

MUNICIPALITY OF LOW

REGULATION NUMBER: SQ 2017-005

Municipal By-law LOW-05-2017

NOTICE OF MOTION: April 27, 2017

CARRIED ON: May 1, 2017

PUBLICATION: May 2, 2017

COMING INTO FORCE: May 2, 2017

**BY-LAW ON ANIMALS
ENFORCEABLE BY THE SÛRETÉ DU QUÉBEC**

WHEREAS the council wishes to regulate the animals in the territory of the Municipality;

WHEREAS the Council wishes to declare that certain animals and certain situations or facts constitute a nuisance and desires to prohibit them;

WHEREAS a copy of by-law 2017-005 was provided to the members of the council no later than 2 legal days before the regular meeting of May 1, 2017, that all the members present declare that they have read the draft by-law and that they forfeit its reading .

CONSEQUENTLY,

It is moved by Michèle Logue-Wakeling
Seconded by Joanne Mayer
And resolved

THAT :
This By-Law be adopted.

SECTION 1 The Preamble shall form an integral part of this Regulation.

SECTION 2 "DEFINITION" For the purposes of this By-law, the following words mean:

"ANIMAL" means a domestic animal of any kind and any origin.

"LOOSE ANIMAL" means any animal that is outside

the building or the property of its custodian and that is not under its control or that is not kept on a leash.

"WANDERING ANIMAL" means any animal lost or misplaced and without a known owner or custodian. An animal that is outside the custodian's property, without immediate control of the custodian, or is outside the property where the animal belongs is deemed wandering.

"EXOTIC ANIMAL" means any animal of a species or subspecies not found naturally in Québec, except for birds, fishes and miniature turtles.

"WILD ANIMAL" means any animal that habitually lives in water, woods, deserts or forests, not generally domesticated by man.

"CONTROLLER" In addition to the police officers of the police services, a person or persons or organizations that the Municipal Council has, by resolution, designated to apply all or part of this by-law.

"CUSTODIAN" means a person who is the owner, has the custody of a domestic animal or provides shelter, maintains a pet, and the parent, guardian or sponsor residing with an underage person who owns, keeps or provides shelter, feeds or maintains a domestic animal. The owner, occupant or tenant of the unit where the animal lives is also deemed to be the custodian.

"PUBLIC SPACE" means parks, streets, beaches, wharves, public transportation vehicles, public areas, publicly accessible areas or places.

"PARKS" means the parks within the territory of the Municipality that are under its jurisdiction and includes all public spaces, with grass or not, where the public has access for rest, relaxation, games or sport or for any other similar purpose.

"STREETS" means streets, roads, alleys, bicycle paths and sidewalks and other public and private places dedicated to pedestrian traffic or vehicles located within the territory of the Municipality.

"PUBLIC AREAS" means the parking areas maintained

by the Municipality, the common areas of a business, a public building or a residential building.

"AREAS OR PLACES ACCESSIBLE TO THE PUBLIC" Areas or places accessible to the public such as church, vestries, cemetery, shopping center, sports complex, cultural complex, tourist site, camping operated by SÉPAQ and others areas or places accessible to the public.

"AGRICULTURAL PRODUCERS" means a person engaged in the production of an agricultural product except:

- a) a person engaged in that production as an employee within the meaning of the Labor Code (chapter c-27);
- b) a person who works in the forest except on the wooded portion of a farm;
- c) a person engaged in the production of an agricultural product consumed entirely by himself and the members of his family; or
- d) a person whose agricultural production for marketing is less than \$3,000.00.

SECTION 3 "NUISANCE" An animal that barks, whines or howls in a way to disturb the peace constitutes a nuisance and is prohibited.

SECTION 4 "DANGEROUS DOG" Any dangerous dog constitutes a nuisance. For the purposes of this by-law, a dog is deemed to be dangerous if it bites or attacks a person or another animal or otherwise shows aggression towards a person by growling, showing fangs, barking fiercely or by acting in any other manner that indicates that the animal could bite or attack a person.

SECTION 5 "CUSTODY" Any animal kept outside a building must be held or retained by means of a device (tied, on a leash, a fence, etc.).

This section does not apply to dogs kept by an agricultural producer provided the dog is kept on the farm producer's

property.

SECTION 6 "CONTROL" All custodians must have control of their animals at all times.

SECTION 7 "PUBLIC PLACE" The custodian may not leave the animal loose in a public place or on private property other than his own.

SECTION 8 "APPLICATION OF THE BY-LAW"

a) The Municipality may enter into agreements with any person or organization authorizing such person or organization to collect the cost of animal licenses and to apply this by-law in whole or in part;

b) Notwithstanding the provisions of sections 1 and 2 of this By-law, police officers of the Sûreté du Québec are authorized to enforce this By-law.

8.1 "RULES OF INTERPRETATION"

a) Any section of the by-law that includes the phrase "does not apply to veterinarians" means that the section of that regulation does not apply to veterinarians holding a license to practice within the boundaries of the Municipality;

b) Any section of the by-law that includes the phrase "does not apply to a pet store" means that the section of the by-law does not apply to a pet store holding a business permit within the boundaries of the Municipality.

8.2 "GENERAL PROVISIONS RELATING TO CUSTODY OF ANIMAL - AUTHORIZED ANIMALS"

It is forbidden for any person to keep within the limits of the Municipality an animal except in the context of an Exhibition and with the permission of the Council:

a) Dogs, cats, fish, pet rodents (mice and rats selected by humans), rabbits and the ferret (*mustela putorius furo*);

b) The species and numbers of native amphibians and reptiles

admitted to custody by the Captive Animals Regulations (Règlement sur les animaux en captivité, R.R.Q., c. C-61.1, r.0.0001);

c) The following exotic animals:

i) All reptiles except crocodilians, poisonous lizards, poisonous snakes, boas, pythons, anacondas, snakes up to 3 meters long when adults, sea turtles and the green turtle with red ears, wheat snakes or droplet snakes or commonly known as "corn snake";

ii) All amphibians;

iii) All the following birds: capitonidae, columbidae, embérizidae, estrildidae, irenidae, religious mainate, musophagidae, ploceidae, psittacidae, pycnocotidae, ramphasidae, timiliidae, turididae, zosteropidae;

iv) All the following mammals: chinchillas, guinea pigs, tigers, gerbils, gerboys, hamsters.

8.3 "MINIMUM STANDARDS AND CONDITIONS OF ANIMAL CUSTODY"

a) No person may keep more than two dogs in a dwelling or in the outbuildings of that dwelling, other than a farmer;

b) The custodian of a bitch who gives birth must, within 3 months from the birth, dispose of the puppies in order to comply with this regulation. Section 2 does not apply before that time;

c) The custodian shall provide the animal in his or her custody with the necessary food, water, shelter and care appropriate to his or her species and age;

d) The custodian shall keep the place where an animal is kept in good condition;

e) The custodian of an animal kept outside shall provide him with shelter appropriate to his species and to the temperature. The shelter must comply with the following

minimum standards:

i) It must not be located in a place too sunny or overly exposed to wind, snow or rain;

ii) It shall be sealed and insulated from the ground, and shall be constructed of insulating material;

iii) The leash of an animal attached to the outside must have a minimum length of three (3) meters;

iv) It is prohibited for any person to transport an animal in the trunk of a vehicle or in an open truck-type vehicle. The keeper of the vehicle must at all times keep the animal safe from the weather, sun or heat and ensure that there is no danger of the animal falling out of the vehicle;

v) A custodian who knows that his animal is injured or suffering from an illness commits an offense under this section if he fails to take the necessary measures to have his animal treated or subjected to euthanasia;

vi) A keeper may not abandon an animal or animals for the purpose of discarding it. The animal or animals must be handed over to a competent authority which disposes of them by adoption or euthanasia. In the latter case, the costs shall be borne by the custodian;

vii) Following a complaint that one or more animals have been abandoned by their custodian, the competent authority shall investigate and, where appropriate, dispose of the animals by adoption or by submitting them to Euthanasia. If the custodian is tracked, the custodian is responsible for the costs incurred and is subject to prosecution under this section;

viii) The custodian of a dead animal must, within 24 hours of his death, deliver it to the inspector or dispose of it according to the standards of the

8.4 "NUISANCES"

- a) No person shall organize, participate, encourage or assist in an animal fight;
- b) It is forbidden for anyone to mistreat, molest, harass or provoke an animal;
- c) The custodian of an animal shall immediately clean, by all appropriate means, any public square or private property soiled by the deposits of fecal matter left by the animal of which he is the custodian and must dispose of it in a hygienic manner. To this end, the custodian must have the necessary equipment in his possession. This provision does not apply to guide dogs;
- d) Any person who finds a stray animal must report it immediately or hand it over immediately to the controller;
- e) It is prohibited to use or permit the use of poison or a trap for the capture of animals except for the humane trap cage;
- f) It is a nuisance to feed, keep, or otherwise attract pigeons, squirrels or other wildlife within the boundaries of the Municipality in a manner that is detrimental to the health, security or comfort of other people in the neighborhood;
- g) No person shall take or destroy birds' eggs or nests in parks or other places in the Municipality;
- h) No person shall feed migratory birds on the banks of rivers, lakes or ponds in the territory of the Municipality;
- i) Except in places specially designated for this purpose, it is forbidden to ride or drive horses in the parks of the Municipality;
- j) It is forbidden for any person to bring an animal on land or in a public park at any time. This section does not apply to a guide dog or situations where the presence of animals is authorized by the Municipality;
- k) It is forbidden for any person to bathe an animal in the public swimming pools of the Municipality;
- l) The bathing of an animal is permitted in the lakes and rivers

of the Municipality, except where prohibited with signs to that effect.

SECTION 10 "RIGHT OF INSPECTION BY CONTROLLER" The Council authorizes the officers of the Municipality, the persons appointed by the Council or the police officers to visit and inspect between 7 am and 7 pm or beyond for a reasonable cause, any movable or immovable property and the exterior or interior of any house, building or buildings, to ascertain whether the by-laws are executed therein and thus any owner, tenant or occupant of such houses, buildings or buildings shall receive such persons and answer all questions put to them in connection with the enforcement of this by-law.

"PENALTIES"

SECTION 11 "APPLICATION" Any officer, the persons or municipal employee appointed by the Council shall be responsible for the application of this by-law.

The Council also authorizes the police officers of the Sûreté du Québec to institute criminal proceedings against any offender and to issue statements of offense for any contravention of any of the provisions of this by-law.

SECTION 12 "PENALTY" Any person who contravenes a provision of this by-law is guilty of an offense.

A person who commits a first offense is liable to a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00).

A person who commits a second offense under the same provision within a period of two (2) years of the first offense is liable to a fine of not less than four hundred dollars (\$400.00) and not more than one thousand dollars (\$1,000.00).

A person who commits a subsequent offense under the same provision within two (2) years of the first offense is liable to a fine of not less than five hundred dollars (\$500.00) and not more than two thousand dollars (\$2,000.00).

SECTION 13 "REPEAL" This by-law repeals and replaces in its entirety and for any purpose, regulation 2011-005 as well as any previous municipal by-law incompatible with this by-law.

SECTION 14 "ENTRY INTO FORCE" This by-law shall come into force in accordance with the law.

Mayor

Secretary-Treasurer

Notice of motion given on: April 27, 2017

By-law adopted on: May 1, 2017

Publication and entry into force: May 2, 2017
