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BY-LAW NUMBER

2014-138

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to with respect to
responsible dog ownership)

WHEREAS it is deemed expedient to repeal Chapter 530 of The City of Kitchener Municipal Code as adopted by By-law 88-100 and to replace it with this by-law and a Dog Designations By-law;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

Definitions

1. In this by-law:

"animal services provider" means the Kitchener-Waterloo and North Waterloo Humane Society, including its officers and employees.

"boarding kennel" shall be as defined in Chapter 531 of The City of Kitchener Municipal Code or any successor by-law thereto.

"breeding kennel" shall be as defined in Chapter 531 of The City of Kitchener Municipal Code or any successor by-law thereto.

"City" means The Corporation of the City of Kitchener.

"Class I Doggie Daycare" shall be as defined in Chapter 531 of The City of Kitchener Municipal Code or any successor by-law thereto.

"Class II Doggie Daycare" shall be as defined in Chapter 531 of The City of Kitchener Municipal Code or any successor by-law thereto.

"Confirmed Designation" means a confirmed designation as defined in the City's Dog Designations By-law.

"Council" means the Council of the City.

"designated dog" shall mean a designated dog as defined by the City's Dog Designations By-law or any predecessor by-law thereto.

"dog" means any dog, male or female.

"dog free zone" means areas designated by Council as areas where dogs are prohibited and having signage placed on site or boundaries of the site showing it to be a dog free area or zone.

"doggie daycare" means both Class I Doggie Daycare and Class II Doggie Daycare.

"electronic containment device" means an electronic system whereby a subterranean cable is installed around the perimeter of the area in which the dog is to be contained, a receiver is worn by the dog on its collar, and an electric shock is transmitted by the receiver to the dog if the dog attempts to cross the subterranean cable.

"mitigating factor" means a circumstance which excuses aggressive behavior of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- (a) the dog was, at the time of the aggressive behavior, acting in defence to an attack by a person or domestic animal;
- (b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
- (c) the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

"officer" shall include a municipal law enforcement officer, a by-law officer, an employee of the Kitchener-Waterloo and North Waterloo Humane Society, an agent or inspector appointed pursuant to the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, and a member of the Waterloo Regional Police Services.

"off leash park" means an area designated by Council as an off-leash area and having signage placed on site or boundaries of the site showing it to be an off-leash area in which owners are generally permitted to have dogs off leash.

"owner" of a dog includes a person in care or control of a dog, who keeps or harbours a dog, and, where the owner is a minor, the person responsible for the custody of the minor.

"pet shop" means a pet shop as defined in Chapter 575 of The City of Kitchener Municipal Code or any successor by-law thereto.

"prohibited dog" shall mean a dog that is a prohibited dog pursuant to the City's Dog Designations By-law or any predecessor by-law thereto.

"puppy" means any dog, male or female, twelve weeks of age or younger.

"shelter facility" means the animal shelter operated by the Kitchener-Waterloo and North Waterloo Humane Society.

Licensing

2. Unless otherwise provided in this by-law, every owner of a dog other than a puppy shall ensure that it has a current and valid City licence.
3. At the time of licensing, the owner applicant, shall be required to pay the applicable licensing fee set by Council from time to time. If the animal services provider makes a 24 month licence available, the fee for each year of the licence shall be as set out for the current year in the fees set by Council.
4. Licences shall be valid for 12 months or 24 months as specified running from the date of purchase or, where a licence has been purchased prior to the expiration of a current valid licence, for 12 months or 24 months as specified from the expiration of that current licence unless otherwise specified herein.
5. Upon application for a licence the owner may be required to produce a certificate signed by a practising veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four months prior to the date of application for a licence.
6. Every licence for a dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.
7. Any licence issued under this by-law or under any former by-law of the City with respect to a Pit Bull dog other than a licence for a restricted dog shall be deemed to be immediately cancelled. Where a licence is cancelled pursuant to this section, the owner shall be entitled to a credit or refund on any paid-up licence fee.

Special Licensing Fee Categories

8. Where a special licensing fee is provided for, conditional upon a dog being sterilized, the reduced fee will only be given where the owner submits a copy of his/her certificate of sterilization together with his/her licence application or where the owner otherwise satisfies the animal services provider that his/her dog has been sterilized. If the animal services provider is not satisfied that the dog has been sterilized, the otherwise applicable licensing fee will apply. Designated dogs are generally required to be sterilized and no discount for sterilization will be available on licences for designated dogs.
9. Where a licence for a sterilized dog is issued and a current non-sterilized dog licence has previously been issued for that same dog, the owner shall be entitled to a credit or refund on the difference between the non-sterilized dog licence fee and the sterilized dog licence fee.
10. Senior citizens, upon proof of age 65 or older, shall be entitled to a licence fee discount as set by Council from time to time.

11. Despite any other licensing fees contained herein, newcomers to the city of Kitchener who produce proof of a valid dog licence from another municipality including a city of Waterloo valid restricted dog licence, may be issued a Kitchener dog licence for that dog, except a Pit Bull dog, for a reduced fee as set by Council from time to time and the licence shall be valid for the remainder of that calendar year.

Licensing Tags

12. On payment of the first Kitchener licence fee for a dog the owner shall be furnished with a dog tag from the animal services provider. The fee charged for replacement of lost dog tags either during the currency of the licence or for subsequent licences for the same dog will be the fee set by Council.

13. All licences and tags issued pursuant to this by-law shall be serially numbered and a record of their issue shall be kept by the animal services provider. Licensing records shall set out the name and address of the owner, the name of the dog and information as to the date of the dog's last anti-rabies inoculation.

Registration of Puppies

14. The owner of a dog licensed by the City or required to be licensed by the City, other than a restricted dog, shall register puppies with the animal services provider within eight weeks of his/her dog having a litter. The owner shall inform the animal services provider of the age and sex of each puppy. Upon registration, the animal services provider shall assign the owner a number to be included in every advertisement of the puppies.

Licensing and Licensing Fee Exemptions

15. No veterinarian shall be required to cause dogs belonging to another person that are harboured on a temporary basis at his/her veterinary facility to be licensed.

16. No breeding kennel, boarding kennel, or doggie daycare owner or operator licensed by the City shall be required to cause dogs belonging to another person that are harboured on a temporary basis at his/her doggie daycare, boarding kennel, or breeding kennel facility to be licensed.

17. Where an owner or operator of a breeding kennel can show to the satisfaction of the animal services provider that the breeding kennel is licensed by the City, no fee will be required of the owner or operator for licensing of the dogs belonging to that owner or operator and properly kept at the licensed premises.

18. Where a certificate is produced from a recognized training establishment stating that a dog is being used as a working dog to assist a disabled person, no fee will be required of the owner for the licensing of that dog.

19. Where an owner of a dog can show to the satisfaction of the animal services provider that a dog is being trained or used by the Waterloo Regional Police Services for police purposes or being trained or used by the Kitchener Fire Department for search and rescue purposes, no fee will be required of the owner for the licensing of that dog.

Owner Requirements

20. No person shall keep or harbour any dog in a manner that adversely impacts neighbouring properties or residents whether through offensive odours, noise likely to disturb inhabitants, straying or roaming of dog(s), accumulation of feces or otherwise.

21. The owner of an dog, other than a puppy, shall keep a dog tag issued by the animal services provider upon payment of a licence fee for the dog securely fixed on the dog at all times. If the animal services provider issues a sticker to show that a dog tag is current and valid, the owner shall also ensure that the dog wears its tag with a sticker issued by the animal services provider showing the dog licence for that dog is current and valid.

22. The running at large of dogs is prohibited and no owner of a dog shall allow the dog to run at large.

23. Every dog shall be under leash and under effective control of an adult person unless the dog is on the lands of a person who has given prior consent to the dog being unleashed. Any dog that is not in compliance with the requirements of this section shall be deemed to be running at large.

24. For the purposes of sections 22 and 23, no leash shall exceed 2.4 metres (8 feet).

25. No owner of a dog shall permit it to trespass on any private property.

26. An owner of a dog, when such dog is on property owned or occupied by the owner or on property owned or occupied by some other person with such person's consent, shall keep the dog contained on such property by means of one of the following:

- (a) enclosure;
- (b) containment within a fenced area;
- (c) physical restraint of the dog by chain or other similar means;
- (d) an electronic containment device; or
- (e) where such lands are located within an agricultural zone shall keep the dog contained on such property by any reasonable means.

27. Use of an electronic containment device for the purposes of section 26 shall be subject to the following conditions:
- (a) any dog owner using an electronic containment device shall notify the animal services provider immediately upon commencing use of such a device;
 - (b) a dog being contained by an electronic containment device shall be kept at least two metres from any property line abutting public property; and
 - (c) a sign stating that an electronic containment device is in use at the property shall be placed adjacent to any normal entry door for the dwelling located on the property and such sign shall be clearly visible from any public property.
28. Notwithstanding section 22, a dog may be off-leash in an off leash park unless otherwise specified by the City through a confirmed designation or otherwise.
29. The owner of a dog shall not permit the dog to enter or remain in an off leash park if the dog has been prohibited from entering off leash parks by the City through a confirmed designation or otherwise.
30. The owner of a dog shall comply with the regulations posted at an off leash park while using or allowing their dog to use the off leash park.
31. No owner of a dog shall permit the dog to enter or remain in a dog free zone.
32. Every owner of a dog shall remove forthwith and dispose of any excrement left by the dog on any property other than the owner's property.
33. No owner shall permit his/her dog to attack any domestic animal or domestic bird, or to fight with, bite, or attack another dog.
34. No owner shall permit his/her dog to attack, bite, or cause injury to any person in the absence of a mitigating factor as defined under this by-law.

Dog Welfare

35. An owner of a dog shall provide it with adequate and appropriate care, food, water, shelter, exercise, and attention as may be required to meet the needs of that particular dog.
36. Where a dog is in distress, the owner of the dog shall, at the owner's expense, have the dog examined and treated by a veterinarian as necessary or take such other action as is necessary to relieve the dog of its distress.
37. If a dog is customarily kept out of doors, the owner shall provide for the dog's use, a structurally sound, weather-proofed and insulated enclosure of appropriate size and dimension and sufficient to protect the dog from weather conditions.

38. Every owner of a dog shall ensure that at all times a dog is tethered that the dog has unrestricted movement within the range of the tether and that the dog cannot suffer injury resulting from the tethering.

39. No person shall keep or harbour any dog in a manner that adversely impacts the health or well-being of the dog. For the purposes of this section, unsanitary conditions, neglect, overcrowding, inadequate feeding, and inadequate medical attention are each deemed to be circumstances which could adversely impact the health or well-being of a dog.

40. No person or owner shall cause, permit or allow a dog to be confined in a vehicle without appropriate ventilation and at an appropriate temperature to ensure the dog is not in distress or reasonably likely to be in distress while in the vehicle.

41. No person shall allow a dog to be in the portion of a moving motor vehicle not enclosed, including riding in the back of a pick up truck or flat bed truck unless the dog is:

- (a) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- (b) securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and cannot reach beyond the outside edges of the vehicle.

Maximum Number of Dogs

42. No person shall keep or permit to be kept more than three dogs over the age of 12 weeks within or about any dwelling unit.

43. Section 42 shall not apply to:

- (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) the shelter facility;
- (c) premises registered as a research facility in accordance with the Animals For Research Act;
- (d) a breeding kennel licensed by the City;
- (e) a pet shop licensed by the City;
- (f) a boarding kennel licensed by the City;
- (g) a doggie daycare licenced by the City;
- (h) a working dog where a certificate is produced from a recognized training establishment stating that the dog is being used as a working dog to assist a disabled person; or
- (i) dogs owned by the Kitchener-Waterloo and North Waterloo Humane Society and being fostered in a dwelling unit at its request.

44. The animal services provider may grant an exemption allowing a person to keep four dogs over 12 weeks in age within or about a dwelling unit when the fourth dog has been

acquired as a result of a family death or illness, joint occupancy where occupants had their own pets prior to deciding to live together, or for other compassionate reasons conducive to responsible dog ownership provided the animal services provider believes the dogs will be kept in accordance with other provisions of this by-law and will not cause a nuisance to neighbours or other residents. However, an exemption shall not be granted merely because a person wishes to own more than three dogs or is able to provide a suitable home to a dog in need of a home but there must be some factor giving that person a moral or ethical responsibility with respect to such additional dog. In deciding whether to grant such exemption, the animal services provider may consider all reasonable factors including:

- (a) previous convictions or founded complaints under this or a previous by-law of the City respecting dogs;
- (b) the size and breed of the dogs;
- (c) reasonable concerns of neighbours in the area; and
- (d) the suitability of the premises.

Any exemption granted pursuant to this section will be of limited duration until one of the four dogs dies or is no longer owned by the person(s) holding the exemption, limited to the stated premises of the dog owner, subject to any reasonable conditions imposed by the animal services provider, and subject to revocation by the animal services provider at any time due to concerns related to any of the factors outlined in subsections (a) through (d) above.

45. Prior to rendering a decision with respect to an exemption allowing a fourth dog over 12 weeks in age or a decision revoking a previously granted exemption allowing a fourth dog, the animal services provider shall discuss any concerns with the person impacted and allow them the opportunity to respond whether verbally or in writing and shall then set out the decision and reasons therefore in writing.

46. Notwithstanding section 42, a person who on February 21, 1994 held more than three valid City dog licences with respect to his/her dwelling unit may keep up to 10 dogs over 12 weeks in age at such dwelling unit provided that such person complies with all of the provisions of Schedule A to this by-law. No person permitted by this section to keep up to 10 dogs over 12 weeks of age shall fail to comply with the requirements of Schedule A to this by-law, and any failure to comply with the requirements of Schedule A will result in this permission being revoked and upon notification of such revocation in writing by the animal services provider, that person shall be subject to section 42 of this by-law. A person maintaining this exemption to keep up to 10 dogs over 12 weeks in age at a location pursuant to this by-law or any predecessor by-law respecting dogs shall not be required to obtain a breeding kennel or boarding kennel licence from the City to do so.

Impoundment

47. The animal services provider may seize and impound:
- (a) any dog found running at large; or
 - (b) any prohibited dog.

48. The animal services provider shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the licence and tag number if it wore a tag, and the date of disposition and the disposition made.

49. Unless otherwise permitted or directed under this by-law, the animal services provider shall keep any dog seized for running at large for at least five working days after the date of seizure and impounding before allowing the dog to be sold or otherwise disposed of.

50. The animal services provider may release an impounded dog to an owner at any time unless otherwise contemplated or directed by this by-law.

51. Where a dog is impounded, the owner shall be liable for and shall pay on demand the following fees to the animal services provider:

- (a) payment of the impound fee set by Council for the first day or any part thereof which the dog has been impounded;
- (b) payment of a reasonable boarding fee set by the animal services provider for each subsequent day or any part thereof which the dog has been impounded; and
- (c) payment of the cost of any vaccination given pursuant to this by-law.

52. When a dog is impounded, the animal services provider may require that the dog have a current valid licence and that any of the fees set out in section 51 be paid prior to the release of the dog or may require that such fees be paid by a later date.

53. Any female dog found to be running at large in heat may at the discretion of the animal services provider be held at the shelter facility until no longer in heat, but in any case no longer than twenty-one days.

54. Any impounded dog not wearing a tag for the current year may be given an inoculation to provide immunization against rabies.

55. In the event that the possession of any impounded dog found running at large has not been restored to the owner within five working days after seizure, the dog may be:

- (a) disposed of by the animal services provider in a humane manner;
- (b) sold by the animal services provider for such price as the animal services provider deems reasonable; or
- (c) disposed of by the animal services provider pursuant to the Animals for Research Act and the regulations thereunder.

56. The sale price of any dog sold by the animal services provider shall belong to the animal services provider.

57. When selling or disposing of a dog pursuant to this by-law, the animal services provider shall give notice of any known confirmed designation and resulting requirements of keeping the dog in the city of Kitchener to a person prior to transferring ownership of the dog to that person.

58. Where a dog which has been seized is injured and should be destroyed without delay for humane reasons, the animal services provider may dispose of the dog in a humane manner as soon after the seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale.

59. Despite the animal services provider's ability to release an impounded dog, where a designated dog has been impounded for any reason, the animal services provider shall not restore the said dog to its owner or to any other person unless the animal services provider is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the requirements for keeping the dog. All fees otherwise payable to the animal services provider upon restoration of an impounded dog to its owner are payable by the owner of a designated dog for any length of time it may be held in the shelter facility pursuant to this section.

60. Where the owner of a designated dog which has been impounded is unable to demonstrate compliance or ability to comply with the requirements of keeping the dog to the reasonable satisfaction of the animal services provider or refuses to do so, the animal services provider, after a reasonable period of time may:

- (a) dispose of the dog in a humane manner;
- (b) sell the dog for such price as the animal services provider deems reasonable; or
- (c) dispose of the dog pursuant to the Animals for Research Act and regulations thereunder.

61. Despite the animal services provider's ability herein to release an impounded dog or designated dog to its owner, where a prohibited dog has been impounded, the animal services provider may dispose of the dog in a humane manner.

62. Every owner shall cause any dog known to be rabid to be immediately destroyed.

63. The animal services provider shall cause any dog in its possession that is known to be rabid to be immediately destroyed.

66. Where a dog is alleged to have bitten any person, such dog may be impounded on the order of the Regional Medical Officer of Health in the manner prescribed by the Regulations under the Health Protection and Promotion Act.

65. The animal services provider shall notify the Regional Medical Officer of Health of any reported bites which broke the victim's skin.

Powers of Entry and Inspection Powers

66. An agent or representative of the municipality or an officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law is being complied with.

67. For the purposes of an inspection pursuant to this by-law, an officer, or any agent or representative of the City may:

- (a) require the production for inspection of documents or things including any dog relevant to the inspection;
 - (b) inspect documents or things relevant to the inspection;
 - (c) require information from any person concerning a matter related to the inspection;
- and

(d) alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, samples, or photographs necessary for the purposes of the inspection.

68. Notwithstanding sections 66 and 67, inspections of a room or place actually being used as a dwelling unit shall comply with the requirements of the *Municipal Act, 2001*.

Offences and Penalties

69. Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine for each offence, not exceeding five thousand dollars (\$5,000).

70. The fines amounts set out in section 69 above are exclusive of costs and are recoverable under the Provincial Offences Act, R.S.O., 1990, c. P.33.

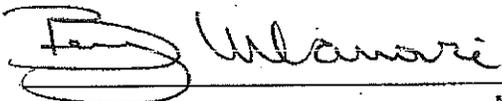
Administrative Provisions

71. This by-law shall be known as the "Responsible Dog Ownership By-law".

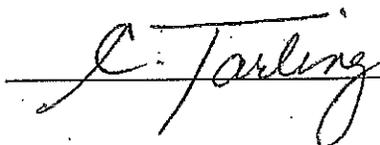
72. It is hereby declared that each and every of the foregoing sections of this by-law is severable and that, if any provisions of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

73. By-laws 2004-265, 2005-60, 2007-117, 2007-161, 2007-188, 2008-70, 2008-190, 2009-161, 2010-018, 2010-147, 2010-203, 2011-172, 2012-167, 2013-092, 2013-160, and the contents of Chapter 530 are hereby repealed as of January 1, 2015 and this by-law comes into force and effect on January 1, 2015.

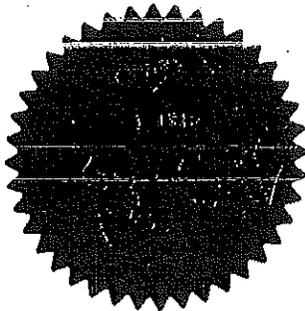
PASSED at the Council Chambers in the City of Kitchener this 8th day
of December, A.D. 2014.



Mayor



Clerk



Schedule A

A person permitted pursuant to section 46 of the City's Responsible Dog Ownership By-law to keep up to ten dogs over 12 weeks in age shall comply with the following requirements:

- a) to not keep or permit to be kept more than 10 dogs over 12 weeks in age within or about his/her dwelling unit at any time.
- b) to not receive a conviction relating to the failure to licence any of his/her dogs as required under the City's Responsible Dog Ownership By-law, or a conviction relating to any of his/her dogs or dwelling unit under the City's Responsible Dog Ownership By-law, the City's Dog Designations By-law, Chapter 450 (Noise), Chapter 650 (Lot Maintenance) or Chapter 665 (Property Standards) of The City of Kitchener Municipal Code, all as amended from time to time.
- c) to ensure that that any part of any yards or runways where such person's dog or dogs are kept that are less than five feet away from any abutting property line shall be solidly fenced and the yards and runways associated with the keeping of the dogs shall be completely enclosed with a solidly constructed fence so as to fully obstruct the visibility of the neighbouring properties from the dogs and to prevent the dogs from escaping from the premises.
- d) to keep the dogs only at the dwelling unit listed on his/her City dog licences valid on February 21, 1994.
- e) to ensure the kennel floor shall be thoroughly cleaned at least once every day or more often as may be necessary to keep the floor clean.
- f) to ensure that the kennel and surrounding areas shall be maintained in a sanitary, ventilated and clean condition free from offensive odours.
- g) to ensure that the dogs shall be kept in sanitary, well bedded, well ventilated, lighted and clean quarters at all times.
- h) to ensure that the dogs shall be fed and watered periodically each day and kept in a clean and healthy condition free from vermin and disease.
- i) to ensure that that an exercise area is provided so as to enable each dog to exercise freely and easily so as to maintain physical health and well being.
- j) to ensure that the kennel is maintained at a healthful temperature at all times for the health, welfare and comfort of every dog therein.
- k) to ensure that each cage or pen used for the housing of dogs shall be so constructed and maintained so that:
 - i) every dog in the cage or pen may comfortably extend its legs to its full extent, stand, sit, turn around and lie down in a fully extended position;
 - ii) it is not likely to harm any dog therein;
 - iii) any dog therein cannot readily escape therefrom; and
 - iv) it may be readily cleaned.
- l) to ensure that the yards and runways associated with the kennel operation shall be cleaned at least once daily when in use.
- m) to ensure that the excreta, dead animals and other waste resulting from the keeping of dogs shall be removed from the premises as necessary.