



***BY-LAW
CONCERNING DOGS AND CATS***

NUMBER 761-6

BY-LAW CONCERNING DOGS AND CATS

NUMBER 761 (ORIGINAL ADOPTION)

Notice of motion: May 07, 2007.

Coming into force: June 05, 2007.

NUMBER 761-6 (REPLACEMENT OF ORIGINAL BY-LAW)

Notice of motion: April 06, 2020.

Coming into force: May 11, 2020.

NUMBER 761-9 (LAST AMENDMENT)

Notice of motion: February 03, 2025.

Coming into force: March 04, 2025.

AMENDED AND CONSOLIDATED VERSION

NOTICE

The consolidation of By-laws and annexes is not official. It has been compiled on March 05, 2025, by the Town Clerk's office 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.

Amendments included in this version.

Number		Notice of motion	In Force
761	Original By-law	May 07 2007	June 05 2007
761-1	Amendment to: annex A.	January 07 2008	February 18 2008
761-2	Amendment to: annex A.	January 11 2010	January 18 2010
761-3	Repeal and replacement of By-law 761 and its amendments.	June 07 2010	July 05 2010
761-4	Amendment to sections: 5.1.1, 5.1.2 and 5.1.3.	July 18 2016	August 29 2016
761-5	Amendment to sections: 2.1, 2.2 and 2.2.1.	March 05 2018	April 09 2018
761-6	Repeal and replacement of By-law 761-3 and its amendments.	April 06 2020	April 11 2020
761-7	Amendment to sections: 2.1, 2.2, 2.2.1, 3.1 and annex A.	January 09 2023	February 06 2023
761-8	Amendment to sections: 1.1, 4.1, 4.3, 5, 6, 6.5, 6.6, 7.1 and 7.6.	November 14 2023	November 20 2023
761-9	Amendment to section: 2.2.1.	February 03 2025	March 04 2025

1. DEFINITIONS

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

“Cat”: 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”: 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, crossbreeds of or hybrid issue of pit bull, bullterrier, Staffordshire bullterrier, American bullterrier or American Staffordshire terrier.
- e) is declared as such by the Director in accordance with this By-law;

(761-8, sec. 1, 1° 11/20/2023)

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

“Inspector”: any employee of the Public Security Department of the Town of Hampstead;

(761-8, sec. 1, 3° 11/20/2023)

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

“Owner”: in addition to the owner of the animal, means the owner or the tenant responsible for the premises where an animal is kept, as well as the father, mother, or legal guardian of any minor who is the owner, possessor or custodian of an animal;

(761-8, sec. 1, 4° 11/20/2023)

“Public place”: 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;

(761-8, sec. 1, 2° 11/20/2023, French only)

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

2. REGISTRATION

2.1 Any cat or dog owner must register the animal on the Town’s website.

(761-7, sec.1, 02/06/2023)

2.2 The registration certificate is valid for a period of 12 months, starting on the registration date of the animal on the Town’s website.

The medal awarded upon the initial registration of the animal remains valid for their entire lifetime.

(761-7, sec.2, 02/06/2023)

2.2.1 The animal registration fees, as well as the identification tag and dog run access apparatus replacement fees, are mentioned in the Tariffs By-law in force.

(761-7, sect.3; 02/06/2023); (761-9, sec.1; 03/04/2025)

- 2.3 The owner or guardian of a dog or a cat must register it with the municipality within 30 days of the acquisition of the dog or the cat, the establishment of his principal residence in the town or the day the animal reaches 3 months of age;
- 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 thirty (30) days, or within thirty (30) days after the cat or dog reaches six (6) months if this delay is longer, register his cat or dog.

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, as well as a microchip certificate with the number of the microchip;

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 as well as the source of the animal if its weight is 20 kg and over;

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 annex B-2-2023-Dogs and Cats included in Tariffs By-law no. 1010.
(761-7, sec.4; 02/06/2023)
- 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 In a public place, a dog must at all times be kept under leash and under the control of a person capable of controlling it.
(761-8, sec. 2, 11/20/2023)
- 4.2 Any dog held on a leash must be held back by a leash not exceeding six (6) feet in length (1.83 m), with one extremity firmly attached to the dog and the other held by a person able to control the dog. A dog weighing 20 kg and over, must also wear a halter or harness at all times, attached to its leash;
- 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.
- 4.4 A dog may not be on property belonging to a person other than its owner or custodian, unless the presence of the dog has been expressly authorized.
(761-8, sec. 3, 11/20/2023)

5. DECLARATIONS OF DOGS POTENTIALLY DANGEROUS AND ORDERS WITH REGARD TO OWNERS OR CUSTODIANS OF DOGS.

(761-8, sec. 4, 11/20/2023)

POWERS OF THE DIRECTOR

- 5.1** Where there are reasonable grounds to believe that a dog constitutes a risk for public health and safety, the Director may require that its owner or custodian have the dog undergo an examination by a veterinary surgeon that it chooses so that its condition and dangerousness are evaluated.
- 5.2** The Director notifies the owner or custodian of the dog, where known, of the date, time and place to appear for the dog's examination and of the fees to be paid for the examination.
- 5.3** The veterinary surgeon sends the report to the Director as soon as possible. It must contain the veterinary surgeon's opinion as to the risk the dog constitutes for public health and safety.

It may also contain recommendations on the measures to be taken with regard to the dog or its owner or custodian.

- 5.4** A dog may be declared potentially dangerous by the Director if he is of the opinion that, after considering the report of the veterinary surgeon having examined the dog and evaluated its condition and dangerousness, it constitutes a risk for public health and safety.
- 5.5** A dog that bit or attacked a person or a domestic animal and injured the person or animal may also be declared potentially dangerous by the Director.
- 5.6** The Director orders the owner or custodian of a dog that bit or attacked a person and that caused the person's death or inflicted a serious injury to the person to have the dog euthanized. It must also have such a dog euthanized where the owner or custodian is unknown or cannot be found.

Until the dog is euthanized, a dog referred to in the first paragraph must be muzzled at all times with a basket muzzle where it is outside the residence of its owner or custodian.

For the purposes of this section, any physical injury that could lead to death or that results in serious physical consequences constitutes a serious injury.

- 5.7** The Director, where circumstances justify it, orders the owner or custodian of a dog to comply with one or more of the following measures:
- 1° submit the dog to one or more of the standards provided for in Division 5.10 to 5.13 or to any other measure intended to reduce the risk that the dog constitutes for public health and safety;
 - 2° have the dog euthanized;
 - 3° get rid of the dog or any other dog or prohibit the owner or custodian from owning, acquiring, keeping or breeding a dog for a period it determines.

The order must be proportionate to the risk that the dog, owner or custodian constitutes for public health and safety.

TERMS GOVERNING THE EXERCISE OF POWERS BY THE DIRECTOR

- 5.8** The Director must, before declaring a dog potentially dangerous under section 5.4 or 5.5 or rendering an order under section 5.6 or 5.7, inform the owner or custodian of the dog of his intention and of the grounds on which it is founded and indicate the period within which the owner or custodian may present observations and, where applicable, produce documents to complete the file.

5.9 Every decision of the Director is sent in writing to the owner or custodian of the dog.

Where the Director declares a dog potentially dangerous or renders an order, the decision must be in writing, with reasons, and must refer to any document or information that the Director has taken into consideration.

The declaration or order is notified to the owner or custodian of the dog and indicates the period the owner or custodian has to comply therewith.

Before the expiry of that period, the owner or custodian of the dog must, at the request of the Director, show that the owner or custodian has complied with the order.

Failing that, the owner or custodian is presumed not having complied with the order. In that case, the municipality gives a formal notice to the owner or custodian to comply within a given period and indicates to the owner or custodian the consequences of the failure.

STANDARDS APPLICABLE TO DOGS DECLARED POTENTIALLY DANGEROUS

5.10 A dog declared potentially dangerous must have a rabies vaccination status up to date at all times, be spayed or neutered and microchipped, unless there is a contraindication for the dog established by a veterinary surgeon.

5.11 A dog declared potentially dangerous may not be kept in the presence of a child 10 years of age or under unless it is under the constant supervision of a person 18 years of age or over.

5.12 A dog declared potentially dangerous must be kept using a device that prevents the dog from going beyond the boundaries of a private property that is not fenced or whose fence cannot contain it. In addition, a sign must be posted at a place announcing to a person coming on the property the presence of a dog declared potentially dangerous.

5.13 In a public place, a dog declared potentially dangerous must wear, at all times, a basket muzzle. In addition, it must be on a leash whose maximum length is four (4) feet (1.25 m), except in a dog run facility.

6. VARIOUS PROVISIONS

PROHIBITIONS (761-8, sec. 5, 11/20/2023)

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 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 parc.

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.

INSPECTION

(761-8, sec. 6, 11/20/2023)

6.5 For the purpose of ensuring the application of this By-law, an inspector who has reasonable grounds to believe that a dog is on premises, or in a vehicle, may, in the performance of inspection duties:

- 1° enter and inspect the premises at any reasonable time;
- 2° inspect the vehicle or order any such vehicle to be stopped for inspection;
- 3° examine the dog;
- 4° take photographs and make recordings;
- 5° require any person to produce any books, accounts, registers, records or other documents for examination or for the purpose of making copies or obtaining extracts, if the inspector has reasonable grounds to believe that they contain information relating to the application of this By-law;
- 6° require any person to provide any information relating to the application of this By-law.

If the premises or vehicle are unoccupied, the inspector leaves a notice indicating his or her name, the time of the inspection, as well as the reasons for the inspection.

- 6.6** An inspector who has reasonable grounds to believe that a dog is in a dwelling house may require that the owner or occupant of the premises show them the dog. The owner or occupant must comply immediately.

The inspector may enter the dwelling house only with the occupant's authorization or else with a search warrant issued by a judge, on the basis of a sworn statement by the inspector asserting that the inspector has reasonable grounds to believe that a dog that constitutes a risk for public health and safety is in the dwelling house, authorizing, on the conditions the judge indicates, the inspector to enter the dwelling house, seize the dog and dispose of it in accordance with this Division. The warrant may be obtained in accordance with the procedure provided for in the Code of Penal Procedure (CQLR, c. C-25.1), with the necessary modifications.

Every judge of the Court of Québec or of a municipal court or every presiding justice of the peace may issue a search warrant under the second paragraph.

- 6.7** The inspector may require that the owner, custodian or person responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, assist the inspector in the performance of inspection duties.

SEIZURE

- 6.8** An inspector may seize a dog for the following purposes:

- 1° have the dog undergo an examination by a veterinary surgeon in accordance with section 5.1 where the inspector has reasonable grounds to believe that the dog constitutes a risk for public health and safety;
- 2° have the dog undergo the examination required by the Director where its owner or custodian fails to attend the examination in accordance with the notification under section 5.2;
- 3° execute an order rendered by the Director under section 5.6 or 5.7 where the period provided for in the second paragraph of section 5.9 to comply with it has expired.

- 6.9** The inspector has custody of the seized dog and may keep the dog or entrust it to a person in a veterinary establishment or in a shelter, an animal service, a pound or the SPCA.

- 6.10** Custody of the dog is maintained until the dog has been returned to its owner or custodian.

Except if the dog has been seized to execute an order rendered under the first paragraph of section 5.6 or subparagraph 2 or 3 of the first paragraph of section 5.7, or if the Director renders an order under one of its provisions, the dog is returned to its owner or custodian.

- 1° if, as soon as the dog has been examined, the veterinary surgeon is of the opinion that the dog does not constitute a risk for public health and safety, or as soon as the order has been executed; and
- 2° if 90 days have elapsed since the date of the seizure without the dog having been declared potentially dangerous or, before that time limit expires, if the inspector has been notified that there is no reason to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.

6.11 Animal care expenses incurred as a result of a seizure are borne by the owner or custodian of the dog, including the costs incurred to provide veterinary care, treatment, surgical procedures and medication required during the seizure and examination by a veterinary surgeon, and to transport, euthanize or dispose of the dog.

7. PENALTIES

(761-8, sec. 7, 11/20/2023)

- 7.1** The owner or custodian of a dog who contravenes section 5.2 or does not comply with an order rendered under section 5.6 or 5.7 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$2,000 to \$20,000 in other cases.
- 7.2** The owner or custodian of a dog who contravenes any of sections 2.1, 2.3, 2.5 and 2.8 is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.
- 7.3** The owner or custodian of a dog who contravenes any of sections 4.1 and 4.4 is liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,000 to \$3,000 in other cases.
- 7.4** The minimum and maximum fines provided for in sections 7.2 and 7.3 are doubled where the offence concerns a dog declared potentially dangerous.
- 7.5** The owner or custodian of a dog who contravenes any of sections 5.10 to 5.13 is liable to a fine of \$1,000 to \$2,500 in the case of a natural person and \$2,000 to \$5,000 in other cases.
- 7.6** The owner or custodian of a dog who provides false or misleading information or information that the owner or custodian should have known to be false or misleading relating to the registration of a dog is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.
- 7.7** Every person who in any way hinders any person responsible for the application of this by-law or the Act to promote the protection of persons by establishing a framework with regard to dogs (CQLR, c. P-38.002) in the performance of the person's duties, deceives the person by concealment or misrepresentation or refuses to provide information that the person is entitled to obtain under this By-law is liable to a fine of \$500 to \$5,000.
- 7.8** The owner or custodian of a dog who contravenes any part of section 4.3 commits an infraction and is liable to a fine of \$75.
- 7.9** Every person who contravenes any section of this By-law for which no fine is otherwise prescribed under sections 7.1 to 7.8 commits an infraction and is liable to a fine of \$250 to \$750.
- 7.10** The minimum and maximum fines prescribed in this Division are doubled for a subsequent offence.
- 7.11** Any inspector and any peace officer of the Service de police de la Ville de Montréal is authorized to deliver any statement of offence relating to an infraction to this By-law;

8. FINAL PROVISION

8.1 This by-law replaces regulation number 761 and its amendments.

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

<u>(s) Jeremy Levi</u> Jeremy Levi, Mayor	<u>(s) Poovadee Permal-Vardin</u> Poovadee Permal-Vardin, Town Clerk
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