

chapter A-2

AGRICULTURAL ABUSES ACT



The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act. Order in Council 418-2014 dated 7 May 2014, (2014) 146 G.O. 2 (French), 1905.

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DIVISION I

DECLARATORY

1. This Act shall not in any manner affect the powers and duties of municipal councils, except insofar as expressly enacted by one of the provisions thereof.

R. S. 1964, c. 130, s. 1; 1996, c. 2, s. 2.

DIVISION II

TRESPASS ON THE PROPERTY OF OTHERS AND DAMAGE CAUSED THERETO

2. Except in the discharge of any duty imposed by law, no person shall enter upon or pass over the land or beach land belonging to any person, without permission of the owner or his representative, under penalty of a fine of not less than \$5 to \$100.

It shall be lawful, nevertheless, to make use of any river or watercourse, lake, pond or stream in which or to the maintenance of which one or more persons are interested or bound, and the banks thereof, for the conveyance of all kinds of lumber, and for the passage of all boats, ferries and canoes, subject to the charge of repairing, as soon as possible, all damage resulting from the exercise of such right, and all fences, drains or ditches damaged.

R. S. 1964, c. 130, s. 2; 1999, c. 40, s. 2.

3. *(Repealed).*

R. S. 1964, c. 130, s. 3; 1986, c. 95, s. 2.

4. (1) Whosoever, during the day, upon the land or beach belonging to any other person, leaves any gate open, takes down, cuts, breaks, removes or damages any fence, cuts or destroys any hedge, cuts, shatters, breaks down, removes or damages any tree, shrub or plant, removes any canoe, craft, ferry or boat from the bank of any river or other place, or burns or removes from such property any wood, shall incur a penalty of not less than one nor more than \$6, if such offence be committed during the night, the penalty shall be doubled; and, in either case, the offender may be also condemned to pay damages.

(2) *(Subsection repealed);*

(3) *(Subsection repealed).*

R. S. 1964, c. 130, s. 4; 1986, c. 95, s. 3; 1999, c. 40, s. 2.

5. *(Repealed).*

R. S. 1964, c. 130, s. 5; 1990, c. 4, s. 17.

DIVISION III

OBSTRUCTIONS UPON LANDS

6. (1) If timber or wood of any kind be carried in any manner whatever upon the beach of any lake or floatable or navigable stream, or upon the land adjoining, and remain there until 1 June, the owner or occupant of such land or beach may then cause such timber to be hauled up and deposited in a place of safety.

(2) Such owner or occupant shall then give public notice, in accordance with the provisions of the Municipal Code of Québec (chapter C-27.1), that such timber (describing the same and any marks thereon) has been found upon his land or beach, that it is in such a place, and that if the expenses incurred for the publication of the notice and in hauling the timber to such place, and the damages, if any, are not paid before

such a day and before the sale such timber will be publicly sold by a municipal employee designated by the municipality to the highest bidder.

(3) The proceeds of the sale shall be applied to the payment of all expenses and damages for the damage caused by such timber, and if there be any surplus, it shall be handed over to the secretary-treasurer of the local municipality in whose territory the timber was found, to form part of its funds, if, within one year from the sale of such timber, the surplus arising from such be not claimed by the owner of the timber or his representative.

R. S. 1964, c. 130, s. 6; 1996, c. 2, s. 3; 1999, c. 40, s. 2; 2005, c. 6, s. 127.

DIVISION IV

Repealed, 2008, c. 16, s. 41.

2008, c. 16, s. 41.

7. (Repealed).

R. S. 1964, c. 130, s. 7; 1973, c. 22, s. 22; 1977, c. 39, s. 1; 1979, c. 77, s. 21; 1996, c. 2, s. 4; 1999, c. 40, s. 2; 2005, c. 6, s. 128; 2008, c. 16, s. 41.

8. (Repealed).

R. S. 1964, c. 130, s. 8; 2008, c. 16, s. 41.

DIVISION V

DOGS

Obligations of Dog Owners

9. Except in territories not organized, the owner, possessor or custodian of a dog shall, within eight days after its acquisition, furnish a declaration thereof to the secretary-treasurer or clerk of the local municipality.

The declaration shall set forth the name and domicile of the keeper and all particulars necessary to establish the identity of each dog, as well as any other relevant information required by the municipal by-laws.

R. S. 1964, c. 130, s. 9; 1986, c. 95, s. 4; 1996, c. 2, s. 5.

10. The owner, the possessor or the custodian of a dog is forbidden to let it wander in the territory of any local municipality without a licence from the latter in the form of a special identity tag attached to such dog. Such licence shall not be granted by any municipality for a vicious or dangerous dog which might strangle farm animals.

R. S. 1964, c. 130, s. 10; 1996, c. 2, s. 6.

10.1. Notwithstanding section 8 of the Act respecting municipal territorial organization (chapter O-9), a regional county municipality whose territory comprises an unorganized territory is not, for the purposes of sections 9 and 10, the local municipality in respect of that territory.

1996, c. 2, s. 7.

11. Every owner, possessor or custodian of a dog is forbidden to allow it to wander in territory which is not organized, between 1 May and 15 December.

R. S. 1964, c. 130, s. 11.

12. Any person may destroy a dog found wandering in violation of the provisions of section 11.

R. S. 1964, c. 130, s. 12.

Duties of Local Municipalities

1996, c. 2, s. 8.

13. Every local municipality shall, by suitable regulations and supervision, prevent the damage which stray dogs may cause.

R. S. 1964, c. 130, s. 13; 1996, c. 2, s. 12; 1999, c. 40, s. 2.

14. Every local municipality is specially obliged to see that the provisions of this division are observed; its officers and employees shall seek out and prosecute any violation and shall lock up or destroy any dog wandering contrary to the above provisions or to the municipal by-laws.

R. S. 1964, c. 130, s. 14; 1996, c. 2, s. 12.

Responsibility of Local Municipalities

1996, c. 2, s. 9.

15. Every local municipality shall be responsible for the damages caused by dogs to sheep or other farm animals within its territory.

The indemnity shall be limited to 3/4 of the damages caused, unless they be imputable to the negligence of the municipality.

No indemnity shall be due for damages suffered by animals wandering on the public road or caused by a dog belonging to the owner or custodian of the injured animals or which he allows to roam over his farm.

R. S. 1964, c. 130, s. 15; 1996, c. 2, s. 12.

16. A written notice of every claim under section 15 shall be given to the secretary-treasurer or clerk of the municipality within six days. Failure to give such notice shall not deprive the claimant of his recourse if he proves that he has been prevented, for sufficient reason, from giving it.

R. S. 1964, c. 130, s. 16.

17. The damage shall be valued without delay by one or more appraisers appointed by the local municipality. Such appraisers shall deposit their report in the office of the municipality and the municipality shall transmit without delay a copy thereof to the claimant. The latter may, within eight days of the notification of such deposit, file an objection to the decision which has been rendered, by means of a petition deposited in the office of the municipality and accompanied by security in the sum of \$10. A receipt shall be given to him for such security.

The petition shall be submitted to three arbitrators, one of whom shall be appointed by the local municipality, another by the claimant and the third by the two first named or, if they should not agree, a judge of the Court of Québec at the request of one of the interested parties. The arbitrators shall render their decision by a majority vote by means of a certificate deposited in the office of the municipality.

Such decision shall be final and without appeal.

The costs of arbitration shall be paid by the municipality, but the security of \$10 above-mentioned shall be confiscated for the benefit of the municipality in the case where the valuation of the damage made by the arbitrators does not exceed that of the appraisers by more than 10%.

R. S. 1964, c. 130, s. 17; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1996, c. 2, s. 12; 1999, c. 40, s. 2.

18. If a local municipality does not appoint appraisers, if the latter make no report within the month following the receipt of the notice, if the local municipality does not name an arbitrator or if the arbitrators appointed do not give their decision within the same time, the claimant may, within three months, enter suit before a civil court of competent jurisdiction.

R. S. 1964, c. 130, s. 18; 1996, c. 2, s. 12; 1999, c. 40, s. 2.

19. The municipality responsible shall have a recourse for the reimbursement of the indemnities and valuation and arbitration costs which it has been called upon to pay pursuant to this Act, as the result of damage caused by a dog, against any person civilly responsible for compensating victims for such damage.

Where damage is caused by a dog kept outside the territory of the municipality, the same recourse may be had against the local municipality in whose territory such dog is kept, saving the local municipality's right to exercise the recourse hereinabove provided for.

R. S. 1964, c. 130, s. 19; 1996, c. 2, s. 10; 1999, c. 40, s. 2.

20. Every local municipality, in order to meet the payment of the indemnities and other expenses contemplated by this division, shall establish a special fund by means of an annual tax imposed upon each dog kept within the territory of the municipality, and of the fee it may fix for issuing the licence provided for in section 10. The fines, deposits and other sums collected pursuant to this division shall also form part of this fund.

At the expiration of each financial year, the council may, by resolution, transfer to the general fund the surplus remaining in the special fund after having provided for any unsettled claims or expenses.

If the fund be insufficient, the municipality shall make up the deficiency from its general funds and impose a special tax upon the dogs kept within the territory of the municipality sufficient to reimburse the sums so taken from the general funds.

For the imposition of such taxes or licences, the municipality may distinguish different categories of dogs, and impose different taxes and licences for each category according to the breed, size, age, sex or value of the dog.

R. S. 1964, c. 130, s. 20; 1996, c. 2, s. 11.

Penal Provisions

1992, c. 61, s. 26.

21. Every contravention of any provision of this division renders the defendant liable to a fine of \$5 to \$25.

R. S. 1964, c. 130, s. 21; 1990, c. 4, s. 18.

DIVISION VI

VICIOUS DOGS

22. (1) Any justice of the peace, before whom it is alleged that a dog is vicious or supposed to be attacked by hydrophobia, or is in the habit of attacking persons, or animals at large or in harness, without the limits of its master's property, may, after hearing the parties, order the owner or person keeping such dog to

cause it to be confined for 40 days, or may order such dog to be killed, with legal costs against such owner or person.

(2) If the owner or person keeping such dog permit it to go at large, or fail to kill it in contravention of the order of the justice, he shall be liable to a penalty of \$1 per day for each day during which the offence continues.

(3) If it be proved that the dog has bitten any person outside the limits of his master's property, and that the dog is vicious, the justice of the peace shall order the owner or person keeping it to kill it.

(4) It shall nevertheless be lawful to kill any dog which, without the limits of his master's property, pursues or is known to pursue and strangle sheep, or to apply to a judge, who may order the owner to kill such dog and to pay the legal costs.

R. S. 1964, c. 130, s. 22; 1990, c. 4, s. 19; I.N. 2016-01-01 (NCCP).

DIVISION VII

ANIMALS AFFECTED BY CONTAGIOUS DISEASES

23. Any person may, by special notice, call upon the owner of or the person keeping any sheep or other domestic animals, attacked or affected with scab or other contagious disease, to isolate and keep apart such sheep or other animals.

Such notice may be given verbally to such owner or person by the complainant, by speaking to any reasonable person in any house built upon the land on which such animals are, or at the domicile of the person who has received such animals to pasture, by speaking to him personally, or to any reasonable member of his family.

R. S. 1964, c. 130, s. 23.

24. Any owner of or person keeping an animal who, after notice given, refuses or neglects to isolate or keep apart the animal, which is attacked or affected with scab or other contagious disease, is guilty of an offence and is liable to a fine of \$0,50 for each day during which the offence continues.

R. S. 1964, c. 130, s. 24; 1990, c. 4, s. 20.

DIVISION VIII

JUDICIAL PROCEEDINGS

25. Any action for damages arising from the commission of the offence must be instituted within three months after the commission of the offence.

R. S. 1964, c. 130, s. 25; 1990, c. 4, s. 21; 1992, c. 61, s. 27.

26. The fine for an offence shall be from \$5 to \$100 whenever the amount thereof is not fixed.

R. S. 1964, c. 130, s. 26.

DIVISION IX



This Division ceased to have effect on 17 April 1987.

27. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 130 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter A-2 of the Revised Statutes.

