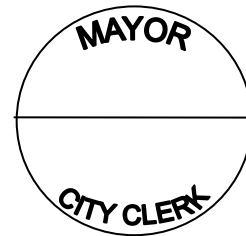
The competent authority is authorized to visit any residential, commercial or institutional building, as well as the interior of any other premises, including dependencies, to ensure compliance with the present by-law.

2.10

For the purpose of the application of the present by-law, any owner, tenant or occupant of these premises or dependencies must allow the competent authority to enter the premises.

2.11

It is forbidden to obstruct, prevent or give false information to the competent authority in the execution of his duties.



CHAPTER III – DOGS

Section A – License

3.1

No guardian may keep a dog within the boundaries of the City without having obtained beforehand a license in conformity with the provisions of the present by-law, such a license must be obtained within fifteen (15) days following acquisition or the day after the dogs reaches the age of four (4) months, the longest delay being applicable.

3.2

A tag issued for a dog cannot be worn by another dog.

3.3

No guardian of a dog may bring within the boundaries of the City, a dog usually living outside the territory of the City unless being in possession of:

- a. A licence provided for in the present by-law; or
- b. A license issued by the municipality where the dog usually lives if the dog is brought in the City for a period not exceeding thirty (30) days, failing which the guardian must obtain a license according to the present by-law.

3.4

A guardian who establishes his permanent residence in the City must conform to all the provisions of the present by-law, and this, despite the fact the dog has a license issued by any other municipality.

3.5

Within the boundaries of the City, a guardian of a dog must, at the date specified in 3.8, obtain a new license for the dog, with the exception of service dogs.

3.6

To obtain a license, the application must contain the name, surname, address and telephone number of the applicant and of the dog's guardian, if a distinct person, and indicate the breed, sex, colour as well as the distinguishing marks of the animal in order to complete the City registry.

3.7

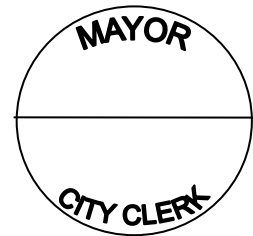
At the time of a dog license application, the guardian must provide, at the competent authorities' request, a certificate attesting that the dog in question has been examined and is adequately immunized against rabies or any other disease that can be transmitted to humans as determined by the competent authorities. The certificate must be issued by a duly licensed veterinarian.

3.8

The license is issued for a period of two (2) years under the present by-law, for the period from July 1 to June 30 according to the cost provided in the City's by-law on tariffs. With proof of sterilization, the cost of the licence is reduced by 50%. The licence is non-transferrable and non-refundable.

3.9

Upon presentation of a medical certificate confirming their disability, dog licenses are issued free of charge for service dogs.



3.10

Upon payment as set out in the present by-law, the guardian will receive a license indicating an identification number and a receipt for payment which shall serve as animal's identification. The receipt will provide all the information in order to identify the dog as provided for by article 3.6.

3.11

The guardian must ensure that the tag that was issued to the dog is worn in a public place around the neck at all times, otherwise he commits an infraction.

3.12

The competent authority shall keep a register of dog licences issued. Should the license be lost, the guardian of the animal must obtain a duplicate of said license from the competent authority. The cost for this replacement is provided in the City's by-law on tariffs.

Section B – Number of animals

3.13

No household shall harbour more than three (3) dogs, or more than three (3) cats or more than three (3) of said animals combined. No licence tag shall be issued to a city resident for any dog beyond the restricted number fixed for each household.

3.14

The guardian of a female animal which gives birth must, in the following 120 days following the birth (4 months), place the babies up for adoption in order to comply with the present by-law.

Section C – Control

3.15

The leash used to control a dog in a public area must be chain, a leather leash or nylon and must not exceed one meter eighty-five (1.85 meters) or six (6) feet, including the handle. The collar must be made of leather, or flat braided nylon with soldered ring, or a halter on which to attach the leash. The use of a retractable leash is authorized in public areas and in parks where dogs are allowed and where its use is appropriate.

3.16

No animal shall be left unattended in a vehicle for more than 15 minutes if the outside temperature is higher than 18 degrees Celsius or lower than 0 degrees Celsius.

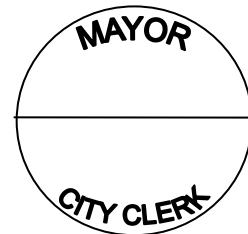
3.17

Any guardian who is a minor in age must, for the control or restraining a dog, have attained the maturity and the physical capability to be able to keep a dog on a leash, without the dog being to escape from him.

3.18

On the land of a building occupied by the guardian or on any private property where the dog is located with the owner's consent or the occupants of that properties' consent, all dogs must be kept, as the case may be:

- a. In a building from which the animal cannot escape;
- b. On a property fenced on all sides, the fence must be sufficient height and conform to municipal by-laws, bearing in mind the size of the animal, to prevent it from escaping from the property where it is located;



- c. On a property under direct control of his guardian. Said guardian must have constant control of the animal to prevent said animal from leaving the property where the latter is located;
- d. On a property which is not fenced on all sides, it is prohibited to tie a dog outside for a period surpassing three (3) consecutive hours.

3.19

On the land on which is located a building occupied by a dog's guardian or any private property where the dog is located with the owner's consent or of the occupier of that land's consent, any attack dog or guard dog must be kept, as the case may be:

- a. In a building from which the animal cannot escape;
- b. In an enclosure, locked or padlocked, of a minimum area of four (4) square meters per dog and a minimum height of two (2) meters, finished at the top, inwards, in the shape of a Y of at least sixty (60) centimeters and buried to a depth of at least thirty (30) centimeters in the ground. This fence must be made of galvanized latticework or its equivalent and made of mesh sufficiently tightened to prevent children or any person from putting their hand through the fence, the base of this enclosure must be mesh wire or any clean material to prevent the dog from digging beneath it;
- c. Held by a leash of no more than two (2) meters. This leash and its fastening must be of a material sufficiently resistant, taking into account the size of the dog, to ensure that the guardian has constant control over the animal.

For purposes of the application of this provision, when a dog is kept in accordance the prescriptions of paragraph b, the enclosure must be cleared of any snow accumulation or of any other substance in order to maintain that the prescribed dimensions for the enclosure be respected.

3.20

A guardian must not allow his dog to lie down in a public area in a manner to impede the passage of people.

3.21

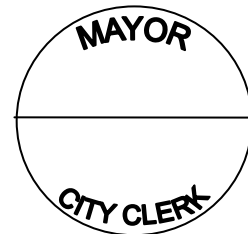
Any guardian of a guard dog or of a dog who could be aggressive, whose dog is located on that private property, must indicate to every person wanting to enter on the property, that they may be in the presence of such a dog by displaying a written notice to this effect that can be easily seen in the public space.

Section D – Nuisances

3.22

The facts, circumstances, gestures and act indicated below constitute nuisances or infractions and are thus prohibited:

- a. A dog barking or howling so as to disturb the peace, tranquility, and being an annoyance for one or more persons;
- b. A dog disturbing household garbage;
- c. A dog being in a public place without being under the constant control of a guardian;
- d. A dog being on private land without the express consent of the owner or occupier of that land;
- e. A dog causing damage to a private or public property;



- f. A dog biting or attempting to bite an animal whose guardian is conforming in all respects to the present by-law;
- g. A dog biting or attempting to bite a person without having been provoked in a malicious or harassed way;
- h. A dog to be outside the limit of the land on which is found the building or part of the building occupied by the guardian, or to wander on streets and public places without being accompanied and on a leash by a person able to control or master the animal;
- i. A dog being in a public place where a sign indicates that the presence of dogs is forbidden. This provision does not apply to service dogs;
- j. The guardian not immediately cleaning up fecal matter left by the animal and disposing of it in a hygienic way. To this end, the guardian accompanied by the animal must, while outside the limits of his property or dwelling, have in his possession the necessary material to remove the animal's excrements and to dispose of them in a hygienic way;
- k. Neglecting cleaning up on a regular basis the excrements on their own property and not maintaining thereon adequate cleanliness;
- l. A guardian leaving his dog alone without the presence of another guardian or under appropriate care for a period of more than 24 hours;
- m. Permitting any animal to run at large within the confines of the City;
- n. Notwithstanding the provision of section m) of this by-law, dogs accompanied by their guardians may, throughout the year run at large in the City parks in those areas which are designated as dog runs by official signs of the City.

Section E – Capture – Surrender – Pound

3.23

The competent authority must, if the dog bears a license and is impounded, contact the guardian of said dog, without delay, and advise him that his dog has been impounded. He must also inform the guardian of the provisions of said by-law.

3.24

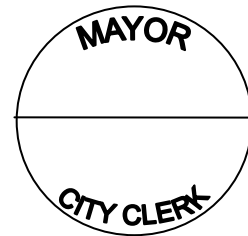
A guardian who knows that his animal is hurt or has an infectious disease is in contravention of the present by-law if he does not take the necessary measures to have his animal treated or to submit the animal to euthanasia.

3.25

The competent authority may enter any place where it is suspected that there is an animal suspected of having an infectious disease. He may capture the animal and impound the latter. If the animal is affected with an infectious disease, said animal must be quarantined up until the animal is completely healed and, if such healing fails to be successful, and then be euthanized. Costs are borne by the dog's guardian.

3.26

Any dog placed in the pound that has not been identified and claimed shall be kept for a minimum period of 72 hours.



3.27

The guardian can regain possession of his dog, unless it has already been surrendered to a shelter, by paying to the competent authority the boarding costs that are provided for in the City's by-law on tariffs, all without prejudice to any of the rights of the City to pursue any other infraction under the present by-law, if applicable.

3.28

If no license was issued for this dog for the current year in accordance with the present by-law, the guardian must also, to regain possession of his dog, obtain the license required for the current year and, if required by the competent authority, have his dog vaccinated against rabies, unless the guardian already has the necessary valid certificate attesting to the dog's vaccination, the whole without prejudice to the City's right to take legal action for any infraction under the present by-law, if applicable.

A dog found without a license tag shall be deemed to be running at large and the competent authority must impound such animal.

3.29

Any dog that is the cause of an infraction contrary to any articles of the present by-law may be detained in the pound or in any other place designated by the competent authority and the dog's guardian must be notified as soon as possible.

3.30

The guardian must claim the dog within 72 hours; all costs incurred are borne by the guardian, failing which, the competent authority may surrender the dog to a shelter as provided for in the present by-law.

3.31

Neither the City nor the competent authority can be held responsible for injury caused to a dog following its capture and impounding.

Section F – Dangerous dogs – Bites – Aggression

3.32

Any dangerous dog constitutes a nuisance. For the purposes of the present by-law any dog is classified as dangerous when, without malice or provocation:

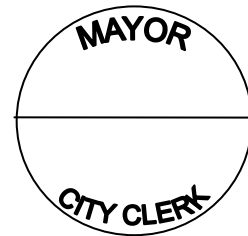
- a. Has bitten a person or another animal whose guardian is respecting the present by-law causing the person or animal a wound requiring medical intervention, such as a deep or multiple wounds, a fracture, an internal lesion or other;
- b. When outside the grounds of the dog's guardian's building or outside of the guardian's vehicle, bites a person or another animal.

3.33

When a person or an animal has been bitten by a dog, the dog's guardian must provide to the competent authority, within two (2) hours of the incident, a certificate from a recognized veterinarian attesting that the animal has been examined and that the dog's bite can or cannot endanger the person's health or life or the life of the animal in question.

3.34

The competent authority is authorized to immediately have euthanized a dangerous dog running at large or any animal whose capture involves danger.



3.35

The guardian of a dog which causes injury to others must at all times thereafter keep such dog muzzled on public property. This section does not apply to dogs which cause injury to persons on property belonging to, rented by or occupied by the guardian of such dogs. A dog which is found not muzzled, after having caused injury to anyone, can be seized by the competent authority and taken to the pound to be immediately euthanized.

3.36

Whenever an animal is euthanized within the meaning of this by-law, the true cost of such procedure shall be borne by the animal's registered guardian.

CHAPTER IV – CATS

Section A - Nuisances

4.1

The facts, circumstances, gestures and acts indicated below constitute infractions to the present by-law:

- a. A cat causing damage to public or private property;
- b. The guardian omitting to clean up immediately, by any appropriate manner, any public or private property soiled by fecal matter left by his cat for which he is the guardian and to dispose of it in a hygienic manner;
- c. The guardian omitting to clean up his private property soiled by fecal or urinary matter left by his cat in a manner as to hinder one or many neighbours;
- d. A cat disturbing or searching amongst household garbage;
- e. A cat being a nuisance to the quality of life of one or more neighbours by excessive vocalisation, repetitiously and at inappropriate hours, by urination and marking of territory by persistent and pronounced odour.

CHAPTER V – PUPPY OR KITTEN MILLS

5.1

Puppy or kitten mills are prohibited in the City.

5.2

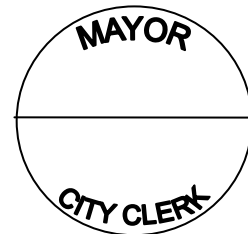
All animals found on a property sheltering a puppy or kitten mill will be seized and surrendered to the SPCA or any other rescue center accredited by the City, the whole at the property owner's cost.

CHAPTER VI – ANIMAL CRUELTY

6.1

It is strictly forbidden to:

- a. Voluntarily cause or permit to be caused to an animal pain, suffering or injury, in the absence of necessity;
- b. Encourage the combat or harassment of animals or to provide help or assistance therefor;



- c. Voluntarily, without reasonable excuse, administer a drug or allow a poisonous or dangerous drug or substance to be given to an animal or to voluntarily permit that such a poisonous or dangerous drug or substance be administered;
- d. Organize, prepare, direct, facilitate any meeting, competition, exhibition, recreation, exercise, demonstration or event during which birds in captivity are released manually or through a trap, a device or any other method for the purpose of shooting them at the time of their release, or to participate therein or receive money in this regard;
- e. Whether being the owner or occupant or the person in charge of a locale, allow that this locale be used wholly or in part for the activity mentioned in paragraph d;
- f. Maintain or keep an arena for cockfighting or dog fight on the premises they possess or occupy, or to permit that such an arena be built, made, maintained or kept on these premises;
- g. Hold a circus in which animals perform;
- h. Neglect or omit to furnish an animal under one's care with appropriate and adequate food, water, shelter and the necessary and appropriate care for the breed and its age;
- i. Keep the area in which an animal is kept in an unsanitary condition;
- j. Abandon an injured animal in order to be rid of said animal;
- k. Fail to take the means to care for or fail to submit one's animal to euthanasia if the latter is wounded or sick;
- l. Organize, participate, encourage or assist in the showing of an animal fight in any way whatsoever;
- m. Be cruel, mistreat, molest, harass or provoke an animal.

Should a complaint be lodged to the competent authority, an enquiry will be undertaken. If the complaint proves true and justified, the competent authority will seized the animal having suffered this mistreatment and surrender it to the SPCA or any City certified rescue for rehabilitation and adoption, the whole without prejudice and according to the City's right to pursue recourses for infraction to this by-law.

CHAPTER VII – OFFENCE AND PENALTIES

7.1

Whoever contravenes any provision of the present by-law commits an infraction and is liable to a fine with costs.

7.2

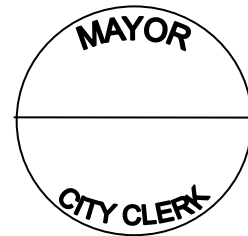
The competent authority may undertake any legal proceedings that are applicable against anyone who violates any provision of the present by-law and is therefore authorized, as a consequence, to issue statements of offence.

7.3

In order to uphold the provisions of the present by-law, the City can alternatively or cumulatively exercise the recourses provided for by the present by-law, as well as any appropriate civil or penal law recourse.

7.4

Whoever contravenes the present by-law with regard to the obligation to obtain a dog license as provided in articles 3.1 and 3.3 is subject to a \$100 fine as well as the fees for the appropriate license.



7.5

Anyone who contravenes the provisions of Chapters II, III and IV of the present by-law commits an infraction which is liable to, upon a declaration of guilt:

- a. For a first infraction, a fine of \$100 plus costs;
- b. For a second infraction, a fine of \$200 plus costs;
- c. For any subsequent infraction, a fine of \$400 plus costs.

7.6

Whoever contravenes the provisions of Chapters V and VI of the present by-law commits an infraction which is liable to, upon a declaration of guilt:

- a. For a first offence, a fine of \$2,500 plus costs;
- b. For a second offence to the same provision within twelve months, a minimum fine of \$5,000 plus costs;
- c. For a third offence to the same provision within twelve months, a minimum fine of \$7,500 plus costs.

As well as any other penalty (civil or criminal) or applicable penalties as prescribed by the *Animal Health Protection Act*, CQLR c P-42 and all amendments and replacements thereto and the *Criminal Code*, RSC 1985, c C-46 and all amendments and replacements thereto and prescribed in any other law adopted by the Government of Quebec or Canada which applies to animal welfare.

CHAPTER VIII – REPLACEMENT

8.1

The present by-law replaces all previous by-laws that pertain to the same object.

CHAPTER IX – COMING INTO FORCE

9.1

The present by-law will come into force in accordance with the law.

MAYOR

CITY CLERK