

**TOWN OF HAMPSTEAD
PROVINCE OF QUEBEC**

**CONSOLIDATION OF BY-LAW N° 761-3
AND ITS AMENDMENT NO. 761-4**

BY-LAW NUMBER 761-3

**BY-LAW MODIFYING BY-LAW
N° 761 CONCERNING DOGS**

NOTICE

This consolidation is not official. It has been compiled on May 18th, 2017 by the Town Clerk in order to facilitate the reading of the text. The official text is to be found in the original by-law and in each of its amendments.

WHEREAS Notice of Motion of the present By-Law was given at the Council Meeting held on June 7, 2010;

ON JULY 5, 2010, THE COUNCIL DECREES AS FOLLOWS:

1. DEFINITIONS

1.1 In this by-law, unless the context indicates otherwise:

“Cat” means a cat (male or female) or kitten which is allowed in a public place. This by-law does not apply to cats which are always kept indoors or on private property;

“Dangerous dog” means a dog which:

- a) shows a propensity to attack or injure, without provocation, persons or other animals, or
- b) without provocation, attacks or bites a person or a domestic animal, or
- c) has been trained to attack upon a command from its owner;
- d) is any of the following breeds, cross-breeds of or hybrid issue of: pit bull, bull-terrier, staffordshire bull-terrier, american bull-terrier or american staffordshire terrier.

“Director” means the Director of the Public Security Department of the Town or, in his absence, anyone authorized to replace him;

“Muzzled” means fitted, over the mouth, with a humane fastening or covering device which prevents the dog from biting;

“Owner” means the owner, possessor or guardian of a cat or dog, the owner or the tenant responsible for the premises where a cat or a dog is kept, the parent of any minor who is the owner, possessor or guardian of a cat or dog;

“Public place” means any street, sidewalk, lane, walkway, park, playground or other area belonging to the Town, to a school commission or a religious organization as well as any other area open to the public;

“SPCA” means the Society for the prevention of cruelty against animals.

2. REGISTRATION

- 2.1 Any owner of a cat or dog must, each year, on or before the 1st of January, register them. Registration application forms are available at the Town Hall and at the Community Centre.
- 2.2 The registration certificate is valid until December 31 following its issuance.
- 2.3 Anyone who becomes the owner of a cat or dog must, within the following eight (8) days, or within eight (8) days after the cat or dog reaches six (6) months if this delay is longer, register this cat or dog.
- 2.4 If a cat or dog is acquired to replace a cat or dog which has died or which had to be released and for which a registration certificate had been issued for the current year, the registration is free.
- 2.5 Any owner of a cat or dog moving into the Town must, within the following eight (8) days, or within eight (8) days after the cat or dog reaches six (6) months if this delay is longer, register his cat or dog.
- 2.6 For a first registration, the owner of a cat or dog more than four (4) months old must submit a certificate showing that the cat or dog was inoculated against rabies within the past three (3) years.

Upon a renewal of the registration certificate, the owner of the cat or dog must submit a certificate showing that the cat or dog was inoculated against rabies within the past three (3) years.

- 2.7 To obtain a registration certificate, the owner of a cat or dog must provide his name and address as well as the name and race of the cat or dog, the address of the place where the cat or dog is kept and any distinctive mark or tattoo identifying the cat or dog.
- 2.8 The registration certificate is issued to the owner with a tag which must be attached to the cat or dog collar and on which there is a number corresponding to that inscribed in the Town registry.

3. REGISTRATION FEE

- 3.1 The annual registration fees are set out in schedule “A”.
- 3.2 There is no charge for the registration of any dog trained to assist persons with physical disabilities.
- 3.3 The registration fee is not reimbursable.

4. DOGS IN PUBLIC

- 4.1 The owner of a dog must not allow it to be in any of the following places, if it is not held on a leash:
 - a) a public place;

- b) a private property, without the consent of the owner, tenant or occupant of this property;
 - c) on his own property, unless it is a securely enclosed area designed to prevent the escape of a dog and the entry of young children.
- 4.2 Any dog held on a leash must be held back by a leash not exceeding twelve (12) feet in length (3.82 m), with one extremity firmly attached to the dog and the other held by a person able to control the dog.
- 4.3 The owner of a dog must, when walking his dog outside his property, remove the fecal matters left by the dog.

These fecal matters must be placed in garbage receptacles or taken home for disposal.

5. DANGEROUS DOG

5.1 The owner of a dangerous dog shall take all necessary steps to ensure that the dog does not bite or attack any person or other animal on his property or elsewhere.

5.1.1 All dangerous dogs, male or female, older than 12 months must be sterilized;

5.1.2 The owner of a dangerous dog has two (2) months after the coming into force of the present By-law to have his dog sterilized;

5.1.3 A new resident, owner of a dangerous dog, has two (2) months to have the said dog sterilized;

(761-4, art. 1, 09/13/2016)

- 5.2 The owner of a dangerous dog shall keep such dog confined indoors or in a securely enclosed area designed to prevent the escape of the dog and the entry of young children.

5.3 When the owner of a dangerous dog allows it off his property he must keep the dog muzzled at all times.

- 5.4 If the Director determines that a dog is dangerous, as defined in article 1.1, he may in writing:

- a) inform the owner that his dog is considered dangerous;
- b) require the owner to comply with articles 5.1, 5.2 and 5.3;
- c) inform the owner of the provisions of articles 5.5, 5.6 and 5.7.

5.5 If the owner of a dangerous dog does not comply with articles 5.1, 5.2 or 5.3, after having received the notice contemplated in article 5.4, the Director may inform the owner, in writing:

- a) **that he must, within ten days of the receipt of the notice, provide him with evidence that the dog is no longer in the territory of the Municipality and will not return therein;**
- b) **that if the owner fails to comply with paragraph a), article 5.6 will apply;**
- c) **of the appeal allowed by article 5.7.**

- 5.6 If the owner of the dog fails to comply with paragraph a) of article 5.5 after having received the notice contemplated in article 5.5, the Director may cause the dog to be captured and turned over to the SPCA or euthanized.**
- 5.7 The owner of a dog having received a notice contemplated in articles 5.4 or 5.5 may, within ten days of the receipt of the notice, appeal to Council from the decision of the Director. The Council, after having given the owner of the dog the opportunity to be heard, confirms or not the decision appealed from.**
- 5.8 The notice contemplated in article 5.5 may not be given until the expiry of the delay to file an appeal with respect to the notice given under article 5.4 or, if an appeal has been filed, until Council has confirmed the decision appealed from.

6. VARIOUS PROVISIONS

- 6.1 No one may keep more than three (3) dogs in a house or dwelling unit.
- When a bitch delivers pups, they may be kept by the owner of the bitch during a period of no more than three (3) months, after which time the limit of three (3) dogs applies.
- 6.2 The owner of a dog must not allow it to bark or howl so as to disturb the peace of the neighbourhood, to cause injury to anyone or to damage someone else's property, whether public or private.
- 6.3 It is prohibited to walk a dog, even if it is held on a leash:
- a) in any part of a park other than walkways;
 - b) in Aumont park.
- 6.4 In an exercise pen for dogs ("dog run") located in a park, it is prohibited to allow a dog outside of the hours when this is allowed according to signs posted by the Town.
- 6.5 The Director may catch any dog wandering in a public place or on a private property without the consent of the owner, tenant or occupant of this property.
- The dog is returned to its owner if he is known; otherwise, it is turned over to the SPCA.
- 6.6 The Director may catch any dog suffering or appearing to suffer from rabies and turn it over, for examination, to a veterinarian or to the SPCA. The dog shall then be treated or euthanized, at the expense of its owner, as determined by the veterinarian or the SPCA.

7. PENALTIES

- 7.1 Whosoever contravenes Section 2.1, 2.3, 2.5, 2.6, 2.7, 2.8, 4.1, 6.1, 6.2, 6.3 or 6.4 commits an infraction and is liable to a fine of \$50 for the first offence. For a second, or a subsequent offence, the fine is \$100.
- 7.2 Whosoever contravenes Section 4.3 commits an infraction and is liable to a fine of \$300 for the first offence. For a second offence, or a subsequent offence the fine is \$500.
- 7.3 Whosoever contravenes Section 4.2 commits an infraction and is liable to a fine of \$75 for the first offence. For a second, or a subsequent offence, the fine is \$150.
- 7.4 Whosoever contravenes Section 5 commits an infraction and is liable to a fine of \$200 for the first offence. For a second, or a subsequent offence, the fine is \$400.

7.5 The members of the Public Security Department of the Town and of the City of Montreal Police Department are authorized to issue a statement of offence with respect to any infraction to this by-law.

8. FINAL PROVISION

8.1 This by-law replaces by-law no 761 and its amendments, schedules and annexes.

8.2 This by-law will come into force in accordance with the law.

(s) William Steinberg
Dr William Steinberg, Mayor

(s) Pierre Tapp
M^c Pierre Tapp, Town Clerk

“SCHEDULE ‘A’ – REGISTRATION FEES

	<u>Hampstead Residents</u>	<u>Non-Residents</u>
For a male dog neutered	\$30 / dog	\$60 / dog
For a female dog spayed	\$30 / dog	\$60 / dog
For a female dog not spayed	\$50 / dog	\$100 / dog
For a male dog not neutered	\$50 / dog	\$100 / dog”

The above fees include a dog run access card.

* Cost for Replacement of Access Card - \$10.00

<i>For a cat neutered</i>	<i>\$5 / cat</i>
<i>For a cat not neutered</i>	<i>\$10 / cat</i>